

ESB 6453 - H AMD 1178
By Representative Hunt

WITHDRAWN 03/08/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
4 read as follows:

5 As used in this title:

6 (1) "Ballot" means, as the context implies, either:

7 (a) The issues and offices to be voted upon in a jurisdiction or
8 portion of a jurisdiction at a particular primary, general election, or
9 special election;

10 (b) A facsimile of the contents of a particular ballot whether
11 printed on a paper ballot or ballot card or as part of a voting machine
12 or voting device;

13 (c) A physical or electronic record of the choices of an individual
14 voter in a particular primary, general election, or special election;
15 or

16 (d) The physical document on which the voter's choices are to be
17 recorded;

18 (2) "Paper ballot" means a piece of paper on which the ballot for
19 a particular election or primary has been printed, on which a voter may
20 record his or her choices for any candidate or for or against any
21 measure, and that is to be tabulated manually;

22 (3) "Ballot card" means any type of card or piece of paper of any
23 size on which a voter may record his or her choices for any candidate
24 and for or against any measure and that is to be tabulated on a vote
25 tallying system;

26 (4) "Sample ballot" means a printed facsimile of all the issues and
27 offices on the ballot in a jurisdiction and is intended to give voters
28 notice of the issues, offices, and candidates that are to be voted on
29 at a particular primary, general election, or special election;

30 (5) "Provisional ballot" means a ballot issued to a voter at the

1 polling place on election day by the precinct election board, for one
2 of the following reasons:

3 (a) The voter's name does not appear in the poll book;

4 (b) There is an indication in the poll book that the voter has
5 requested an absentee ballot, but the voter wishes to vote at the
6 polling place;

7 (c) There is a question on the part of the voter concerning the
8 issues or candidates on which the voter is qualified to vote;

9 (6) "Party ballot" means a primary election ballot specific to a
10 particular major political party that lists all partisan offices to be
11 voted on at that primary, and the candidates for those offices who
12 affiliate with that same major political party;

13 (7) "Nonpartisan ballot" means a primary election ballot that lists
14 all nonpartisan races and ballot measures to be voted on at that
15 primary.

16 **Sec. 2.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to
17 read as follows:

18 "Major political party" means a political party of which at least
19 one nominee for president, vice president, United States senator, or a
20 statewide office received at least five percent of the total vote cast
21 at the last preceding state general election in an even-numbered year.
22 A political party qualifying as a major political party under this
23 section retains such status until the next even-year election at which
24 a candidate of that party does not achieve at least five percent of the
25 vote for one of the previously specified offices. If none of these
26 offices appear on the ballot in an even-year general election, the
27 major party retains its status as a major party through that election.
28 However, a political party of which no nominee received at least ten
29 percent of the total vote cast may forgo its status as a major
30 political party by filing with the secretary of state an appropriate
31 party rule within sixty days of attaining major party status under this
32 section, or within fifteen days of the effective date of this act,
33 whichever is later.

34 **Sec. 3.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to
35 read as follows:

36 The county auditor of each county shall be ex officio the
37 supervisor of all primaries and elections, general or special, and it

1 shall be the county auditor's duty to provide places for holding such
2 primaries and elections; to appoint the precinct election officers and
3 to provide for their compensation; to provide the supplies and
4 materials necessary for the conduct of elections to the precinct
5 election officers; and to publish and post notices of calling such
6 primaries and elections in the manner provided by law. The notice of
7 a (~~general election~~) primary held in an even-numbered year must
8 indicate that the office of precinct committee officer will be on the
9 ballot. The auditor shall also apportion to each city, town, or
10 district, and to the state of Washington in the odd-numbered year, its
11 share of the expense of such primaries and elections. This section
12 does not apply to general or special elections for any city, town, or
13 district that is not subject to RCW 29A.04.320 and 29A.04.330, but all
14 such elections must be held and conducted at the time, in the manner,
15 and by the officials (with such notice, requirements for filing for
16 office, and certifications by local officers) as provided and required
17 by the laws governing such elections.

18 **Sec. 4.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
19 read as follows:

20 Nominating primaries for general elections to be held in November,
21 and the election of precinct committee officers, must be held on the
22 third Tuesday of the preceding September or on the seventh Tuesday
23 immediately preceding such general election, whichever occurs first.

24 **Sec. 5.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to
25 read as follows:

26 (1) All state, county, city, town, and district general elections
27 for the election of federal, state, legislative, judicial, county,
28 city, town, and district(~~(, and precinct)~~) officers, and for the
29 submission to the voters of the state, county, city, town, or district
30 of any measure for their adoption and approval or rejection, shall be
31 held on the first Tuesday after the first Monday of November, in the
32 year in which they may be called. A statewide general election shall
33 be held on the first Tuesday after the first Monday of November of each
34 year. However, the statewide general election held in odd-numbered
35 years shall be limited to (a) city, town, and district general
36 elections as provided for in RCW 29A.04.330, or as otherwise provided
37 by law; (b) the election of federal officers for the remainder of any

1 unexpired terms in the membership of either branch of the Congress of
2 the United States; (c) the election of state and county officers for
3 the remainder of any unexpired terms of offices created by or whose
4 duties are described in Article II, section 15, Article III, sections
5 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
6 state Constitution and RCW 2.06.080; (d) the election of county
7 officers in any county governed by a charter containing provisions
8 calling for general county elections at this time; and (e) the approval
9 or rejection of state measures, including proposed constitutional
10 amendments, matters pertaining to any proposed constitutional
11 convention, initiative measures and referendum measures proposed by the
12 electorate, referendum bills, and any other matter provided by the
13 legislature for submission to the electorate.

14 (2) A county legislative authority may, if it deems an emergency to
15 exist, call a special county election by presenting a resolution to the
16 county auditor at least forty-five days prior to the proposed election
17 date. Except as provided in subsection (4) of this section, a special
18 election called by the county legislative authority shall be held on
19 one of the following dates as decided by such governing body:

- 20 (a) The first Tuesday after the first Monday in February;
- 21 (b) The second Tuesday in March;
- 22 (c) The fourth Tuesday in April;
- 23 (d) The third Tuesday in May;
- 24 (e) The day of the primary as specified by RCW 29A.04.310; or
- 25 (f) The first Tuesday after the first Monday in November.

26 (3) In addition to the dates set forth in subsection (2)(a) through
27 (f) of this section, a special election to validate an excess levy or
28 bond issue may be called at any time to meet the needs resulting from
29 fire, flood, earthquake, or other act of God. Such county special
30 election shall be noticed and conducted in the manner provided by law.

31 (4) In a presidential election year, if a presidential preference
32 primary is conducted in February, March, April, or May under chapter
33 29A.56 RCW, the date on which a special election may be called by the
34 county legislative authority under subsection (2) of this section
35 during the month of that primary is the date of the presidential
36 primary.

37 (5) This section shall supersede the provisions of any and all
38 other statutes, whether general or special in nature, having different
39 dates for such city, town, and district elections, the purpose of this

1 section being to establish mandatory dates for holding elections except
2 for those elections held pursuant to a home-rule charter adopted under
3 Article XI, section 4 of the state Constitution. This section shall
4 not be construed as fixing the time for holding primary elections, or
5 elections for the recall of any elective public officer.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.08 RCW
7 to read as follows:

8 No record may be created or maintained by a state or local
9 governmental agency or a political organization that identifies a voter
10 with the information marked on the voter's ballot, including the choice
11 that a voter makes on a partisan primary ballot regarding political
12 party affiliation.

