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SENATE BILL 6178

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State of Washington

57th Legislature

2001 Regular Session

By Senators Snyder, Spanel and Constantine

Read first time 04/11/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to primaries; amending RCW 29.01.090, 29.04.180,  
2 29.24.070, 29.27.020, 29.27.030, 29.30.005, 29.30.095, 29.30.101,  
3 29.42.010, 29.42.050, and 42.17.020; adding new sections to chapter  
4 29.01 RCW; adding a new section to chapter 29.07 RCW; adding new  
5 sections to chapter 29.15 RCW; adding a new section to chapter 29.81A  
6 RCW; adding a new chapter to Title 29 RCW; repealing RCW 29.18.010,  
7 29.18.120, 29.18.150, 29.18.160, and 29.18.200; and declaring an  
8 emergency.

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

10 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
11 create a primary for all elected offices, other than president and vice  
12 president, that:

13 (1) Allows all voters, including independents and those  
14 unaffiliated with a political party, to participate;

15 (2) Preserves the privacy of voters' ballot selection and party  
16 affiliation, if any;

17 (3) Rejects mandatory voter registration by political party;

18 (4) Protects ballot access for minor political parties and  
19 independent candidates;

1 (5) Maintains the right of any candidate to self-identify with any  
2 major political party; and

3 (6) Upholds a political party's First Amendment right of  
4 association.

5 **Sec. 2.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to  
6 read as follows:

7 "Major political party" means a political party of which at least  
8 one nominee for president, vice president, United States senator, or a  
9 statewide office received at least five percent of the total vote cast  
10 at the last preceding state general election in an even-numbered  
11 year(~~(:— PROVIDED, That any political party qualifying as a major~~  
12 ~~political party under the previous subsection (2) or subsection (3) of~~  
13 ~~this section prior to its 1977 amendment shall retain such status until~~  
14 ~~after the next state general election following June 30, 1977)).~~

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.01 RCW  
16 to read as follows:

17 "Party ballot" is a major party's primary ballot that includes  
18 only:

19 (1) The names of candidates for partisan office who have indicated  
20 affiliation with that major party in filing a declaration of candidacy  
21 under RCW 29.15.010, or have been nominated by that major party's state  
22 or county central committee to fill a vacancy under section 17 or 18 of  
23 this act;

24 (2) The names of each candidate for every nonpartisan office  
25 appearing on the ballot; and

26 (3) All ballot measures appearing on the ballot.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 29.01 RCW  
28 to read as follows:

29 "Traditional ballot" is a primary ballot that includes the name of  
30 each candidate for any office for which a primary is being conducted  
31 and each ballot measure.

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 29.07 RCW  
33 to read as follows:

1 Under no circumstances may an individual be required to join,  
2 affiliate with, adhere to, express faith in, or declare a preference  
3 for, a political party or organization upon registering to vote.

4 NEW SECTION. **Sec. 6.** Candidates for all elected offices, except  
5 for president and vice president, precinct committee officer, and  
6 offices exempted from the primary in accordance with RCW 29.15.150 or  
7 29.21.015, will be nominated at primaries held under this chapter.

8 NEW SECTION. **Sec. 7.** So far as applicable, the provisions of this  
9 title relating to conducting general elections govern the conduct of  
10 primaries.

11 NEW SECTION. **Sec. 8.** For each primary, the county auditor shall  
12 prepare a traditional ballot that includes all candidates for all  
13 partisan offices without regard to party affiliation and nonpartisan  
14 offices for which a primary is being conducted, and all ballot  
15 measures.

16 NEW SECTION. **Sec. 9.** For each primary, the county auditor shall  
17 prepare a separate party ballot for each major political party. The  
18 name of every candidate for partisan office who indicated the major  
19 political party on the candidate declaration filed under RCW 29.15.010  
20 or who was nominated by the major political party's state or county  
21 central committee to fill a vacancy under section 17 or 18 of this act  
22 will appear on the party ballot. All candidates for nonpartisan  
23 offices for which a primary is being conducted and all ballot measures  
24 will also be included on each party ballot. Party ballots are  
25 restricted to each of the major political parties in existence at the  
26 time of the primary. If, in any given precinct, no candidate from a  
27 major political party has filed or been nominated to fill a vacancy for  
28 any office, the jurisdiction of which includes the precinct, then no  
29 ballot for that major political party need be printed and made  
30 available to voters residing in the precinct.

31 NEW SECTION. **Sec. 10.** When casting a ballot in a primary, a voter  
32 must be allowed to select, in private, either a party ballot or a  
33 traditional ballot, but a party ballot need only be made available if  
34 the name of at least one candidate affiliated with the major political

1 party appears on the ballot. Each voter is limited to casting only one  
2 ballot. If more than one ballot is submitted by a voter, then each  
3 ballot is disqualified, except that if one of the ballots is a special  
4 ballot, then the county auditor retains the right to consider whether  
5 disqualification of either ballot is appropriate.

