
SENATE BILL 5220

State of Washington 58th Legislature 2003 Regular Session

By Senators Schmidt, Reardon, Fairley, Carlson, Prentice and Kohl-
Welles; by request of Secretary of State

Read first time 01/20/2003. Referred to Committee on Government
Operations & Elections.

1 AN ACT Relating to the date of the primary; amending RCW 29.13.070,
2 29.13.010, 29.13.020, 29.15.020, 29.15.040, 29.15.050, 29.15.150,
3 29.15.170, 29.15.180, 29.15.190, 29.15.230, 29.19.030, 29.24.010,
4 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045,
5 29.24.055, 29.24.070, 29.24.060, 29.36.270, 29.38.020, 29.38.030,
6 29.62.020, 42.12.040, 42.17.080, 42.17.710, 42.52.185, 27.12.355,
7 27.12.370, 35.06.070, 35.13.1821, 35.61.360, 35A.14.299, 36.93.030,
8 52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070,
9 57.04.050, and 70.44.235; adding a new section to chapter 29.38 RCW;
10 repealing RCW 29.01.160; and providing an effective date.

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

12 **Sec. 1.** RCW 29.13.070 and 1977 ex.s. c 361 s 29 are each amended
13 to read as follows:

14 Nominating primaries for general elections to be held in November
15 ((shall)) must be held at the regular polling places in each precinct
16 on the ((third)) second Tuesday of the preceding ((September or on the
17 seventh Tuesday immediately preceding such general election, whichever
18 occurs first)) June.

1 **Sec. 2.** RCW 29.13.010 and 1994 c 142 s 1 are each amended to read
2 as follows:

3 (1) All state, county, city, town, and district general elections
4 for the election of federal, state, legislative, judicial, county,
5 city, town, district, and precinct officers, and for the submission to
6 the voters of the state, county, city, town, or district of any measure
7 for their adoption and approval or rejection, shall be held on the
8 first Tuesday after the first Monday of November, in the year in which
9 they may be called. A statewide general election shall be held on the
10 first Tuesday after the first Monday of November of each year:
11 PROVIDED, That the statewide general election held in odd-numbered
12 years shall be limited to (a) city, town, and district general
13 elections as provided for in RCW 29.13.020, or as otherwise provided by
14 law; (b) the election of federal officers for the remainder of any
15 unexpired terms in the membership of either branch of the congress of
16 the United States; (c) the election of state and county officers for
17 the remainder of any unexpired terms of offices created by or whose
18 duties are described in Article II, section 15, Article III, sections
19 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
20 state Constitution and RCW 2.06.080; (d) the election of county
21 officers in any county governed by a charter containing provisions
22 calling for general county elections at this time; and (e) the approval
23 or rejection of state measures, including proposed constitutional
24 amendments, matters pertaining to any proposed constitutional
25 convention, initiative measures and referendum measures proposed by the
26 electorate, referendum bills, and any other matter provided by the
27 legislature for submission to the electorate.

28 (2) A county legislative authority may, if it deems an emergency to
29 exist, call a special county election by presenting a resolution to the
30 county auditor at least (~~forty five days prior to~~) fifty-two days
31 before the proposed election date. Except as provided in subsection
32 (4) of this section, a special election called by the county
33 legislative authority shall be held on one of the following dates as
34 decided by such governing body:

- 35 (a) The first Tuesday after the first Monday in February;
- 36 (b) The second Tuesday in March;
- 37 (c) The fourth Tuesday in April;
- 38 (d) (~~The third Tuesday in May;~~

1 ~~(e)~~) The day of the primary as specified by RCW 29.13.070;

2 (e) The first Tuesday after the second Wednesday in September; or

3 (f) The first Tuesday after the first Monday in November.

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

10 (4) In a presidential election year, if a presidential preference
11 primary is conducted in February, March, or April(~~(, or May)~~) under
12 chapter 29.19 RCW, the date on which a special election may be called
13 by the county legislative authority under subsection (2) of this
14 section during the month of that primary is the date of the
15 presidential primary.