13 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.08 RCW
14 to read as follows:

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

18 **Sec. 8.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
19 read as follows:

20 The secretary of state shall not approve a vote tallying system
21 unless it:

22 (1) Correctly counts votes on ballots on which the proper number of
23 votes have been marked for any office or issue;

24 (2) Ignores votes marked for any office or issue where more than
25 the allowable number of votes have been marked, but correctly counts
26 the properly voted portions of the ballot;

27 (3) Accumulates a count of the specific number of ballots tallied
28 for each precinct, total votes by candidate for each office, and total
29 votes for and against each issue of the ballot in that precinct;

30 ~~(4) ((Accommodates rotation of candidates' names on the ballot
31 under RCW 29A.36.140;~~

32 ~~(5))~~ Produces precinct and cumulative totals in printed form; and

33 ~~((6))~~ (5) Except for functions or capabilities unique to this
34 state, has been tested, certified, and used in at least one other state
35 or election jurisdiction.

1 **Sec. 9.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
2 read as follows:

3 (1) Any nomination of a candidate for partisan public office by
4 other than a major political party may be made only: (a) In a
5 convention held not earlier than the last Saturday in June and not
6 later than the first Saturday in July or during any of the seven days
7 immediately preceding the first day for filing declarations of
8 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided
9 by RCW 29A.60.020; or (c) as otherwise provided in this section. Minor
10 political party and independent candidates may appear only on the
11 general election ballot.

12 (2) Nominations of candidates for president and vice president of
13 the United States other than by a major political party may be made
14 either at a convention conducted under subsection (1) of this section,
15 or at a similar convention taking place not earlier than the first
16 Sunday in July and not later than seventy days before the general
17 election. Conventions held during this time period may not nominate
18 candidates for any public office other than president and vice
19 president of the United States, except as provided in subsection (3) of
20 this section.

21 (3) If a special filing period for a partisan office is opened
22 under RCW 29A.24.210, candidates of minor political parties and
23 independent candidates may file for office during that special filing
24 period. The names of those candidates may not appear on the general
25 election ballot unless they are nominated by convention held no later
26 than five days after the close of the special filing period and a
27 certificate of nomination is filed with the filing officer no later
28 than three days after the convention. The requirements of RCW
29 29A.20.130 do not apply to such a convention. ~~((If primary ballots or~~
30 ~~a voters' pamphlet are ordered to be printed before the deadline for~~
31 ~~submitting the certificate of nomination and the certificate has not~~
32 ~~been filed, then the candidate's name will be included but may not~~
33 ~~appear on the general election ballot unless the certificate is timely~~
34 ~~filed and the candidate otherwise qualifies to appear on that ballot.))~~

35 (4) A minor political party may hold more than one convention but
36 in no case shall any such party nominate more than one candidate for
37 any one partisan public office or position. For the purpose of
38 nominating candidates for the offices of president and vice president,
39 United States senator, United States representative, or a statewide

1 office, a minor party or independent candidate holding multiple
2 conventions may add together the number of signatures of different
3 individuals from each convention obtained in support of the candidate
4 or candidates in order to obtain the number required by RCW 29A.20.140.
5 For all other offices for which nominations are made, signatures of the
6 requisite number of registered voters must be obtained at a single
7 convention.

8 **Sec. 10.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
9 read as follows:

10 (1) To be valid, a convention must be attended by at least
11 (~~twenty-five~~) one hundred registered voters.

12 (2) In order to nominate candidates for the offices of president
13 and vice president of the United States, United States senator, United
14 States representative, or any statewide office, a nominating convention
15 shall obtain and submit to the filing officer the signatures of at
16 least (~~two hundred~~) one thousand registered voters of the state of
17 Washington. In order to nominate candidates for any other office, a
18 nominating convention shall obtain and submit to the filing officer the
19 signatures of (~~twenty-five~~) one hundred persons who are registered to
20 vote in the jurisdiction of the office for which the nominations are
21 made.

22 **Sec. 11.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
23 read as follows:

24 A nominating petition submitted under this chapter shall clearly
25 identify the name of the minor party or independent candidate
26 convention as it appears on the certificate of nomination as required
27 by RCW 29A.20.160(3). The petition shall also contain a statement that
28 the person signing the petition is a registered voter of the state of
29 Washington and shall have a space for the voter to sign his or her name
30 and to print his or her name and address. No person may sign more than
31 one nominating petition under this chapter for an office for (~~a~~
32 ~~primary or~~) an election.

33 **Sec. 12.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
34 read as follows:

35 Not later than the Friday immediately preceding the first day for
36 candidates to file, the secretary of state shall notify the county

1 auditors of the names and designations of all minor party and
2 independent candidates who have filed valid convention certificates and
3 nominating petitions with that office. Except for the offices of
4 president and vice president, persons nominated under this chapter
5 shall file declarations of candidacy as provided by RCW 29A.24.030 and
6 29A.24.070. The name of a candidate nominated at a convention shall
7 not be printed upon the (~~(primary)~~) general election ballot unless he
8 or she pays the fee required by law to be paid by candidates for the
9 same office to be nominated at a primary.

10 **Sec. 13.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
11 read as follows:

12 (1) The nominating petition authorized by RCW 29A.24.090 (~~(shall)~~)
13 must be printed on sheets of uniform color and size, (~~(shall)~~) must
14 include a place for each individual to sign and print his or her name
15 and the address, city, and county at which he or she is registered to
16 vote, and must contain no more than twenty numbered lines(~~(, and)~~).

17 (2) For candidates for nonpartisan office and candidates of a major
18 political party for partisan office, the nominating petition must be in
19 substantially the following form:

20 The warning prescribed by RCW 29A.72.140; followed by:

21 We, the undersigned registered voters of (the state of
22 Washington or the political subdivision for which the nomination is
23 made) , hereby petition that the name of (candidate's name) be
24 printed on the official primary ballot for the office of (insert
25 name of office) .

26 (~~The petition must include a place for each individual to sign and~~
27 ~~print his or her name, and the address, city, and county at which he or~~
28 ~~she is registered to vote.))~~

29 (3) For independent candidates and candidates of a minor political
30 party for partisan office, the nominating petition must be in
31 substantially the following form:

32 The warning prescribed by RCW 29A.72.140; followed by:

33 We, the undersigned registered voters of (the state of
34 Washington or the political subdivision for which the nomination is
35 made) , hereby petition that the name of (candidate's name) be

1 printed on the official general election ballot for the office of
2 (insert name of office) .

3 **Sec. 14.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to
4 read as follows:

5 A candidate may withdraw his or her declaration of candidacy at any
6 time before the close of business on the Thursday following the last
7 day for candidates to file under RCW 29A.24.050 by filing, with the
8 officer with whom the declaration of candidacy was filed, a signed
9 request that his or her name not be printed on the ballot. There shall
10 be no withdrawal period for declarations of candidacy filed during
11 special filing periods held under this title. The filing officer may
12 permit the withdrawal of a filing for the office of precinct committee
13 officer at the request of the candidate at any time if no absentee
14 ballots have been issued for that office and the ((~~general election~~))
15 ballots for that precinct have not been printed. The filing officer
16 may permit the withdrawal of a filing for any elected office of a city,
17 town, or special district at the request of the candidate at any time
18 before a primary if the primary ballots for that city, town, or special
19 district have not been ordered. No filing fee may be refunded to any
20 candidate who withdraws under this section. Notice of the deadline for
21 withdrawal of candidacy and that the filing fee is not refundable shall
22 be given to each candidate at the time he or she files.