6 NEW SECTION. **Sec. 11.** Voters must be afforded privacy when  
7 selecting between each of the party ballots and the traditional ballot.  
8 No record may be created or maintained by a state or local governmental  
9 agency or political organization of an individual voter's choice of  
10 ballot.

11 NEW SECTION. **Sec. 12.** (1) A major political party may choose, by  
12 rule adopted in accordance with chapter 29.42 RCW, to accept votes cast  
13 by traditional ballot.

14 (2) If a major political party adopts an appropriate rule under  
15 subsection (1) of this section, then the party's nominee will be  
16 determined by aggregating votes cast by traditional ballot with those  
17 cast by party ballot for each candidate for partisan office whose name  
18 appears on the party ballot. A major political party may choose to  
19 accept all or none of the votes cast for candidates by traditional  
20 ballot, but may not choose to accept only votes cast for a specific  
21 candidate or for candidates in a specific race.

22 (3) A major political party that has adopted a rule under  
23 subsection (2) of this section may repeal that rule at any time.

24 (4) Unless a major political party adopts a rule under subsection  
25 (1) of this section, or if a rule so adopted is repealed under  
26 subsection (3) of this section, then the party's nominee will be  
27 determined by tabulating only votes cast by party ballot.

28 (5) A major political party shall give written notification of an  
29 action taken under this section to the secretary of state on the next  
30 business day after the action.

31 (6) The adoption of a rule under subsection (1) of this section or  
32 the repeal of the rule under subsection (3) of this section, which  
33 adoption or repeal is in effect on July 1st of a given year and for  
34 which proper written notification has been made under subsection (5) of  
35 this section, determines whether votes cast by traditional ballot will  
36 be aggregated with votes cast by party ballot when determining a

1 party's nominee at a primary conducted between September 1st of the  
2 same year and August 30th of the next year.

3 (7) The decision by a major political party to accept ballots cast  
4 by traditional ballot does not affect the right of any other major  
5 political party to accept votes cast by traditional ballot, nor the way  
6 in which votes are tabulated and aggregated when determining any other  
7 party's nominees.

8 NEW SECTION. **Sec. 13.** (1) Prominent notification regarding  
9 whether or not votes cast by traditional ballot will be aggregated with  
10 votes cast by party ballot in order to determine a major political  
11 party's nominee must be made on:

12 (a) The traditional ballot;

13 (b) A voters' pamphlet prepared under chapter 29.81A RCW;

14 (c) The web site of the office of the secretary of state; and

15 (d) Each county auditors' web site if a web site is in existence.

16 (2) If a major political party's rule adopted under section 12 of  
17 this act is in effect for a given primary, then the notification  
18 required by subsection (1) of this section must read:

19 "The (major political party name) has adopted a rule allowing votes  
20 cast by traditional ballot to be used in determining the party's  
21 nominees."

22 (3) If a major political party has not adopted a rule under section  
23 12 of this act or has adopted such a rule but has later repealed it,  
24 then the notification required by subsection (1) of this section must  
25 read:

26 "The (major political party name) has not adopted or has repealed  
27 a rule that would have allowed votes cast by traditional ballot to be  
28 used in determining the party's nominees."

29 NEW SECTION. **Sec. 14.** All votes cast by party ballot must be  
30 tabulated and reported separately from those cast by any other party  
31 ballot and by the traditional ballot. All votes cast by traditional  
32 ballot must be tabulated and reported separately from those cast by a  
33 party ballot.

34 NEW SECTION. **Sec. 15.** The secretary of state as chief election  
35 officer shall adopt rules under chapter 34.05 RCW to facilitate the  
36 operation, accomplishment, and purpose of this chapter. Rules adopted

1 in accordance with this chapter that establish standards for the  
2 layout, design, production, preparation, distribution, receipt,  
3 handling, tabulation, canvassing, recounting, and storage of ballots  
4 must account for and protect each voter's right to privacy regarding  
5 ballot choice and candidate selection.

6 **Sec. 16.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read  
7 as follows:

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

18 Votes cast for write-in candidates who have filed such declarations  
19 of candidacy and write-in votes for persons appointed by political  
20 parties (~~pursuant to RCW 29.18.160~~) under section 18 of this act need  
21 only specify the name of the candidate in the appropriate location on  
22 the ballot in order to be counted. Write-in votes cast for any other  
23 candidate, in order to be counted, must designate the office sought and  
24 position number or political party, if applicable. In order for write-  
25 in votes to be valid in jurisdictions employing optical-scan mark sense  
26 ballot systems the voter must complete the proper mark next to the  
27 write-in line for that office.