16 (5) This section shall supersede the provisions of any and all
17 other statutes, whether general or special in nature, having different
18 dates for such city, town, and district elections, the purpose of this
19 section being to establish mandatory dates for holding elections except
20 for those elections held pursuant to a home-rule charter adopted under
21 Article XI, section 4 of the state Constitution. This section shall
22 not be construed as fixing the time for holding primary elections, or
23 elections for the recall of any elective public officer.

24 **Sec. 3.** RCW 29.13.020 and 2002 c 43 s 2 are each amended to read
25 as follows:

26 (1) All city, town, and district general elections shall be held
27 throughout the state of Washington on the first Tuesday following the
28 first Monday in November in the odd-numbered years.

29 This section shall not apply to:

30 (a) Elections for the recall of any elective public officer;

31 (b) Public utility districts, conservation districts, or district
32 elections at which the ownership of property within those districts is
33 a prerequisite to voting, all of which elections shall be held at the
34 times prescribed in the laws specifically applicable thereto;

35 (c) Consolidation proposals as provided for in chapter 28A.315 RCW
36 (~~(28A.315.280)~~) and nonhigh capital fund aid proposals as provided for
37 in chapter 28A.540 RCW.

1 (2) The county auditor, as ex officio supervisor of elections, upon
2 request in the form of a resolution of the governing body of a city,
3 town, or district, presented to the auditor at least (~~forty-five days~~
4 ~~prior to~~) fifty-two days before the proposed election date, may, if
5 the county auditor deems an emergency to exist, call a special election
6 in such city, town, or district, and for the purpose of such special
7 election he or she may combine, unite, or divide precincts. Except as
8 provided in subsection (3) of this section, such a special election
9 shall be held on one of the following dates as decided by the governing
10 body:

11 (a) The first Tuesday after the first Monday in February;

12 (b) The second Tuesday in March;

13 (c) The fourth Tuesday in April;

14 (d) (~~The third Tuesday in May;~~

15 ~~e~~) The day of the primary election as specified by RCW
16 29.13.070;

17 (e) The first Tuesday after the second Wednesday in September; or

18 (f) The first Tuesday after the first Monday in November.

19 (3) In a presidential election year, if a presidential preference
20 primary is conducted in February, March, or April(~~, or May~~) under
21 chapter 29.19 RCW, the date on which a special election may be called
22 under subsection (2) of this section during the month of that primary
23 is the date of the presidential primary.

24 (4) In addition to subsection (2)(a) through (f) of this section,
25 a special election to validate an excess levy or bond issue may be
26 called at any time to meet the needs resulting from fire, flood,
27 earthquake, or other act of God, except that no special election may be
28 held between the first day for candidates to file for public office and
29 the last day to certify the returns of the general election other than
30 as provided in subsection (2)(~~e~~) (d) and (f) of this section. Such
31 special election shall be conducted and notice thereof given in the
32 manner provided by law.

33 (5) This section shall supersede the provisions of any and all
34 other statutes, whether general or special in nature, having different
35 dates for such city, town, and district elections, the purpose of this
36 section being to establish mandatory dates for holding elections.

1 **Sec. 4.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read
2 as follows:

3 Except where otherwise provided by this title, declarations of
4 candidacy for the following offices shall be filed during regular
5 business hours with the filing officer no earlier than (~~the fourth~~
6 ~~Monday in July~~) sixty-four days before the date of the primary
7 established by RCW 29.13.070 and no later than the following Friday in
8 the year in which the office is scheduled to be voted upon:

9 (1) Offices that are scheduled to be voted upon for full terms or
10 both full terms and short terms at, or in conjunction with, a state
11 general election; and

12 (2) Offices where a vacancy, other than a short term, exists that
13 has not been filled by election and for which an election to fill the
14 vacancy is required in conjunction with the next state general
15 election.

16 This section supersedes all other statutes that provide for a
17 different filing period for these offices.

18 **Sec. 5.** RCW 29.15.040 and 1987 c 110 s 2 are each amended to read
19 as follows:

20 Any candidate may mail his or her declaration of candidacy for an
21 office to the filing officer. Such declarations of candidacy shall be
22 processed by the filing officer in the following manner:

23 (1) Any declaration received by the filing officer by mail before
24 the (~~tenth~~) fifteenth business day immediately preceding the first
25 day for candidates to file for office shall be returned to the
26 candidate submitting it, together with a notification that the
27 declaration of candidacy was received too early to be processed. The
28 candidate shall then be permitted to resubmit his or her declaration of
29 candidacy during the filing period.