23 **Sec. 15.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
24 read as follows:

25 Filings for a partisan elective office shall be opened for a period
26 of three normal business days whenever, on or after the first day of
27 the regular filing period and before the sixth Tuesday prior to a
28 primary, a vacancy occurs in that office, leaving an unexpired term to
29 be filled by an election for which filings have not been held.

30 Any such special three-day filing period shall be fixed by the
31 election officer with whom declarations of candidacy for that office
32 are filed. The election officer shall give notice of the special
33 three-day filing period by notifying the press, radio, and television
34 in the county or counties involved, and by such other means as may be
35 required by law.

36 Candidacies validly filed within the special three-day filing

1 period shall appear on the ((primary)) ballot as if filed during the
2 regular filing period.

3 **Sec. 16.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
4 read as follows:

5 Any person who desires to be a write-in candidate and have such
6 votes counted at a primary or election may file a declaration of
7 candidacy with the officer designated in RCW 29A.24.070 not later than
8 the day before the primary or election. Declarations of candidacy for
9 write-in candidates must be accompanied by a filing fee in the same
10 manner as required of other candidates filing for the office as
11 provided in RCW 29A.24.090.

12 Votes cast for write-in candidates who have filed such declarations
13 of candidacy and write-in votes for persons appointed by major
14 political parties pursuant to RCW 29A.28.020 need only specify the name
15 of the candidate in the appropriate location on the ballot in order to
16 be counted. Write-in votes cast for any other candidate, in order to
17 be counted, must designate the office sought and position number or
18 political party, if the manner in which the write-in is done does not
19 make the office or position clear. In order for write-in votes to be
20 valid in jurisdictions employing optical-scan mark sense ballot systems
21 the voter must complete the proper mark next to the write-in line for
22 that office.

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

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

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

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

35 The declaration of candidacy shall be similar to that required by
36 RCW 29A.24.030. No write-in candidate filing under this section may be
37 included in any voter's pamphlet produced under chapter 29A.32 RCW
38 unless that candidate qualifies to have his or her name printed on the

1 general election ballot. The legislative authority of any jurisdiction
2 producing a local voter's pamphlet under chapter 29A.32 RCW may
3 provide, by ordinance, for the inclusion of write-in candidates in such
4 pamphlets.

5 **Sec. 17.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
6 read as follows:

7 (1) Whenever a vacancy occurs in the United States house of
8 representatives or the United States senate from this state, the
9 governor shall order a special election to fill the vacancy. Minor
10 political party candidates and independent candidates may be nominated
11 through the convention procedures provided in RCW 29A.20.110 through
12 29A.20.200.

13 (2) Within ten days of such vacancy occurring, he or she shall
14 issue a writ of election fixing a date for the special vacancy election
15 not less than ninety days after the issuance of the writ, fixing a date
16 for the primary for nominating major political party candidates for the
17 special vacancy election not less than thirty days before the day fixed
18 for holding the special vacancy election, fixing the dates for the
19 special filing period, and designating the term or part of the term for
20 which the vacancy exists. If the vacancy is in the office of United
21 States representative, the writ of election shall specify the
22 congressional district that is vacant.

23 (3) If the vacancy occurs less than six months before a state
24 general election and before the second Friday following the close of
25 the filing period for that general election, the special primary
26 (~~and~~), special vacancy election(~~s shall~~), and minor party and
27 independent candidate nominating conventions must be held in concert
28 with the state primary and state general election in that year.

29 (4) If the vacancy occurs on or after the first day for filing
30 under RCW 29A.24.050 and on or before the second Friday following the
31 close of the filing period, a special filing period of three normal
32 business days shall be fixed by the governor and notice thereof given
33 to all media, including press, radio, and television within the area in
34 which the vacancy election is to be held, to the end that, insofar as
35 possible, all interested persons will be aware of such filing period.
36 The last day of the filing period shall not be later than the third
37 Tuesday before the primary at which major political party candidates
38 are to be nominated. The names of major political party candidates who

1 have filed valid declarations of candidacy during this three-day period
2 shall appear on the approaching primary ballot. The requirements of
3 RCW 29A.20.130 do not apply to a minor political party or independent
4 candidate convention held under this subsection.

5 (5) If the vacancy occurs later than the second Friday following
6 the close of the filing period, a special primary (~~and~~), special
7 vacancy election, and the minor party and independent candidate
8 conventions to fill the position shall be held after the next state
9 general election but, in any event, no later than the ninetieth day
10 following the November election.

11 **Sec. 18.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
12 read as follows:

13 The general election laws and laws relating to partisan primaries
14 shall apply to the special primaries and vacancy elections provided for
15 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
16 inconsistent with the provisions of these sections. Minor political
17 party and independent candidates may appear only on the general
18 election ballot. Statutory time deadlines relating to availability of
19 absentee ballots, certification, canvassing, and related procedures
20 that cannot be met in a timely fashion may be modified for the purposes
21 of a specific primary or vacancy election under this chapter by the
22 secretary of state through emergency rules adopted under RCW
23 29A.04.610.

24 **Sec. 19.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to
25 read as follows:

26 If a vacancy occurs in the office of precinct committee officer by
27 reason of death, resignation, or disqualification of the incumbent, or
28 because of failure to elect, the respective county chair of the county
29 central committee shall fill the vacancy by appointment. However, in
30 a legislative district having a majority of its precincts in a county
31 with a population of one million or more, the appointment may be made
32 only upon the recommendation of the legislative district chair. The
33 person so appointed must have the same qualifications as candidates
34 when filing for election to the office for that precinct. When a
35 vacancy in the office of precinct committee officer exists because of
36 failure to elect at a state (~~general election~~) primary, the vacancy

1 may not be filled until after the organization meeting of the county
2 central committee and the new county chair has been selected as
3 provided by RCW 29A.80.030.

4 **Sec. 20.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
5 read as follows:

6 The voters' pamphlet must contain:

7 (1) Information about each ballot measure initiated by or referred
8 to the voters for their approval or rejection as required by RCW
9 29A.32.070;

10 (2) In even-numbered years, statements, if submitted, advocating
11 the candidacies of nominees for the office of president and vice
12 president of the United States, United States senator, United States
13 representative, governor, lieutenant governor, secretary of state,
14 state treasurer, state auditor, attorney general, commissioner of
15 public lands, superintendent of public instruction, insurance
16 commissioner, state senator, state representative, justice of the
17 supreme court, judge of the court of appeals, or judge of the superior
18 court. Candidates may also submit a campaign mailing address and
19 telephone number and a photograph not more than five years old and of
20 a size and quality that the secretary of state determines to be
21 suitable for reproduction in the voters' pamphlet;

22 (3) In odd-numbered years, if any office voted upon statewide
23 appears on the ballot due to a vacancy, then statements and photographs
24 for candidates for any vacant office listed in subsection (2) of this
25 section must appear;

26 (4) In even-numbered years, a section explaining how voters may
27 participate in the election campaign process; the address and telephone
28 number of the public disclosure commission established under RCW
29 42.17.350; and a summary of the disclosure requirements that apply when
30 contributions are made to candidates and political committees;

31 (5) In even-numbered years the name, address, and telephone number
32 of each political party with nominees listed in the pamphlet, if filed
33 with the secretary of state by the state committee of a major political
34 party or the presiding officer of the convention of a minor political
35 party;

36 (6) In each odd-numbered year immediately before a year in which a
37 president of the United States is to be nominated and elected,
38 information explaining the precinct caucus and convention process used

1 by each major political party to elect delegates to its national
2 presidential candidate nominating convention. The pamphlet must also
3 provide a description of the statutory procedures by which minor
4 political parties are formed and the statutory methods used by the
5 parties to nominate candidates for president;

6 ~~(7) ((In even numbered years, a description of the office of
7 precinct committee officer and its duties;~~

8 ~~(8))~~ An application form for an absentee ballot;

9 ~~((9))~~ (8) A brief statement explaining the deletion and addition
10 of language for proposed measures under RCW 29A.32.080;

11 ~~((10))~~ (9) Any additional information pertaining to elections as
12 may be required by law or in the judgment of the secretary of state is
13 deemed informative to the voters.