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

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

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

1 (3) The name of the person attempting to file already appears on  
2 the ballot as a candidate for another office, unless one of the two  
3 offices for which he or she is a candidate is precinct committeeperson.  
4 The declaration of candidacy shall be similar to that required by  
5 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be  
6 included in any voter's pamphlet produced under chapter ((29.80)) 29.81  
7 RCW unless that candidate qualifies to have his or her name printed on  
8 the general election ballot. The legislative authority of any  
9 jurisdiction producing a local voter's pamphlet under chapter 29.81A  
10 RCW may provide, by ordinance, for the inclusion of write-in candidates  
11 in such pamphlets.

12 NEW SECTION. Sec. 17. A new section is added to chapter 29.15 RCW  
13 to read as follows:

14 If a place on the ticket of a major political party is vacant  
15 because no person has filed for nomination as the candidate of that  
16 major political party after the last day allowed for candidates to  
17 withdraw under RCW 29.15.120, and if the vacancy is for a state or  
18 county office to be voted on solely by the electors of a single county,  
19 the county central committee of the major political party may select  
20 and certify a candidate to fill the vacancy. If the vacancy is for any  
21 other office the state central committee of the major political party  
22 may select and certify a candidate to fill the vacancy. The  
23 certificate must set forth the cause of the vacancy, the name of the  
24 person nominated, the office for which nominated, and other pertinent  
25 information required in an ordinary certificate of nomination and be  
26 filed in the proper office no later than the first Friday after the  
27 last day allowed for candidates to withdraw, together with the  
28 candidate's fee applicable to that office and a declaration of  
29 candidacy.

30 NEW SECTION. Sec. 18. A new section is added to chapter 29.15 RCW  
31 to read as follows:

32 A vacancy caused by the death or disqualification of a candidate or  
33 nominee of a major or minor political party may be filled at any time  
34 up to and including the day before the election for that position. For  
35 state partisan offices in a political subdivision voted on solely by  
36 electors of a single county, the county central committee in the case  
37 of a major political party or the state central committee or comparable

1 governing body in the case of a minor political party shall appoint a  
2 person to fill the vacancy. For other partisan offices, including  
3 federal or statewide offices, the state central committee or comparable  
4 governing body of the appropriate political party shall appoint a  
5 person to fill the vacancy.

6 If the vacancy occurs no later than the third Tuesday before the  
7 primary or general election concerned and the ballots and voting  
8 machine labels have been printed, the appropriate election officers  
9 shall correct the ballots and labels. In making the correction, it is  
10 not necessary to reprint complete ballots if any other less expensive  
11 technique can be used and the resulting correction is reasonably clear.

12 If the vacancy occurs after the third Tuesday before the primary or  
13 general election and time does not exist in which to correct paper  
14 ballots (including absentee ballots) or voting machine labels, either  
15 in total or in part, then the votes cast or recorded for the person who  
16 has died or become disqualified must be counted for the person who has  
17 been named to fill the vacancy.

18 When the secretary of state is the person with whom the appointment  
19 by the major or minor political party is filed, the secretary of state  
20 shall, in certifying candidates or nominations to the various county  
21 officers insert the name of the person appointed to fill a vacancy.

22 If the secretary of state has already sent forth the certificate  
23 when the appointment to fill a vacancy is filed, the secretary of state  
24 shall immediately certify to the county auditors of the proper counties  
25 the name and place of residence of the person appointed to fill a  
26 vacancy, the office for which the person is a candidate or nominee, the  
27 party represented, and all other pertinent facts pertaining to the  
28 vacancy.

29 **Sec. 19.** RCW 29.24.070 and 1990 c 59 s 103 are each amended to  
30 read as follows:

31 Not later than the Friday immediately preceding the first day for  
32 candidates to file, the secretary of state shall notify the county  
33 auditors of the names and designations of all minor party and  
34 independent candidates who have filed valid convention certificates and  
35 nominating petitions with that office. Except for the offices of  
36 president and vice president, persons nominated under this chapter  
37 shall file declarations of candidacy as provided by RCW 29.15.010 and  
38 29.15.030. The name of a candidate nominated at a convention shall not

1 be printed upon the (~~primary~~) traditional ballot at a primary unless  
2 (~~he~~) the candidate pays the fee required by law to be paid by  
3 candidates for the same office to be nominated at a primary.