30 (2) Any properly executed declaration of candidacy received by mail
31 on or after the tenth business day immediately preceding the first day
32 for candidates to file for office and before the close of business on
33 the last day of the filing period shall be included with filings made
34 in person during the filing period. In partisan and judicial elections
35 the filing officer shall determine by lot the order in which the names
36 of those candidates shall appear upon sample and absentee primary
37 ballots.

1 (3) Any declaration of candidacy received by the filing officer
2 after the close of business on the last day for candidates to file for
3 office shall be rejected and returned to the candidate attempting to
4 file it.

5 **Sec. 6.** RCW 29.15.050 and 1999 c 298 s 10 are each amended to read
6 as follows:

7 A filing fee of one dollar shall accompany each declaration of
8 candidacy for precinct committee officer; a filing fee of ten dollars
9 shall accompany the declaration of candidacy for any office with a
10 fixed annual salary of one thousand dollars or less; a filing fee equal
11 to one percent of the annual salary of the office at the time of
12 filing, rounded to the nearest whole dollar, shall accompany the
13 declaration of candidacy for any office with a fixed annual salary of
14 more than one thousand dollars per annum. No filing fee need accompany
15 a declaration of candidacy for any office for which compensation is on
16 a per diem or per meeting attended basis.

17 A candidate who lacks sufficient assets or income at the time of
18 filing to pay the filing fee required by this section shall submit with
19 his or her declaration of candidacy a nominating petition. The
20 petition shall contain not less than a number of signatures of
21 registered voters equal to the number of dollars of the filing fee.
22 The signatures shall be of voters registered to vote within the
23 jurisdiction of the office for which the candidate is filing.

24 When the candidacy is for:

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

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

32 **Sec. 7.** RCW 29.15.150 and 1973 c 4 s 3 are each amended to read as
33 follows:

34 Whenever it shall be necessary to hold a special election in an
35 odd-numbered year to fill an unexpired term of any office which is
36 scheduled to be voted upon for a full term in an even-numbered year, no

1 ((September)) primary election shall be held in the odd-numbered year
2 if, after the last day allowed for candidates to withdraw, either of
3 the following circumstances exist:

4 (1) No more than one candidate of each qualified political party
5 has filed a declaration of candidacy for the same partisan office to be
6 filled; or

7 (2) No more than two candidates have filed a declaration of
8 candidacy for a single nonpartisan office to be filled.

9 In either event, the officer with whom the declarations of
10 candidacy were filed shall immediately notify all candidates concerned
11 and the names of the candidates that would have been printed upon the
12 ((September)) primary ballot, but for the provisions of this section,
13 shall be printed as nominees for the positions sought upon the November
14 general election ballot.

15 **Sec. 8.** RCW 29.15.170 and 2001 c 46 s 1 are each amended to read
16 as follows:

17 Filings for a nonpartisan office shall be reopened for a period of
18 three normal business days, such three day period to be fixed by the
19 election officer with whom such declarations of candidacy are filed and
20 notice thereof given by notifying press, radio, and television in the
21 county and by such other means as may now or hereafter be provided by
22 law whenever before the ((sixth)) seventh Tuesday prior to a primary:

23 (1) A void in candidacy occurs;

24 (2) A vacancy occurs in any nonpartisan office leaving an unexpired
25 term to be filled by an election for which filings have not been held;
26 or

27 (3) A nominee for judge of the superior court entitled to a
28 certificate of election pursuant to Article 4, section 29, Amendment 41
29 of the state Constitution, dies or is disqualified.

30 Candidacies validly filed within said three-day period shall appear
31 on the ballot as if made during the earlier filing period.