14 NEW SECTION. **Sec. 21.** A new section is added to chapter 29A.32
15 RCW to read as follows:

16 If the secretary of state prints and distributes a voters' pamphlet
17 for a primary in an even-numbered year, it must contain:

18 (1) A description of the office of precinct committee officer and
19 its duties;

20 (2) An explanation that, for partisan offices, only voters who
21 choose to affiliate with a major political party may vote in that
22 party's primary election, and that voters must limit their
23 participation in a partisan primary to one political party; and

24 (3) An explanation that minor political party candidates and
25 independent candidates will appear only on the general election ballot.

26 **Sec. 22.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
27 read as follows:

28 The local voters' pamphlet shall include but not be limited to the
29 following:

30 (1) Appearing on the cover, the words "official local voters'
31 pamphlet," the name of the jurisdiction producing the pamphlet, and the
32 date of the election or primary;

33 (2) A list of jurisdictions that have measures or candidates in the
34 pamphlet;

35 (3) Information on how a person may register to vote and obtain an
36 absentee ballot;

1 (4) The text of each measure accompanied by an explanatory
2 statement prepared by the prosecuting attorney for any county measure
3 or by the attorney for the jurisdiction submitting the measure if other
4 than a county measure. All explanatory statements for city, town, or
5 district measures not approved by the attorney for the jurisdiction
6 submitting the measure shall be reviewed and approved by the county
7 prosecuting attorney or city attorney, when applicable, before
8 inclusion in the pamphlet;

9 (5) The arguments for and against each measure submitted by
10 committees selected pursuant to RCW 29A.32.280; and

11 (6) For partisan primary elections, information on how to vote the
12 applicable ballot format and an explanation that minor political party
13 candidates and independent candidates will appear only on the general
14 election ballot.

15 **Sec. 23.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
16 read as follows:

17 On or before the day following the last day for major political
18 parties to fill vacancies in the ticket as provided by RCW 29A.28.010,
19 the secretary of state shall certify to each county auditor a list of
20 the candidates who have filed declarations of candidacy in his or her
21 office for the primary. For each office, the certificate shall include
22 the name of each candidate, his or her address, and his or her party
23 designation, if any. Minor political party and independent candidates
24 may appear only on the general election ballot.

25 **Sec. 24.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
26 read as follows:

27 Except for the candidates for the positions of president and vice
28 president (~~(or)~~), for a partisan or nonpartisan office for which no
29 primary is required, or for independent or minor party candidates, the
30 names of all candidates who, under this title, filed a declaration of
31 candidacy(~~(or)~~) or were certified as a candidate to fill a vacancy on a
32 major party ticket(~~(, or were nominated as an independent or minor~~
33 ~~party candidate)~~) will appear on the appropriate ballot at the primary
34 throughout the jurisdiction in which they are to be nominated.

35 NEW SECTION. **Sec. 25.** A new section is added to chapter 29A.36
36 RCW to read as follows:

1 Partisan primaries must be conducted using either:

2 (1) A consolidated ballot format that includes a major political
3 party identification check-off box that allows a voter to select from
4 a list of the major political parties the major political party with
5 which the voter chooses to affiliate. The consolidated ballot must
6 include all partisan races, nonpartisan races, and ballot measures to
7 be voted on at that primary; or

8 (2) A physically separate ballot format that includes both party
9 ballots and a nonpartisan ballot. A party ballot must be specific to
10 a particular major political party and may include only the partisan
11 offices to be voted on at that primary and the names of candidates for
12 those partisan offices who designated that same major political party
13 in their declarations of candidacy. The nonpartisan ballot must
14 include all nonpartisan races and ballot measures to be voted on at
15 that primary.

16 NEW SECTION. **Sec. 26.** A new section is added to chapter 29A.36
17 RCW to read as follows:

18 (1) If the consolidated ballot format allowed under section 25(1)
19 of this act is used, the major political party identification check-off
20 box must appear on the primary ballot before all offices and ballot
21 measures. Clear and concise instructions to the voter must be
22 prominently displayed immediately before the list of major political
23 parties, and must include:

24 (a) A question asking the voter to indicate the major political
25 party with which the voter chooses to affiliate;

26 (b) A statement that, for a major political party candidate, only
27 votes cast by voters who choose to affiliate with that same major
28 political party will be tabulated and reported;

29 (c) A statement that votes cast for a major political party
30 candidate by a voter who chooses to affiliate with a different major
31 political party will not be tabulated or reported;

32 (d) A statement that votes cast for a major political party
33 candidate by a voter who fails to select a major political party
34 affiliation will not be tabulated or reported;

35 (e) A statement that votes cast for a major political party
36 candidate by a voter who selects more than one major political party
37 with which to affiliate will not be tabulated or reported; and

1 (f) A statement that the party identification option will not
2 affect votes cast for candidates for nonpartisan offices, or for or
3 against ballot measures.

4 (2) If the physically separate ballot format allowed under section
5 25(2) of this act is used, clear and concise instructions to the voter
6 must be prominently displayed, and must include:

7 (a) A statement explaining that only one party ballot and one
8 nonpartisan ballot may be voted;

9 (b) A statement explaining that if more than one party ballot is
10 voted, none of the party ballots will be tabulated or reported;

11 (c) A statement explaining that a voter's affiliation with a major
12 political party will be inferred from the act of voting the party
13 ballot for that major political party; and

14 (d) A statement explaining that every eligible registered voter may
15 vote a nonpartisan ballot, regardless of any party affiliation on the
16 part of the voter.

17 **Sec. 27.** RCW 29A.36.110 and 2003 c 111 s 911 are each amended to
18 read as follows:

19 Every ballot for a single combination of issues (~~and~~) offices
20 and candidates shall be uniform within a precinct and shall identify
21 the type of primary or election, the county, and the date of the
22 primary or election, and the ballot or voting device shall contain
23 instructions on the proper method of recording a vote, including write-
24 in votes. Each position, together with the names of the candidates for
25 that office, shall be clearly separated from other offices or positions
26 in the same jurisdiction. The offices in each jurisdiction shall be
27 clearly separated from each other. No paper ballot or ballot card may
28 be marked in any way that would permit the identification of the person
29 who voted that ballot.

30 **Sec. 28.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
31 read as follows:

32 (1)(a) The positions or offices on a primary consolidated ballot
33 shall be arranged in substantially the following order: United States
34 senator; United States representative; governor; lieutenant governor;
35 secretary of state; state treasurer; state auditor; attorney general;
36 commissioner of public lands; superintendent of public instruction;
37 insurance commissioner; state senator; state representative; county

1 officers; justices of the supreme court; judges of the court of
2 appeals; judges of the superior court; and judges of the district
3 court. For all other jurisdictions on the primary consolidated ballot,
4 the offices in each jurisdiction shall be grouped together and be in
5 the order of the position numbers assigned to those offices, if any.

