
HOUSE BILL 2420

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hunter, Armstrong, Nixon, Tom, Hunt, Jarrett, Haigh, Ruderman, Clibborn, Upthegrove and Moeller

Read first time 01/14/2004. Referred to Committee on State Government.

1 AN ACT Relating to counting votes on ballots for write-in
2 candidates; amending RCW 29A.24.310 and 29.62.180; providing an
3 effective date; and providing an expiration date.

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

5 **Sec. 1.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
6 read as follows:

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

14 Votes cast for write-in candidates who have filed such declarations
15 of candidacy and write-in votes for persons appointed by political
16 parties pursuant to RCW 29A.28.020 need only specify the name of the
17 candidate in the appropriate location on the ballot in order to be
18 counted. Write-in votes cast for any other candidate, in order to be
19 counted, must designate the office sought and position number or

1 political party, if the manner in which the write-in is done does not
2 make the office or position clear. (~~In order for write in votes to be
3 valid in jurisdictions employing optical scan mark sense ballot systems
4 the voter must complete the proper mark next to the write in line for
5 that office.~~)

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

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

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

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

18 The declaration of candidacy shall be similar to that required by
19 RCW 29A.24.030. No write-in candidate filing under this section may be
20 included in any voter's pamphlet produced under chapter 29A.32 RCW
21 unless that candidate qualifies to have his or her name printed on the
22 general election ballot. The legislative authority of any jurisdiction
23 producing a local voter's pamphlet under chapter 29A.32 RCW may
24 provide, by ordinance, for the inclusion of write-in candidates in such
25 pamphlets.

26 **Sec. 2.** RCW 29.62.180 and 1999 c 157 s 3 are each amended to read
27 as follows:

28 (1) For any office at any election or primary, any voter may write
29 in on the ballot the name of any person for an office who has filed as
30 a write-in candidate for the office in the manner provided by RCW
31 29.04.180 and such vote shall be counted the same as if the name had
32 been printed on the ballot and marked by the voter. No write-in vote
33 made for any person who has not filed a declaration of candidacy
34 pursuant to RCW 29.04.180 is valid if that person filed for the same
35 office, either as a regular candidate or a write-in candidate, at the
36 preceding primary. Any abbreviation used to designate office,

1 position, or political party shall be accepted if the canvassing board
2 can determine, to their satisfaction, the voter's intent.

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

5 (3) Write-in votes cast for an individual candidate for an office
6 need not be tallied if the total number of write-in votes (~~cast~~) and
7 under votes recorded by the vote tabulation system for the office is
8 not greater than the number of votes cast for the candidate apparently
9 nominated or elected, and the write-in votes could not have altered the
10 outcome of the primary or election. In the case of write-in votes for
11 statewide office or for any office whose jurisdiction encompasses more
12 than one county, write-in votes for an individual candidate must be
13 tallied whenever the county auditor is notified by either the office of
14 the secretary of state or another auditor in a multicounty jurisdiction
15 that it appears that the write-in votes could alter the outcome of the
16 primary or election.

17 (4) In the case of statewide offices or jurisdictions that
18 encompass more than one county, if the total number of write-in votes
19 (~~cast~~) and under votes recorded by the vote tabulation system for an
20 office within a county is greater than the number of votes cast for a
21 candidate apparently nominated or elected in a primary or election, the
22 auditor shall tally all write-in votes for individual candidates for
23 that office and notify the office of the secretary of state and the
24 auditors of the other counties within the jurisdiction, that the write-
25 in votes for individual candidates should be tallied.

26 NEW SECTION. **Sec. 3.** Section 1 of this act takes effect July 1,
27 2004.

28 NEW SECTION. **Sec. 4.** Section 2 of this act expires July 1, 2004.

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