32 **Sec. 9.** RCW 29.15.180 and 2001 c 46 s 2 are each amended to read
33 as follows:

34 Filings for a nonpartisan office (other than judge of the supreme
35 court or superintendent of public instruction) shall be reopened for a
36 period of three normal business days, such three day period to be fixed

1 by the election officer with whom such declarations of candidacy are
2 filed and notice thereof given by notifying press, radio, and
3 television in the county and by such other means as may now or
4 hereafter be provided by law, when:

5 (1) A void in candidacy for such nonpartisan office occurs on or
6 after the ((~~sixth~~)) seventh Tuesday prior to a primary but prior to the
7 ((~~sixth~~)) seventh Tuesday before an election; or

8 (2) A nominee for judge of the superior court eligible after a
9 contested primary for a certificate of election by Article 4, section
10 29, Amendment 41 of the state Constitution, dies or is disqualified
11 within the ten day period immediately following the last day allotted
12 for a candidate to withdraw; or

13 (3) A vacancy occurs in any nonpartisan office on or after the
14 ((~~sixth~~)) seventh Tuesday prior to a primary but prior to the ((~~sixth~~))
15 seventh Tuesday before an election leaving an unexpired term to be
16 filled by an election for which filings have not been held.

17 The candidate receiving a plurality of the votes cast for that
18 office in the general election shall be deemed elected.

19 **Sec. 10.** RCW 29.15.190 and 2002 c 108 s 1 are each amended to read
20 as follows:

21 A scheduled election shall be lapsed, the office deemed stricken
22 from the ballot, no purported write-in votes counted, and no candidate
23 certified as elected, when:

24 (1) In an election for judge of the supreme court or superintendent
25 of public instruction, a void in candidacy occurs on or after the
26 ((~~sixth~~)) seventh Tuesday prior to a primary, public filings and the
27 primary being an indispensable phase of the election process for such
28 offices;

29 (2) Except as otherwise specified in RCW 29.15.180, ((~~as now or~~
30 ~~hereafter amended,~~)) a nominee for judge of the superior court entitled
31 to a certificate of election pursuant to Article 4, section 29,
32 Amendment 41 of the state Constitution dies or is disqualified on or
33 after the ((~~sixth~~)) seventh Tuesday prior to a primary;

34 (3) In other elections for nonpartisan office a void in candidacy
35 occurs or a vacancy occurs involving an unexpired term to be filled on
36 or after the ((~~sixth~~)) seventh Tuesday prior to an election.

1 **Sec. 11.** RCW 29.15.230 and 2001 c 46 s 3 are each amended to read
2 as follows:

3 Filings for a partisan elective office shall be opened for a period
4 of three normal business days whenever, on or after the first day of
5 the regular filing period and before the (~~sixth~~) seventh Tuesday
6 prior to a primary, a vacancy occurs in that office, leaving an
7 unexpired term to be filled by an election for which filings have not
8 been held.

9 Any such special three-day filing period shall be fixed by the
10 election officer with whom declarations of candidacy for that office
11 are filed. The election officer shall give notice of the special
12 three-day filing period by notifying the press, radio, and television
13 in the county or counties involved, and by such other means as may be
14 required by law.

15 Candidacies validly filed within the special three-day filing
16 period shall appear on the primary ballot as if filed during the
17 regular filing period.

18 **Sec. 12.** RCW 29.19.030 and 1989 c 4 s 3 are each amended to read
19 as follows:

20 The name of any candidate for a major political party nomination
21 for president of the United States shall be printed on the presidential
22 preference primary ballot of a major political party only:

23 (1) By direction of the secretary of state, who in the secretary's
24 sole discretion has determined that the candidate's candidacy is
25 generally advocated or is recognized in national news media; or

26 (2) If members of the political party of the candidate have
27 presented a petition for nomination of the candidate that has attached
28 to the petition a sheet or sheets containing the signatures of at least
29 one thousand registered voters who declare themselves in the petition
30 as being affiliated with the same political party as the presidential
31 candidate. The petition shall be filed with the secretary of state not
32 later than the (~~thirty-ninth~~) fifty-second day before the
33 presidential preference primary. The signature sheets shall also
34 contain the residence address and name or number of the precinct of
35 each registered voter whose signature appears thereon and shall be
36 certified in the manner prescribed in RCW 29.79.200 and 29.79.210.