6 (b)(i) The positions or offices on a primary party ballot must be
7 arranged in substantially the following order: United States senator;
8 United States representative; governor; lieutenant governor; secretary
9 of state; state treasurer; state auditor; attorney general;
10 commissioner of public lands; insurance commissioner; state senator;
11 state representative; and partisan county officers. For all other
12 jurisdictions on the primary party ballot, the offices in each
13 jurisdiction must be grouped together and be in the order of the
14 position numbers assigned to those offices, if any.

15 (ii) The positions or offices on a primary nonpartisan ballot must
16 be arranged in substantially the following order: Superintendent of
17 public instruction; justices of the supreme court; judges of the court
18 of appeals; judges of the superior court; and judges of the district
19 court. For all other jurisdictions on the primary nonpartisan ballot,
20 the offices in each jurisdiction must be grouped together and be in the
21 order of the position numbers assigned to those offices, if any.

22 (2) The order of the positions or offices on an election ballot
23 shall be substantially the same as on a primary consolidated ballot
24 except that state ballot issues must be placed before all offices. The
25 offices of president and vice president of the United States shall
26 precede all other offices on a presidential election ballot. ((~~State
27 ballot issues shall be placed before all offices on an election
28 ballot.~~)) The positions on a ballot to be assigned to ballot measures
29 regarding local units of government shall be established by the
30 secretary of state by rule.

31 (3) The political party or independent candidacy of each candidate
32 for partisan office shall be indicated next to the name of the
33 candidate on the primary and election ballot. A candidate shall file
34 a written notice with the filing officer within three business days
35 after the close of the filing period designating the political party to
36 be indicated next to the candidate's name on the ballot if either: (a)
37 The candidate has been nominated by two or more minor political parties
38 or independent conventions; or (b) the candidate has both filed a
39 declaration of candidacy declaring an affiliation with a major

1 political party and been nominated by a minor political party or
2 independent convention. If no written notice is filed the filing
3 officer shall give effect to the party designation shown upon the first
4 document filed. A candidate may be deemed nominated by a minor party
5 or independent convention only if all documentation required by chapter
6 29A.20 RCW has been timely filed.

7 **Sec. 29.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
8 read as follows:

9 After the close of business on the last day for candidates to file
10 for office, the filing officer shall, from among those filings made in
11 person and by mail, determine by lot the order in which the names of
12 those candidates will appear on all primary, sample, and absentee
13 ballots. (~~In the case of candidates for city, town, and district
14 office, this procedure shall also determine the order for candidate
15 names on the official primary ballot used at the polling place.~~) The
16 determination shall be done publicly and may be witnessed by the media
17 and by any candidate. If no primary is required for any nonpartisan
18 office under RCW 29A.52.010 or 29A.52.220, or if any independent or
19 minor party candidate files a declaration of candidacy, the names shall
20 appear on the general election ballot in the order determined by lot.

21 **Sec. 30.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to
22 read as follows:

23 Except in each county with a population of one million or more, on
24 or before the fifteenth day before a primary or election, the county
25 auditor shall prepare a sample ballot which shall be made readily
26 available to members of the public. The secretary of state shall adopt
27 rules governing the preparation of sample ballots in counties with a
28 population of one million or more. The rules shall permit, among other
29 alternatives, the preparation of more than one sample ballot by a
30 county with a population of one million or more for a primary or
31 election, each of which lists a portion of the offices and issues to be
32 voted on in that county. The position of precinct committee officer
33 shall be shown on the sample ballot for the (~~general election~~)
34 primary, but the names of candidates for the individual positions need
35 not be shown.

1 **Sec. 31.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to
2 read as follows:

3 (1) On the top of each ballot (~~((there will))~~) must be printed clear
4 and concise instructions directing the voter(~~((s))~~) how to mark the
5 ballot, including write-in votes. (~~((After the instructions and before~~
6 ~~the offices,))~~) On the top of each primary ballot must be printed the
7 instructions required by section 26 of this act.

8 (2) The questions of adopting constitutional amendments or any
9 other state measure authorized by law to be submitted to the voters at
10 that election (~~((will be placed))~~) must appear after the instructions and
11 before any offices.

12 (~~((2))~~) (3) In a year that president and vice president appear on
13 the general election ballot, the names of candidates for president and
14 vice president for each political party must be grouped together with
15 a single response position for a voter to indicate his or her choice.

16 (4) On a general election ballot, the candidate or candidates of
17 the major political party that received the highest number of votes
18 from the electors of this state for the office of president of the
19 United States at the last presidential election (~~((will))~~) must appear
20 first following the appropriate office heading(~~((r))~~). The candidate or
21 candidates of the other major political parties will follow according
22 to the votes cast for their nominees for president at the last
23 presidential election, and independent candidates and the candidate or
24 candidates of all other parties will follow in the order of their
25 qualification with the secretary of state.

26 (~~((3) The names of candidates for president and vice president for~~
27 ~~each political party must be grouped together with a single response~~
28 ~~position for a voter to indicate his or her choice.~~

29 (4)) (5) All paper ballots and ballot cards used at a polling
30 place must be sequentially numbered in such a way to permit removal of
31 such numbers without leaving any identifying marks on the ballot.

32 **Sec. 32.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
33 read as follows:

34 The name of a candidate for a partisan office for which a primary
35 was conducted shall not be printed on the ballot for that office at the
36 subsequent general election unless, at the preceding primary, the
37 candidate receives a number of votes equal to at least one percent of
38 the total number of votes cast for all candidates for that (~~((position~~

1 ~~sought~~) office and a plurality of the votes cast by voters affiliated
2 with that party for ((the)) candidates ((of his or her party)) for that
3 office ((at the preceding primary)) affiliated with that party.

4 **Sec. 33.** RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to
5 read as follows:

6 (1) The county auditor shall issue an absentee ballot for the
7 primary or election for which it was requested, or for the next
8 occurring primary or election when ongoing absentee status has been
9 requested if the information contained in a request for an absentee
10 ballot or ongoing absentee status received by the county auditor is
11 complete and correct and the applicant is qualified to vote under
12 federal or state law. Otherwise, the county auditor shall notify the
13 applicant of the reason or reasons why the request cannot be accepted.
14 Whenever two or more candidates have filed for the position of precinct
15 committee officer for the same party in the same precinct ((at a
16 ~~general election held in an even-numbered year~~)), the contest for that
17 position must be presented to absentee voters from that precinct by
18 either including the contest on the regular absentee ballot or a
19 separate absentee ballot. The ballot must provide space designated for
20 writing in the name of additional candidates.

21 (2) A registered voter may obtain a replacement ballot if the
22 ballot is destroyed, spoiled, lost, or not received by the voter. The
23 voter may obtain the ballot by telephone request, by mail,
24 electronically, or in person. The county auditor shall keep a record
25 of each replacement ballot provided under this subsection.

26 (3) A copy of the state voters' pamphlet must be sent to registered
27 voters temporarily outside the state, out-of-state voters, overseas
28 voters, and service voters along with the absentee ballot if such a
29 pamphlet has been prepared for the primary or election and is available
30 to the county auditor at the time of mailing. The county auditor shall
31 mail all absentee ballots and related material to voters outside the
32 territorial limits of the United States and the District of Columbia
33 under 39 U.S.C. 3406.