4 **Sec. 20.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read  
5 as follows:

6 On or before the day following the last day for political parties  
7 to fill vacancies in the ticket as provided by (~~RCW 29.18.150~~)  
8 section 17 of this act, the secretary of state shall certify to each  
9 county auditor a list of the candidates who have filed declarations of  
10 candidacy in his or her office for the primary. For each office, the  
11 certificate shall include the name of each candidate, his or her  
12 address, and his or her party designation, if any.

13 **Sec. 21.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended  
14 to read as follows:

15 Not more than ten nor less than three days prior to the primary  
16 election the county auditor shall publish notice of such primary in one  
17 or more newspapers of general circulation within the county. Said  
18 notice shall contain the proper party designations, the names and  
19 addresses of all persons who have filed a declaration of candidacy to  
20 be voted upon at that primary election, the statement that is  
21 appropriate for each major political party under section 13 of this  
22 act, the hours during which the polls will be open, and that the  
23 election will be held in the regular polling place in each precinct,  
24 giving the address of each polling place(~~(:—PROVIDED, That))~~). The  
25 names of all candidates for nonpartisan offices shall be published  
26 separately with designation of the offices for which they are  
27 candidates but without party designation. This shall be the only  
28 notice required for the holding of any primary election.

29 **Sec. 22.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read  
30 as follows:

31 Except for the candidates for the positions of president and vice  
32 president or for (~~a partisan or nonpartisan~~) an office for which no  
33 primary is required, the names of all candidates who have filed for  
34 (~~(nomination under chapter 29.18 RCW and those independent candidates~~  
35 ~~and candidates of minor political parties who have been nominated under~~  
36 ~~chapter 29.24)) office under chapter 29.15 RCW shall appear on the~~

1 appropriate ballots at the primary throughout the jurisdiction in which  
2 they are to be nominated.

3 **Sec. 23.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read  
4 as follows:

5 (1) The name of a major political party candidate for a partisan  
6 office for which a primary was conducted shall not be printed on the  
7 ballot for that office at the subsequent general election unless the  
8 candidate receives ((a number of votes equal to at least one percent of  
9 the total number cast for all candidates for that position sought and))  
10 a plurality of the votes cast for the candidates of his or her party  
11 for that office at the preceding primary. If, under section 12 of this  
12 act, votes cast by traditional ballot are included in the vote total  
13 that determines a major political party's nominee, then a plurality is  
14 determined by aggregating all of the votes cast by party ballot and by  
15 traditional ballot for each of the party's candidates. Otherwise, a  
16 plurality is determined by tabulating only the votes cast by party  
17 ballot for each of the party's candidates.

18 (2) The name of a candidate, other than that of a major political  
19 party, for a partisan office for which a primary was conducted may not  
20 be printed on the ballot for that office at the subsequent general  
21 election unless the candidate receives a number of votes equal to at  
22 least two percent of the total number cast by traditional ballot for  
23 all candidates for that position.

24 **Sec. 24.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to  
25 read as follows:

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

29 No name of any candidate whose nomination at a primary is required  
30 by law shall be placed upon the ballot at a general or special election  
31 unless it appears upon the certificate of either (1) the secretary of  
32 state, or (2) the county canvassing board, or (3) a minor party  
33 convention or the state or county central committee of a major  
34 political party to fill a vacancy on its ticket under ((RCW 29.18.160))  
35 section 18 of this act.

36 Excluding the office of precinct committee officer or a temporary  
37 elected position such as a charter review board member or freeholder,

1 a candidate's name shall not appear more than once upon a ballot for a  
2 position regularly nominated or elected at the same election.

3 **Sec. 25.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended  
4 to read as follows:

5 Each political party organization (~~shall have the power to~~) may:

6 (1) Make its own rules and regulations;

7 (2) Call conventions;

8 (3) Elect delegates to conventions, state and national;

9 (4) Fill vacancies on the ticket;

10 (5) Provide for the nomination of presidential electors; and

11 (6) Perform all functions inherent in such an organization(~~+~~  
12 ~~PROVIDED, That~~)). However, only major political parties (~~shall have~~  
13 ~~the power to~~) may designate candidates to appear on the state primary  
14 election ballot as provided in (~~RCW 29.18.150 as now or hereafter~~  
15 ~~amended~~) section 17 of this act.