1 The secretary of state shall place the name of the candidate on the
2 ballot unless the candidate, at least (~~(thirty-five)~~) forty-five days
3 before the presidential preference primary, executes and files with the
4 secretary of state an affidavit stating without qualification that he
5 or she is not now and will not become a candidate for the office of
6 president of the United States at the forthcoming presidential
7 election. The secretary of state shall certify the names of all
8 candidates who will appear on the presidential preference primary
9 ballot to the respective county auditors on or before the fourth
10 Tuesday in April of each presidential election year.

11 **Sec. 13.** RCW 29.24.010 and 1977 ex.s. c 329 s 1 are each amended
12 to read as follows:

13 (~~(A "convention" for the purposes of this chapter, is an organized~~
14 ~~assemblage of registered voters representing an independent candidate~~
15 ~~or candidates or a new or minor political party, organization, or~~
16 ~~principle.)) As used in this chapter, the term "election jurisdiction"~~
17 shall mean the state or any political subdivision or jurisdiction of
18 the state from which partisan officials are elected. This term shall
19 include county commissioner districts or council districts for members
20 of a county legislative authority, counties for county officials who
21 are nominated and elected on a county-wide basis, legislative districts
22 for members of the legislature, congressional districts for members of
23 congress, and the state for president and vice president, members of
24 the United States senate, and state officials who are elected on a
25 statewide basis.

26 **Sec. 14.** RCW 29.24.020 and 2001 c 30 s 2 are each amended to read
27 as follows:

28 (1) Any nomination of a candidate for partisan public office by
29 other than a major political party may be made only(~~(a) In a~~
30 ~~convention held not~~) by petition conducted no earlier than the (~~last~~
31 ~~Saturday in June~~) first day of January and not later than the first
32 (~~Saturday in July or during any of the seven days immediately~~
33 ~~preceding the first day for filing declarations of candidacy as fixed~~
34 ~~in accordance with RCW 29.68.080; (b) as provided by RCW 29.62.180;~~)
35 day of April or (~~(c)~~) as otherwise provided in this section.

1 (2) Nominations of candidates for president and vice president of
2 the United States other than by a major political party may be made
3 ~~((either at a convention))~~ by petition conducted under subsection (1)
4 of this section, ~~((or at a similar convention))~~ taking place not
5 earlier than the first ~~((Sunday in July))~~ day of January and not later
6 than ~~((seventy days before the general election. Conventions held~~
7 ~~during this time period may not nominate candidates for any public~~
8 ~~office other than president and vice president of the United States,~~
9 ~~except as provided in subsection (3) of this section))~~ the last day of
10 June.

11 (3) If a special filing period for a partisan office is opened
12 under RCW 29.15.230, candidates of minor political parties and
13 independent candidates may file for office during that special filing
14 period. The names of those candidates may not appear on the ballot
15 unless they are nominated by ~~((convention held))~~ petition no later than
16 five days after the close of the special filing period and a
17 certificate of nomination is filed with the filing officer ~~((no later~~
18 ~~than three days after the convention))~~. The requirements of RCW
19 29.24.025 do not apply to such a ~~((convention))~~ petition nomination.
20 If primary ballots or a voters' pamphlet are ordered to be printed
21 before the deadline for submitting the certificate of nomination and
22 the certificate has not been filed, then the candidate's name will be
23 included but may not appear on the general election ballot unless the
24 certificate is timely filed and the candidate otherwise qualifies to
25 appear on that ballot.

26 (4) A minor political party may ~~((hold more than one convention but~~
27 ~~in no case shall any such party))~~ not nominate more than one candidate
28 for any one partisan public office or position. ~~((For the purpose of~~
29 ~~nominating candidates for the offices of president and vice president,~~
30 ~~United States senator, or a statewide office, a minor party or~~
31 ~~independent candidate holding multiple conventions may add together the~~
32 ~~number of signatures of different individuals from each convention~~
33 ~~obtained in support of the candidate or candidates in order to obtain~~
34 ~~the number required by RCW 29.24.030. For all other offices for which~~
35 ~~nominations are made, signatures of the requisite number of registered~~
36 ~~voters must be obtained at a single convention.))~~

1 **Sec. 15.** RCW 29.24.025 and 1989 c 215 s 1 are each amended to read
2 as follows:

3 Each minor party or independent candidate must publish a notice in
4 a newspaper of general circulation within the county in which the party
5 or the candidate intends to ~~((hold a convention))~~ gather petitions.
6 The notice must appear at least ten days before the ~~((convention is to
7 be held, and shall state the date, time, and place of the convention))~~
8 first day petition signatures are gathered. Additionally, it shall
9 include the mailing address of the person or organization ~~((sponsoring
10 the convention))~~ gathering signatures.