34 **Sec. 34.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to
35 read as follows:

36 The county auditor shall send each absentee voter a ballot, a
37 security envelope in which to seal the ballot after voting, a larger

1 envelope in which to return the security envelope, and instructions on
2 how to mark the ballot and how to return it to the county auditor. The
3 instructions that accompany an absentee ballot for a partisan primary
4 must include instructions for voting the applicable ballot style, as
5 provided in section 26 of this act. The larger return envelope must
6 contain a declaration by the absentee voter reciting his or her
7 qualifications and stating that he or she has not voted in any other
8 jurisdiction at this election, together with a summary of the penalties
9 for any violation of any of the provisions of this chapter. The return
10 envelope must provide space for the voter to indicate the date on which
11 the ballot was voted and for the voter to sign the oath. A summary of
12 the applicable penalty provisions of this chapter must be printed on
13 the return envelope immediately adjacent to the space for the voter's
14 signature. The signature of the voter on the return envelope must
15 affirm and attest to the statements regarding the qualifications of
16 that voter and to the validity of the ballot. For out-of-state voters,
17 overseas voters, and service voters, the signed declaration on the
18 return envelope constitutes the equivalent of a voter registration for
19 the election or primary for which the ballot has been issued. The
20 voter must be instructed to either return the ballot to the county
21 auditor by whom it was issued or attach sufficient first class postage,
22 if applicable, and mail the ballot to the appropriate county auditor no
23 later than the day of the election or primary for which the ballot was
24 issued.

25 If the county auditor chooses to forward absentee ballots, he or
26 she must include with the ballot a clear explanation of the
27 qualifications necessary to vote in that election and must also advise
28 a voter with questions about his or her eligibility to contact the
29 county auditor. This explanation may be provided on the ballot
30 envelope, on an enclosed insert, or printed directly on the ballot
31 itself. If the information is not included, the envelope must clearly
32 indicate that the ballot is not to be forwarded and that return postage
33 is guaranteed.

34 **Sec. 35.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to
35 read as follows:

36 A voter desiring to vote shall give his or her name to the precinct
37 election officer who has the precinct list of registered voters. This
38 officer shall announce the name to the precinct election officer who

1 has the copy of the inspector's poll book for that precinct. If the
2 right of this voter to participate in the primary or election is not
3 challenged, the voter must be issued a ballot or permitted to enter a
4 voting booth or to operate a voting device. For a partisan primary in
5 a jurisdiction using the physically separate ballot format, the voter
6 must be issued a nonpartisan ballot and each party ballot. The number
7 of the ballot or the voter must be recorded by the precinct election
8 officers. If the right of the voter to participate is challenged, RCW
9 29A.08.810 and 29A.08.820 apply to that voter.

10 **Sec. 36.** RCW 29A.44.220 and 2003 c 111 s 1121 are each amended to
11 read as follows:

12 On signing the precinct list of registered voters or being issued
13 a ballot, the voter shall, without leaving the polling place, proceed
14 to one of the voting booths or voting devices to cast his or her vote.
15 When the voter has finished, he or she shall either (1) remove the
16 numbered stub from the ballot, place the ballot in the ballot box, and
17 return the number to the precinct election officers, or (2) deliver the
18 entire ballot to the precinct election officers, who shall remove the
19 numbered stub from the ballot and place the ballot in the ballot box.
20 For a partisan primary in a jurisdiction using the physically separate
21 ballot format, the voter shall also return unvoted party ballots to the
22 precinct election officers, who shall void the unvoted party ballots
23 and return them to the county auditor.

24 **Sec. 37.** RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to
25 read as follows:

26 As each voter casts his or her vote, the precinct election officers
27 shall insert in the poll books or precinct list of registered voters
28 opposite that voter's name, a notation to credit the voter with having
29 participated in that primary or election. No record may be made of a
30 voter's party affiliation in a partisan primary. The precinct election
31 officers shall record the voter's name so that a separate record is
32 kept.

33 NEW SECTION. **Sec. 38.** A new section is added to chapter 29A.52
34 RCW to read as follows:

35 Major political party candidates for all partisan elected offices,

1 except for president and vice president, precinct committee officer,
2 and offices exempted from the primary under RCW 29A.52.010, must be
3 nominated at primaries held under sections 39 through 43 of this act.

4 NEW SECTION. **Sec. 39.** A new section is added to chapter 29A.52
5 RCW to read as follows:

6 It is the intent of the legislature to create a primary for all
7 partisan elected offices, except for president and vice president,
8 precinct committee officer, and offices exempted from the primary under
9 RCW 29A.52.010, that:

- 10 (1) Allows each voter to participate;
- 11 (2) Preserves the privacy of each voter's party affiliation;
- 12 (3) Rejects mandatory voter registration by political party;
- 13 (4) Protects ballot access for all candidates, including minor
14 political party and independent candidates;
- 15 (5) Maintains a candidate's right to self-identify with any major
16 political party; and
- 17 (6) Upholds a political party's First Amendment right of
18 association.

19 NEW SECTION. **Sec. 40.** A new section is added to chapter 29A.52
20 RCW to read as follows:

21 Instructions for voting a consolidated ballot or a physically
22 separate ballot, whichever is applicable, must appear, at the very
23 least, in:

- 24 (1) Any primary voters' pamphlet prepared by the secretary of state
25 or a local government if a partisan office will appear on the ballot;
- 26 (2) Instructions that accompany any partisan primary ballot;
- 27 (3) Any notice of a partisan primary published in compliance with
28 RCW 29A.52.310;
- 29 (4) A sample ballot prepared by a county auditor under RCW
30 29A.36.150 for a partisan primary;
- 31 (5) The web site of the office of the secretary of state and any
32 existing web site of a county auditor's office; and
- 33 (6) Every polling place.

34 NEW SECTION. **Sec. 41.** A new section is added to chapter 29A.52
35 RCW to read as follows:

- 36 (1) Under a consolidated ballot format:

1 (a) Votes for a major political party candidate will only be
2 tabulated and reported if cast by voters who choose to affiliate with
3 that same major political party;

4 (b) Votes cast for a major political party candidate by a voter who
5 chooses to affiliate with a different major political party may not be
6 tabulated or reported;

7 (c) Votes cast for a major political party candidate by a voter who
8 fails to select a major political party affiliation may not be
9 tabulated or reported;

10 (d) Votes cast for a major political party candidate by a voter who
11 selects more than one major political party with which to affiliate may
12 not be tabulated or reported; and

13 (e) Votes properly cast may not be affected by votes improperly
14 cast for other races.

15 (2) Under a physically separate ballot format:

16 (a) Only one party ballot and one nonpartisan ballot may be voted;

17 (b) If more than one party ballot is voted, none of the ballots
18 will be tabulated or reported;

19 (c) A voter's affiliation with a major political party will be
20 inferred from the act of voting the party ballot for that major
21 political party; and

22 (d) Every eligible registered voter may vote a nonpartisan ballot.

23 NEW SECTION. **Sec. 42.** A new section is added to chapter 29A.52
24 RCW to read as follows:

25 So far as applicable, the provisions of this title relating to
26 conducting general elections govern the conduct of primaries.

27 NEW SECTION. **Sec. 43.** A new section is added to chapter 29A.52
28 RCW to read as follows:

29 Nothing in this chapter may be construed to mean that a voter may
30 cast more than one vote for candidates for a given office.

31 **Sec. 44.** RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to
32 read as follows:

33 Not more than ten nor less than three days before the primary the
34 county auditor shall publish notice of such primary in one or more
35 newspapers of general circulation within the county. The notice must
36 contain the proper party designations, the names and addresses of all

1 persons who have filed a declaration of candidacy to be voted upon at
2 that primary, instructions for voting the applicable ballot, as
3 provided in section 26 of this act, the hours during which the polls
4 will be open, and the polling places for each precinct, giving the
5 address of each polling place. The names of all candidates for
6 nonpartisan offices must be published separately with designation of
7 the offices for which they are candidates but without party
8 designation. This is the only notice required for the holding of any
9 primary.