16 **Sec. 26.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to  
17 read as follows:

18 The statutory requirements for filing as a candidate at the  
19 primaries shall apply to candidates for precinct committee officer  
20 except that the filing period for this office alone shall be extended  
21 to and include the Friday immediately following the last day for  
22 political parties to fill vacancies in the ticket as provided by (~~RCW~~  
23 ~~29.18.150~~) section 17 of this act, and the office shall not be voted  
24 upon at the primaries, but the names of all candidates must appear  
25 under the proper party and office designations on the ballot for the  
26 general November election for each even-numbered year and the one  
27 receiving the highest number of votes shall be declared elected:  
28 PROVIDED, That to be declared elected, a candidate must receive at  
29 least ten percent of the number of votes cast for the candidate of the  
30 candidate's party receiving the greatest number of votes in the  
31 precinct. Any person elected to the office of precinct committee  
32 officer who has not filed a declaration of candidacy shall pay the fee  
33 of one dollar to the county auditor for a certificate of election. The  
34 term of office of precinct committee officer shall be for two years,  
35 commencing upon completion of the official canvass of votes by the  
36 county canvassing board of election returns. Should any vacancy occur  
37 in this office by reason of death, resignation, or disqualification of

1 the incumbent, or because of failure to elect, the respective county  
2 chair of the county central committee shall be empowered to fill such  
3 vacancy by appointment: PROVIDED, HOWEVER, That in legislative  
4 districts having a majority of its precincts in a county with a  
5 population of one million or more, such appointment shall be made only  
6 upon the recommendation of the legislative district chair: PROVIDED,  
7 That the person so appointed shall have the same qualifications as  
8 candidates when filing for election to such office for such precinct:  
9 PROVIDED FURTHER, That when a vacancy in the office of precinct  
10 committee officer exists because of failure to elect at a state general  
11 election, such vacancy shall not be filled until after the organization  
12 meeting of the county central committee and the new county chair  
13 selected as provided by RCW 29.42.030.

14 NEW SECTION. **Sec. 27.** A new section is added to chapter 29.81A  
15 RCW to read as follows:

16 If the legislative authority of a county or first-class or code  
17 city provides for the inclusion in the local voters' pamphlet of  
18 candidates for partisan office, the pamphlet must prominently include  
19 the statement that is appropriate for each major political party under  
20 section 13 of this act.

21 **Sec. 28.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read  
22 as follows:

23 (1) "Agency" includes all state agencies and all local agencies.  
24 "State agency" includes every state office, department, division,  
25 bureau, board, commission, or other state agency. "Local agency"  
26 includes every county, city, town, municipal corporation, quasi-  
27 municipal corporation, or special purpose district, or any office,  
28 department, division, bureau, board, commission, or agency thereof, or  
29 other local public agency.

30 (2) "Authorized committee" means the political committee authorized  
31 by a candidate, or by the public official against whom recall charges  
32 have been filed, to accept contributions or make expenditures on behalf  
33 of the candidate or public official.

34 (3) "Ballot proposition" means any "measure" as defined by RCW  
35 29.01.110, or any initiative, recall, or referendum proposition  
36 proposed to be submitted to the voters of the state or any municipal  
37 corporation, political subdivision, or other voting constituency from

1 and after the time when the proposition has been initially filed with  
2 the appropriate election officer of that constituency prior to its  
3 circulation for signatures.

4 (4) "Benefit" means a commercial, proprietary, financial, economic,  
5 or monetary advantage, or the avoidance of a commercial, proprietary,  
6 financial, economic, or monetary disadvantage.

7 (5) "Bona fide political party" means:

8 (a) An organization that has filed a valid certificate of  
9 nomination with the secretary of state under chapter 29.24 RCW;

10 (b) The governing body of the state organization of a major  
11 political party, as defined in RCW 29.01.090, that is the body  
12 authorized by the charter or bylaws of the party to exercise authority  
13 on behalf of the state party; or

14 (c) The county central committee or legislative district committee  
15 of a major political party. There may be only one legislative district  
16 committee for each party in each legislative district.

17 (6) "Depository" means a bank designated by a candidate or  
18 political committee pursuant to RCW 42.17.050.

19 (7) "Treasurer" and "deputy treasurer" mean the individuals  
20 appointed by a candidate or political committee, pursuant to RCW  
21 42.17.050, to perform the duties specified in that section.

22 (8) "Candidate" means any individual who seeks nomination for  
23 election or election to public office. An individual seeks nomination  
24 or election when he or she first:

25 (a) Receives contributions or makes expenditures or reserves space  
26 or facilities with intent to promote his or her candidacy for office;

27 (b) Announces publicly or files for office;

28 (c) Purchases commercial advertising space or broadcast time to  
29 promote his or her candidacy; or

30 (d) Gives his or her consent to another person to take on behalf of  
31 the individual any of the actions in (a) or (c) of this subsection.

32 (9) "Caucus political committee" means a political committee  
33 organized and maintained by the members of a major political party in  
34 the state senate or state house of representatives.

35 (10) "Commercial advertiser" means any person who sells the service  
36 of communicating messages or producing printed material for broadcast  
37 or distribution to the general public or segments of the general public  
38 whether through the use of newspapers, magazines, television and radio

1 stations, billboard companies, direct mail advertising companies,  
2 printing companies, or otherwise.