11 **Sec. 16.** RCW 29.24.030 and 1989 c 215 s 3 are each amended to read
12 as follows:

13 ~~((1) To be valid, a convention must be attended by at least
14 twenty five registered voters.~~

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

24 **Sec. 17.** RCW 29.24.035 and 2001 c 64 s 1 are each amended to read
25 as follows:

26 A nominating petition submitted under this chapter shall clearly
27 identify the name of the minor party or independent candidate
28 ~~((convention))~~ as it appears on the certificate of nomination as
29 required by RCW 29.24.040~~((3))~~. The petition shall also contain a
30 statement that the person signing the petition is a registered voter of
31 the state of Washington and shall have a space for the voter to sign
32 his or her name and to print his or her name and address. No person
33 may sign more than one nominating petition under this chapter for an
34 office for a primary or election.

1 **Sec. 18.** RCW 29.24.040 and 1989 c 215 s 4 are each amended to read
2 as follows:

3 A certificate evidencing nominations (~~((made at a convention))~~) by
4 petition must:

5 (1) Be in writing;

6 (2) Contain the name of each person nominated, his residence, and
7 the office for which he is named, and if the nomination is for the
8 offices of president and vice president of the United States, a sworn
9 statement from both nominees giving their consent to the nomination;

10 (3) Identify the minor political party or the independent candidate
11 on whose behalf the (~~(convention was held))~~ petition was circulated;

12 (4) Be verified by the oath of the presiding officer and secretary;

13 (5) Be accompanied by a nominating petition or petitions bearing
14 the signatures and addresses of registered voters equal in number to
15 that required by RCW 29.24.030;

16 (6) Contain proof of publication of the notice (~~(of calling the~~
17 ~~convention))~~ required in RCW 29.24.025; and

18 (7) Be submitted to the (~~(appropriate))~~ same filing officer with
19 whom a declaration of candidacy is filed as required by RCW 29.15.030
20 not later than (~~(one week following the adjournment of the convention~~
21 ~~at which the nominations were made. If the nominations are made only~~
22 ~~for offices whose jurisdiction is entirely within one county, the~~
23 ~~certificate and nominating petitions must be filed with the county~~
24 ~~auditor. If a minor party or independent candidate convention~~
25 ~~nominates any candidates for offices whose jurisdiction encompasses~~
26 ~~more than one county, all nominating petitions and the convention~~
27 ~~certificates must be filed with the secretary of state))~~ five days
28 after the last day for the petition to be circulated under RCW
29 29.24.020.

30 **Sec. 19.** RCW 29.24.045 and 2001 c 30 s 4 are each amended to read
31 as follows:

32 (1) If two or more valid certificates of nomination are filed
33 purporting to nominate different candidates for the same position using
34 the same party name, the filing officer must give effect to both
35 certificates. If conflicting claims to the party name are not resolved
36 either by mutual agreement or by a judicial determination of the right
37 to the name, the candidates must be treated as independent candidates.

1 Disputes over the right to the name must not be permitted to delay the
2 printing of either ballots or a voters' pamphlet. Other candidates
3 nominated (~~by~~) under the same (~~conventions~~) certificate may
4 continue to use the partisan affiliation unless a court of competent
5 jurisdiction directs otherwise.

6 (2) A person affected may petition the superior court of the county
7 in which the filing officer is located for a judicial determination of
8 the right to the name of a minor political party, either before or
9 after documents are filed with the filing officer. The court shall
10 resolve the conflict between competing claims to the use of the same
11 party name according to the following principles: (a) The prior
12 established public use of the name during previous elections by a party
13 composed of or led by the same individuals or individuals in documented
14 succession; (b) prior established public use of the name earlier in the
15 same election cycle; (c) the nomination of a more complete slate of
16 candidates for a number of offices or in a number of different regions
17 of the state; (d) documented affiliation with a national or statewide
18 party organization with an established use of the name; (e) the first
19 date of filing of a certificate of nomination; and (f) such other
20 indicia of an established right to use of the name as the court may
21 deem relevant. If more than one filing officer is involved, and one of
22 them is the secretary of state, the petition must be filed in the
23 superior court for Thurston county. Upon resolving the conflict
24 between competing claims, the court may also address any ballot
25 designation for the candidate who does not prevail.