10 **Sec. 45.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
11 read as follows:

12 No later than the day following the certification of the returns of
13 any primary, the secretary of state shall certify to the appropriate
14 county auditors(~~(7)~~) the names of all persons nominated for offices(~~(7~~
15 ~~the returns of which have been canvassed by the secretary of state)) at
16 a primary, or at an independent candidate or minor party convention.~~

17 **Sec. 46.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
18 read as follows:

19 (1) For any office at any election or primary, any voter may write
20 in on the ballot the name of any person for an office who has filed as
21 a write-in candidate for the office in the manner provided by RCW
22 29A.24.310 and such vote shall be counted the same as if the name had
23 been printed on the ballot and marked by the voter. For a partisan
24 primary in a jurisdiction using the physically separate ballot format,
25 a voter may write in on a party ballot only the names of write-in
26 candidates who affiliate with that major political party. No write-in
27 vote made for any person who has not filed a declaration of candidacy
28 pursuant to RCW 29A.24.310 is valid if that person filed for the same
29 office, either as a regular candidate or a write-in candidate, at the
30 preceding primary. Any abbreviation used to designate office,
31 position, or political party shall be accepted if the canvassing board
32 can determine, to their satisfaction, the voter's intent.

33 (2) The number of write-in votes cast for each office must be
34 recorded and reported with the canvass for the election.

35 (3) Write-in votes cast for an individual candidate for an office
36 need not be tallied if the total number of write-in votes cast for the
37 office is not greater than the number of votes cast for the candidate

1 apparently nominated or elected, and the write-in votes could not have
2 altered the outcome of the primary or election. In the case of write-
3 in votes for statewide office or for any office whose jurisdiction
4 encompasses more than one county, write-in votes for an individual
5 candidate must be tallied whenever the county auditor is notified by
6 either the office of the secretary of state or another auditor in a
7 multicounty jurisdiction that it appears that the write-in votes could
8 alter the outcome of the primary or election.

9 (4) In the case of statewide offices or jurisdictions that
10 encompass more than one county, if the total number of write-in votes
11 cast for an office within a county is greater than the number of votes
12 cast for a candidate apparently nominated or elected in a primary or
13 election, the auditor shall tally all write-in votes for individual
14 candidates for that office and notify the office of the secretary of
15 state and the auditors of the other counties within the jurisdiction,
16 that the write-in votes for individual candidates should be tallied.

17 **Sec. 47.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to
18 read as follows:

19 Any member of a major political party who is a registered voter in
20 the precinct may upon payment of a fee of one dollar file his or her
21 declaration of candidacy as prescribed under RCW 29A.24.030 with the
22 county auditor for the office of precinct committee officer of his or
23 her party in that precinct. When elected at the primary, the precinct
24 committee officer shall serve so long as the committee officer remains
25 an eligible voter in that precinct (~~(and until a successor has been~~
26 ~~elected at the next ensuing state general election in the even-numbered~~
27 ~~year))~~).

28 **Sec. 48.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
29 read as follows:

30 The statutory requirements for filing as a candidate at the
31 primaries apply to candidates for precinct committee officer(~~(, except~~
32 ~~that the filing period for this office alone is extended to and~~
33 ~~includes the Friday immediately following the last day for political~~
34 ~~parties to fill vacancies in the ticket as provided by RCW~~
35 ~~29A.28.010))~~). The office (~~(shall not)~~) must be voted upon at the
36 primaries, (~~(but)~~) and the names of all candidates must appear under
37 the proper party and office designations on the ballot for the

1 (~~general election~~) primary for each even-numbered year, and the one
2 receiving the highest number of votes will be declared elected.
3 However, to be declared elected, a candidate must receive at least ten
4 percent of the number of votes cast for the candidate of the
5 candidate's party receiving the greatest number of votes in the
6 precinct. The term of office of precinct committee officer is two
7 years, commencing (~~upon completion of the official canvass of votes by~~
8 ~~the county canvassing board of election returns~~) the first day of
9 December following the primary.

10 **Sec. 49.** RCW 29A.80.060 and 2003 c 111 s 2006 are each amended to
11 read as follows:

12 Within forty-five days after the statewide general election in
13 even-numbered years, the county chair of each major political party
14 shall call separate meetings of all elected precinct committee officers
15 in each legislative district(~~, a majority of the precincts of which~~
16 ~~are within a county with a population of one million or more~~) for the
17 purpose of electing a legislative district chair in such district. The
18 district chair shall hold office until the next legislative district
19 reorganizational meeting two years later, or until a successor is
20 elected.

21 The legislative district chair may be removed only by the majority
22 vote of the elected precinct committee officers in the chair's
23 district.

24 **Sec. 50.** RCW 29A.04.610 and 2003 c 111 s 161 are each amended to
25 read as follows:

26 The secretary of state as chief election officer shall make
27 reasonable rules in accordance with chapter 34.05 RCW not inconsistent
28 with the federal and state election laws to effectuate any provision of
29 this title and to facilitate the execution of its provisions in an
30 orderly, timely, and uniform manner relating to any federal, state,
31 county, city, town, and district elections. To that end the secretary
32 shall assist local election officers by devising uniform forms and
33 procedures.

34 In addition to the rule-making authority granted otherwise by this
35 section, the secretary of state shall make rules governing the
36 following provisions:

37 (1) The maintenance of voter registration records;

- 1 (2) The preparation, maintenance, distribution, review, and filing
2 of precinct maps;
- 3 (3) Standards for the design, layout, and production of ballots;
- 4 (4) The examination and testing of voting systems for
5 certification;
- 6 (5) The source and scope of independent evaluations of voting
7 systems that may be relied upon in certifying voting systems for use in
8 this state;
- 9 (6) Standards and procedures for the acceptance testing of voting
10 systems by counties;
- 11 (7) Standards and procedures for testing the programming of vote
12 tallying software for specific primaries and elections;
- 13 (8) Standards and procedures for the preparation and use of each
14 type of certified voting system including procedures for the operation
15 of counting centers where vote tallying systems are used;
- 16 (9) Standards and procedures to ensure the accurate tabulation and
17 canvassing of ballots;
- 18 (10) Consistency among the counties of the state in the preparation
19 of ballots, the operation of vote tallying systems, and the canvassing
20 of primaries and elections;
- 21 (11) Procedures to ensure the secrecy of a voter's ballot when a
22 small number of ballots are counted at the polls or at a counting
23 center;
- 24 (12) The use of substitute devices or means of voting when a voting
25 device at the polling place is found to be defective, the counting of
26 votes cast on the defective device, the counting of votes cast on the
27 substitute device, and the documentation that must be submitted to the
28 county auditor regarding such circumstances;
- 29 (13) Procedures for the transportation of sealed containers of
30 voted ballots or sealed voting devices;
- 31 (14) The acceptance and filing of documents via electronic
32 facsimile;
- 33 (15) Voter registration applications and records;
- 34 (16) The use of voter registration information in the conduct of
35 elections;
- 36 (17) The coordination, delivery, and processing of voter
37 registration records accepted by driver licensing agents or the
38 department of licensing;