3 (11) "Commission" means the agency established under RCW 42.17.350.

4 (12) "Compensation" unless the context requires a narrower meaning,  
5 includes payment in any form for real or personal property or services  
6 of any kind: PROVIDED, That for the purpose of compliance with RCW  
7 42.17.241, the term "compensation" shall not include per diem  
8 allowances or other payments made by a governmental entity to reimburse  
9 a public official for expenses incurred while the official is engaged  
10 in the official business of the governmental entity.

11 (13) "Continuing political committee" means a political committee  
12 that is an organization of continuing existence not established in  
13 anticipation of any particular election campaign.

14 (14)(a) "Contribution" includes:

15 (i) A loan, gift, deposit, subscription, forgiveness of  
16 indebtedness, donation, advance, pledge, payment, transfer of funds  
17 between political committees, or anything of value, including personal  
18 and professional services for less than full consideration;

19 (ii) An expenditure made by a person in cooperation, consultation,  
20 or concert with, or at the request or suggestion of, a candidate, a  
21 political committee, or their agents;

22 (iii) The financing by a person of the dissemination, distribution,  
23 or republication, in whole or in part, of broadcast, written, graphic,  
24 or other form of political advertising prepared by a candidate, a  
25 political committee, or its authorized agent;

26 (iv) Sums paid for tickets to fund-raising events such as dinners  
27 and parties, except for the actual cost of the consumables furnished at  
28 the event.

29 (b) "Contribution" does not include:

30 (i) Standard interest on money deposited in a political committee's  
31 account;

32 (ii) Ordinary home hospitality;

33 (iii) A contribution received by a candidate or political committee  
34 that is returned to the contributor within five business days of the  
35 date on which it is received by the candidate or political committee;

36 (iv) A news item, feature, commentary, or editorial in a regularly  
37 scheduled news medium that is of primary interest to the general  
38 public, that is in a news medium controlled by a person whose business

1 is that news medium, and that is not controlled by a candidate or a  
2 political committee;

3 (v) An internal political communication primarily limited to the  
4 members of or contributors to a political party organization or  
5 political committee, or to the officers, management staff, or  
6 stockholders of a corporation or similar enterprise, or to the members  
7 of a labor organization or other membership organization;

8 (vi) The rendering of personal services of the sort commonly  
9 performed by volunteer campaign workers, or incidental expenses  
10 personally incurred by volunteer campaign workers not in excess of  
11 fifty dollars personally paid for by the worker. "Volunteer services,"  
12 for the purposes of this section, means services or labor for which the  
13 individual is not compensated by any person;

14 (vii) Messages in the form of reader boards, banners, or yard or  
15 window signs displayed on a person's own property or property occupied  
16 by a person. However, a facility used for such political advertising  
17 for which a rental charge is normally made must be reported as an in-  
18 kind contribution and counts towards any applicable contribution limit  
19 of the person providing the facility;

20 (viii) Legal or accounting services rendered to or on behalf of:

21 (A) A political party or caucus political committee if the person  
22 paying for the services is the regular employer of the person rendering  
23 such services; or

24 (B) A candidate or an authorized committee if the person paying for  
25 the services is the regular employer of the individual rendering the  
26 services and if the services are solely for the purpose of ensuring  
27 compliance with state election or public disclosure laws.

28 (c) Contributions other than money or its equivalent are deemed to  
29 have a monetary value equivalent to the fair market value of the  
30 contribution. Services or property or rights furnished at less than  
31 their fair market value for the purpose of assisting any candidate or  
32 political committee are deemed a contribution. Such a contribution  
33 must be reported as an in-kind contribution at its fair market value  
34 and counts towards any applicable contribution limit of the provider.

35 (15) "Elected official" means any person elected at a general or  
36 special election to any public office, and any person appointed to fill  
37 a vacancy in any such office.

38 (16) "Election" includes any primary, general, or special election  
39 for public office and any election in which a ballot proposition is

1 submitted to the voters: PROVIDED, That an election in which the  
2 qualifications for voting include other than those requirements set  
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
4 the state of Washington shall not be considered an election for  
5 purposes of this chapter.

6 (17) "Election campaign" means any campaign in support of or in  
7 opposition to a candidate for election to public office and any  
8 campaign in support of, or in opposition to, a ballot proposition.

9 (18) "Election cycle" means the period beginning on the first day  
10 of December after the date of the last previous general election for  
11 the office that the candidate seeks and ending on November 30th after  
12 the next election for the office. In the case of a special election to  
13 fill a vacancy in an office, "election cycle" means the period  
14 beginning on the day the vacancy occurs and ending on November 30th  
15 after the special election.