26 **Sec. 20.** RCW 29.24.055 and 1989 c 215 s 6 are each amended to read
27 as follows:

28 A minor political party or independent candidate (~~convention~~
29 ~~nominating candidates~~) for the offices of president and vice president
30 of the United States shall, not later than ten days after the
31 (~~adjournment of the convention~~) submission of the certificate of
32 nomination and petition, submit a list of presidential electors to the
33 office of the secretary of state. The list shall contain the names and
34 the mailing addresses of the persons selected and shall be verified by
35 the presiding officer (~~of the convention~~).

1 **Sec. 21.** RCW 29.24.070 and 1990 c 59 s 103 are each amended to
2 read as follows:

3 Not later than the Friday immediately preceding the first day for
4 candidates to file, the secretary of state shall notify the county
5 auditors of the names and designations of all minor party and
6 independent candidates who have filed valid ~~((convention))~~ petition
7 certificates and nominating petitions with that office. Except for the
8 offices of president and vice president, persons nominated under this
9 chapter shall file declarations of candidacy as provided by RCW
10 29.15.010 and 29.15.030. The name of a minor party or independent
11 candidate nominated ~~((at a convention shall))~~ by petition may not be
12 printed upon the primary ballot unless ~~((he))~~ the candidate pays the
13 fee required by law to be paid by candidates for the same office to be
14 nominated at a primary.

15 **Sec. 22.** RCW 29.24.060 and 1989 c 215 s 7 are each amended to read
16 as follows:

17 Upon the receipt of the certificate of nomination, the officer with
18 whom it is filed shall check the certificate and canvass the signatures
19 on the accompanying nominating petitions to determine if the
20 requirements of RCW 29.24.030 have been met. Once the determination
21 has been made, the filing officer shall notify the presiding officer
22 ~~((of the convention))~~ and any other persons requesting the
23 notification~~((r))~~ of his or her decision regarding the sufficiency of
24 the certificate or the nominating petitions. Any appeal regarding the
25 filing officer's determination must be filed with the superior court of
26 the county in which the certificate or petitions were filed not later
27 than five days from the date the determination is made, and shall be
28 heard and finally disposed of by the court within five days of the
29 filing. Nominating petitions shall not be available for public
30 inspection or copying.

31 **Sec. 23.** RCW 29.36.270 and 1987 c 54 s 1 are each amended to read
32 as follows:

33 Except where a recount or litigation under RCW 29.04.030 is
34 pending, the county auditor shall have sufficient absentee ballots
35 ready to mail to absentee voters of that county, other than overseas
36 voters or service voters, at least twenty days before any primary,

1 general election, or special election. At least thirty days before a
2 primary, general election, or special election, the county auditor
3 shall mail absentee ballots to all overseas and service voters who have
4 submitted valid requests for absentee ballots. A request for an
5 absentee ballot made by an overseas voter or service voter after that
6 day must be processed immediately.

7 **Sec. 24.** RCW 29.38.020 and 2001 c 241 s 16 are each amended to
8 read as follows:

9 At any nonpartisan special election not being held in conjunction
10 with a state primary or general election, the county, city, town, or
11 district requesting the election pursuant to RCW 29.13.010 or 29.13.020
12 may also request that the special election be conducted by mail ballot.
13 The county auditor may honor the request or may determine that the
14 election is not to be conducted by mail ballot. The decision of the
15 county auditor in this regard is final.

16 ~~((For all special elections not being held in conjunction with a~~
17 ~~state primary or state general election where voting is conducted by~~
18 ~~mail ballot, the county auditor shall, not less than twenty days before~~
19 ~~the date of such election, make available to each registered voter a~~
20 ~~mail ballot.))~~ The auditor shall handle inactive voters in the same
21 manner as inactive voters in mail ballot precincts.