- 1 (18) The coordination, delivery, and processing of voter
2 registration records accepted by agencies designated by the governor to
3 provide voter registration services;
- 4 (19) Procedures to receive and distribute voter registration
5 applications by mail;
- 6 (20) Procedures for a voter to change his or her voter registration
7 address within a county by telephone;
- 8 (21) Procedures for a voter to change the name under which he or
9 she is registered to vote;
- 10 (22) Procedures for canceling dual voter registration records and
11 for maintaining records of persons whose voter registrations have been
12 canceled;
- 13 (23) Procedures for the electronic transfer of voter registration
14 records between county auditors and the office of the secretary of
15 state;
- 16 (24) Procedures and forms for declarations of candidacy;
- 17 (25) Procedures and requirements for the acceptance and filing of
18 declarations of candidacy by electronic means;
- 19 (26) Procedures for the circumstance in which two or more
20 candidates have a name similar in sound or spelling so as to cause
21 confusion for the voter;
- 22 (27) Filing for office;
- 23 (28) The order of positions and offices on a ballot;
- 24 (29) Sample ballots;
- 25 (30) Independent evaluations of voting systems;
- 26 (31) The testing, approval, and certification of voting systems;
- 27 (32) The testing of vote tallying software programming;
- 28 (33) Standards and procedures to prevent fraud and to facilitate
29 the accurate processing and canvassing of absentee ballots and mail
30 ballots;
- 31 (34) Standards and procedures to guarantee the secrecy of absentee
32 ballots and mail ballots;
- 33 (35) Uniformity among the counties of the state in the conduct of
34 absentee voting and mail ballot elections;
- 35 (36) Standards and procedures to accommodate out-of-state voters,
36 overseas voters, and service voters;
- 37 (37) The tabulation of paper ballots before the close of the polls;
- 38 (38) The accessibility of polling places and registration
39 facilities that are accessible to elderly and disabled persons;

1 (39) The aggregation of precinct results if reporting the results
2 of a single precinct could jeopardize the secrecy of a person's ballot;

3 (40) Procedures for conducting a statutory recount;

4 (41) Procedures for filling vacancies in congressional offices if
5 the general statutory time requirements for availability of absentee
6 ballots, certification, canvassing, and related procedures cannot be
7 met;

8 (42) Procedures for the statistical sampling of signatures for
9 purposes of verifying and canvassing signatures on initiative,
10 referendum, and recall election petitions;

11 (43) Standards and deadlines for submitting material to the office
12 of the secretary of state for the voters' pamphlet;

13 (44) Deadlines for the filing of ballot titles for referendum bills
14 and constitutional amendments if none have been provided by the
15 legislature;

16 (45) Procedures for the publication of a state voters' pamphlet;
17 (~~and~~)

18 (46) Procedures for conducting special elections regarding nuclear
19 waste sites if the general statutory time requirements for availability
20 of absentee ballots, certification, canvassing, and related procedures
21 cannot be met; and

22 (47) Procedures for conducting partisan primary elections.

23 **Sec. 51.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
24 as follows:

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

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

36 (3) "Ballot proposition" means any "measure" as defined by RCW
37 (~~(29.01.110)~~) 29A.04.091, or any initiative, recall, or referendum
38 proposition proposed to be submitted to the voters of the state or any

1 municipal corporation, political subdivision, or other voting
2 constituency from and after the time when the proposition has been
3 initially filed with the appropriate election officer of that
4 constituency prior to its circulation for signatures.

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

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

9 (a) An organization that has filed a valid certificate of
10 nomination with the secretary of state under chapter ((29.24)) 29A.20
11 RCW;

12 (b) The governing body of the state organization of a major
13 political party, as defined in RCW ((29.01.090)) 29A.04.085, that is
14 the body authorized by the charter or bylaws of the party to exercise
15 authority on behalf of the state party; or

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

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

21 (7) "Treasurer" and "deputy treasurer" mean the individuals
22 appointed by a candidate or political committee, pursuant to RCW
23 42.17.050, to perform the duties specified in that section.

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

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

29 (b) Announces publicly or files for office;

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

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

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

37 (10) "Commercial advertiser" means any person who sells the service
38 of communicating messages or producing printed material for broadcast
39 or distribution to the general public or segments of the general public

1 whether through the use of newspapers, magazines, television and radio
2 stations, billboard companies, direct mail advertising companies,
3 printing companies, or otherwise.

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

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

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

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

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

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

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

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

30 (b) "Contribution" does not include:

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

33 (ii) Ordinary home hospitality;

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

37 (iv) A news item, feature, commentary, or editorial in a regularly
38 scheduled news medium that is of primary interest to the general

1 public, that is in a news medium controlled by a person whose business
2 is that news medium, and that is not controlled by a candidate or a
3 political committee;

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

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

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

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

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

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

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

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

1 (16) "Election" includes any primary, general, or special election
2 for public office and any election in which a ballot proposition is
3 submitted to the voters: PROVIDED, That an election in which the
4 qualifications for voting include other than those requirements set
5 forth in Article VI, section 1 (Amendment 63) of the Constitution of
6 the state of Washington shall not be considered an election for
7 purposes of this chapter.

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

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

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

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

34 (21) "General election" for the purposes of RCW 42.17.640 means the
35 election that results in the election of a person to a state office.
36 It does not include a primary.

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

38 (23) "Immediate family" includes the spouse, dependent children,
39 and other dependent relatives, if living in the household. For the

1 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
2 an individual's spouse, and child, stepchild, grandchild, parent,
3 stepparent, grandparent, brother, half brother, sister, or half sister
4 of the individual and the spouse of any such person and a child,
5 stepchild, grandchild, parent, stepparent, grandparent, brother, half
6 brother, sister, or half sister of the individual's spouse and the
7 spouse of any such person.

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

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

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

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

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

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

38 (c) A professional fund-raiser is not an intermediary if the fund-

1 raiser is compensated for fund-raising services at the usual and
2 customary rate.

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

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

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

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

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

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

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

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

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

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

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

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

25 (37) "Recall campaign" means the period of time beginning on the
26 date of the filing of recall charges under RCW (~~29.82.015~~) 29A.56.120
27 and ending thirty days after the recall election.

28 (38) "State legislative office" means the office of a member of the
29 state house of representatives or the office of a member of the state
30 senate.

31 (39) "State office" means state legislative office or the office of
32 governor, lieutenant governor, secretary of state, attorney general,
33 commissioner of public lands, insurance commissioner, superintendent of
34 public instruction, state auditor, or state treasurer.

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

36 (41) "Surplus funds" mean, in the case of a political committee or
37 candidate, the balance of contributions that remain in the possession
38 or control of that committee or candidate subsequent to the election
39 for which the contributions were received, and that are in excess of

1 the amount necessary to pay remaining debts incurred by the committee
2 or candidate prior to that election. In the case of a continuing
3 political committee, "surplus funds" mean those contributions remaining
4 in the possession or control of the committee that are in excess of the
5 amount necessary to pay all remaining debts when it makes its final
6 report under RCW 42.17.065.

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

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

18 NEW SECTION. **Sec. 52.** The following acts or parts of acts are
19 each repealed:

20 (1) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
21 2003 c 111 s 914;

22 (2) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;

23 (3) RCW 29A.52.120 (General election laws govern primaries) and
24 2003 c 111 s 1303;

25 (4) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
26 1304; and

27 (5) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
28 2405.

29 NEW SECTION. **Sec. 53.** If any provision of this act or its
30 application to any person or circumstance is held invalid, the
31 remainder of the act or the application of the provision to other
32 persons or circumstances is not affected.

33 NEW SECTION. **Sec. 54.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the
35 state government and its existing public institutions, and takes effect

1 immediately."

2 Correct the title.

--- END ---