16 (19) "Expenditure" includes a payment, contribution, subscription,  
17 distribution, loan, advance, deposit, or gift of money or anything of  
18 value, and includes a contract, promise, or agreement, whether or not  
19 legally enforceable, to make an expenditure. The term "expenditure"  
20 also includes a promise to pay, a payment, or a transfer of anything of  
21 value in exchange for goods, services, property, facilities, or  
22 anything of value for the purpose of assisting, benefiting, or honoring  
23 any public official or candidate, or assisting in furthering or  
24 opposing any election campaign. For the purposes of this chapter,  
25 agreements to make expenditures, contracts, and promises to pay may be  
26 reported as estimated obligations until actual payment is made. The  
27 term "expenditure" shall not include the partial or complete repayment  
28 by a candidate or political committee of the principal of a loan, the  
29 receipt of which loan has been properly reported.

30 (20) "Final report" means the report described as a final report in  
31 RCW 42.17.080(2).

32 (21) "General election" means the election that results in the  
33 election of a person to a state office. It does not include a primary.

34 (22) "Gift," is as defined in RCW 42.52.010.

35 (23) "Immediate family" includes the spouse, dependent children,  
36 and other dependent relatives, if living in the household. For the  
37 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means  
38 an individual's spouse, and child, stepchild, grandchild, parent,  
39 stepparent, grandparent, brother, half brother, sister, or half sister

1 of the individual and the spouse of any such person and a child,  
2 stepchild, grandchild, parent, stepparent, grandparent, brother, half  
3 brother, sister, or half sister of the individual's spouse and the  
4 spouse of any such person.

5 (24) "Independent expenditure" means an expenditure that has each  
6 of the following elements:

7 (a) It is made in support of or in opposition to a candidate for  
8 office by a person who is not (i) a candidate for that office, (ii) an  
9 authorized committee of that candidate for that office, (iii) a person  
10 who has received the candidate's encouragement or approval to make the  
11 expenditure, if the expenditure pays in whole or in part for political  
12 advertising supporting that candidate or promoting the defeat of any  
13 other candidate or candidates for that office, or (iv) a person with  
14 whom the candidate has collaborated for the purpose of making the  
15 expenditure, if the expenditure pays in whole or in part for political  
16 advertising supporting that candidate or promoting the defeat of any  
17 other candidate or candidates for that office;

18 (b) The expenditure pays in whole or in part for political  
19 advertising that either specifically names the candidate supported or  
20 opposed, or clearly and beyond any doubt identifies the candidate  
21 without using the candidate's name; and

22 (c) The expenditure, alone or in conjunction with another  
23 expenditure or other expenditures of the same person in support of or  
24 opposition to that candidate, has a value of five hundred dollars or  
25 more. A series of expenditures, each of which is under five hundred  
26 dollars, constitutes one independent expenditure if their cumulative  
27 value is five hundred dollars or more.

28 (25)(a) "Intermediary" means an individual who transmits a  
29 contribution to a candidate or committee from another person unless the  
30 contribution is from the individual's employer, immediate family as  
31 defined for purposes of RCW 42.17.640 through 42.17.790, or an  
32 association to which the individual belongs.

33 (b) A treasurer or a candidate is not an intermediary for purposes  
34 of the committee that the treasurer or candidate serves.

35 (c) A professional fund-raiser is not an intermediary if the fund-  
36 raiser is compensated for fund-raising services at the usual and  
37 customary rate.

38 (d) A volunteer hosting a fund-raising event at the individual's  
39 home is not an intermediary for purposes of that event.

1 (26) "Legislation" means bills, resolutions, motions, amendments,  
2 nominations, and other matters pending or proposed in either house of  
3 the state legislature, and includes any other matter that may be the  
4 subject of action by either house or any committee of the legislature  
5 and all bills and resolutions that, having passed both houses, are  
6 pending approval by the governor.

7 (27) "Lobby" and "lobbying" each mean attempting to influence the  
8 passage or defeat of any legislation by the legislature of the state of  
9 Washington, or the adoption or rejection of any rule, standard, rate,  
10 or other legislative enactment of any state agency under the state  
11 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor  
12 "lobbying" includes an association's or other organization's act of  
13 communicating with the members of that association or organization.

14 (28) "Lobbyist" includes any person who lobbies either in his or  
15 her own or another's behalf.

16 (29) "Lobbyist's employer" means the person or persons by whom a  
17 lobbyist is employed and all persons by whom he or she is compensated  
18 for acting as a lobbyist.

19 (30) "Person" includes an individual, partnership, joint venture,  
20 public or private corporation, association, federal, state, or local  
21 governmental entity or agency however constituted, candidate,  
22 committee, political committee, political party, executive committee  
23 thereof, or any other organization or group of persons, however  
24 organized.

25 (31) "Person in interest" means the person who is the subject of a  
26 record or any representative designated by that person, except that if  
27 that person is under a legal disability, the term "person in interest"  
28 means and includes the parent or duly appointed legal representative.

29 (32) "Political advertising" includes any advertising displays,  
30 newspaper ads, billboards, signs, brochures, articles, tabloids,  
31 flyers, letters, radio or television presentations, or other means of  
32 mass communication, used for the purpose of appealing, directly or  
33 indirectly, for votes or for financial or other support in any election  
34 campaign.

35 (33) "Political committee" means any person (except a candidate or  
36 an individual dealing with his or her own funds or property) having the  
37 expectation of receiving contributions or making expenditures in  
38 support of, or opposition to, any candidate or any ballot proposition.

1 (34) "Primary" for purposes of the limits in RCW 42.17.640 means  
2 the (~~procedure for nominating~~) election that nominates a candidate to  
3 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~  
4 ~~for an election that uses, in large measure, the procedures established~~  
5 ~~in chapter 29.18 or 29.21 RCW~~)).

6 (35) "Public office" means any federal, state, county, city, town,  
7 school district, port district, special district, or other state  
8 political subdivision elective office.

9 (36) "Public record" includes any writing containing information  
10 relating to the conduct of government or the performance of any  
11 governmental or proprietary function prepared, owned, used, or retained  
12 by any state or local agency regardless of physical form or  
13 characteristics. For the office of the secretary of the senate and the  
14 office of the chief clerk of the house of representatives, public  
15 records means legislative records as defined in RCW 40.14.100 and also  
16 means the following: All budget and financial records; personnel  
17 leave, travel, and payroll records; records of legislative sessions;  
18 reports submitted to the legislature; and any other record designated  
19 a public record by any official action of the senate or the house of  
20 representatives.

21 (37) "Recall campaign" means the period of time beginning on the  
22 date of the filing of recall charges under RCW 29.82.015 and ending  
23 thirty days after the recall election.

24 (38) "State legislative office" means the office of a member of the  
25 state house of representatives or the office of a member of the state  
26 senate.

27 (39) "State office" means state legislative office or the office of  
28 governor, lieutenant governor, secretary of state, attorney general,  
29 commissioner of public lands, insurance commissioner, superintendent of  
30 public instruction, state auditor, or state treasurer.

31 (40) "State official" means a person who holds a state office.

32 (41) "Surplus funds" mean, in the case of a political committee or  
33 candidate, the balance of contributions that remain in the possession  
34 or control of that committee or candidate subsequent to the election  
35 for which the contributions were received, and that are in excess of  
36 the amount necessary to pay remaining debts incurred by the committee  
37 or candidate prior to that election. In the case of a continuing  
38 political committee, "surplus funds" mean those contributions remaining  
39 in the possession or control of the committee that are in excess of the

1 amount necessary to pay all remaining debts when it makes its final  
2 report under RCW 42.17.065.

3 (42) "Writing" means handwriting, typewriting, printing,  
4 photostating, photographing, and every other means of recording any  
5 form of communication or representation, including, but not limited to,  
6 letters, words, pictures, sounds, or symbols, or combination thereof,  
7 and all papers, maps, magnetic or paper tapes, photographic films and  
8 prints, motion picture, film and video recordings, magnetic or punched  
9 cards, discs, drums, diskettes, sound recordings, and other documents  
10 including existing data compilations from which information may be  
11 obtained or translated.

12 As used in this chapter, the singular shall take the plural and any  
13 gender, the other, as the context requires.

14 NEW SECTION. **Sec. 29.** The following acts or parts of acts are  
15 each repealed:

16 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &  
17 1965 c 9 s 29.18.010;

18 (2) RCW 29.18.120 (General election laws govern primaries) and 1990  
19 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

20 (3) RCW 29.18.150 (Vacancies on major party ticket caused by no  
21 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965  
22 c 9 s 29.18.150;

23 (4) RCW 29.18.160 (Vacancies by death or disqualification--How  
24 filled--Correcting ballots and labels--Counting votes already cast) and  
25 1977 ex.s. c 329 s 13; and

26 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88  
27 & 1965 c 9 s 29.18.200.

28 NEW SECTION. **Sec. 30.** Sections 1 and 6 through 15 of this act  
29 constitute a new chapter in Title 29 RCW.

30 NEW SECTION. **Sec. 31.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

34 NEW SECTION. **Sec. 32.** This act is necessary for the immediate  
35 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect  
2 immediately.

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