22 **Sec. 25.** RCW 29.38.030 and 2001 c 241 s 17 are each amended to
23 read as follows:

24 ~~((In an odd numbered year,))~~ The county auditor may conduct a
25 primary or a special election held in conjunction with a primary by
26 mail ballot ~~((concurrently with the primary:~~

27 ~~(1) For an office or ballot measure of a special purpose district~~
28 ~~that is entirely within the county;~~

29 ~~(2) For an office or ballot measure of a special purpose district~~
30 ~~that lies in the county and one or more other counties if the auditor~~
31 ~~first secures the concurrence of the county auditors of those other~~
32 ~~counties to conduct the primary in this manner district wide; and~~

33 ~~(3) For a ballot measure or nonpartisan office of a county, city,~~
34 ~~or town if the auditor first secures the concurrence of the legislative~~
35 ~~authority of the county, city, or town involved)).~~

1 For a primary held in an odd-numbered year, the county auditor
2 shall notify ~~((an))~~ each election jurisdiction for which a primary is
3 to be held that the primary will be conducted by mail ballot. For a
4 primary held in an even-numbered year, the county auditor shall notify
5 the secretary of state that the primary will be conducted by mail
6 ballot. The county auditor shall include in the notice required by RCW
7 29.27.030 information pertaining to a primary conducted by mail ballot
8 according to this section.

9 ~~((A primary in an odd numbered year may not be conducted by mail~~
10 ~~ballot in a precinct with two hundred or more active registered voters~~
11 ~~if a partisan office or state office or state ballot measure is to be~~
12 ~~voted upon at that primary in the precinct.))~~

13 To the extent they are not inconsistent with other provisions of
14 law, the laws governing the conduct of mail ballot special elections
15 apply to nonpartisan primaries conducted by mail ballot.

16 NEW SECTION. Sec. 26. A new section is added to chapter 29.38 RCW
17 to read as follows:

18 Except where a recount or litigation under RCW 29.04.030 is
19 pending, the county auditor shall have sufficient mail ballots ready to
20 mail to voters of that county, other than overseas voters or service
21 voters, at least twenty days before a primary, general election, or
22 special election. At least thirty days before a primary, general
23 election, or special election, the county auditor shall mail ballots to
24 all overseas voters and service voters. A request for a ballot made by
25 an overseas voter or service voter after that day must be processed
26 immediately.

27 **Sec. 27.** RCW 29.62.020 and 1999 c 259 s 4 are each amended to read
28 as follows:

29 (1) At least every third day after a special election, primary, or
30 general election and before certification of the election results,
31 except Sundays and legal holidays, the county auditor shall convene the
32 county canvassing board or their designees to process absentee ballots
33 and canvass the votes cast at that special election, primary, or
34 general election, if the county auditor is in possession of more than
35 twenty-five ballots that have yet to be canvassed. The county auditor
36 may use his or her discretion in determining when to convene the

1 canvassing board or their designees during the final four days before
2 the certification of election results in order to protect the secrecy
3 of any ballot.

4 Each absentee ballot previously not canvassed that was received by
5 the county auditor two days or more before the convening of the
6 canvassing board or their designees and that either was received by the
7 county auditor before the closing of the polls on the day of the
8 special election, primary, or general election for which it was issued,
9 or that bears a date of mailing on or before the special election,
10 primary, or general election for which it was issued, must be processed
11 at that time. The tabulation of votes that results from that day's
12 canvass must be made available to the general public immediately upon
13 completion of the canvass.

14 (2) On the (~~tenth~~) fifteenth day after a special election (~~(or~~
15 ~~a))~~, primary (~~and on the fifteenth day after a~~), or general election,
16 the canvassing board shall complete the canvass and certify the
17 results. Each absentee ballot that was returned before the closing of
18 the polls on the date of the primary or election for which it was
19 issued, and each absentee ballot with a date of mailing on or before
20 the date of the primary or election for which it was issued and
21 received on or before the date on which the primary or election is
22 certified, shall be included in the canvass report.

23 (3) At the request of any caucus of the state legislature, the
24 county auditor shall transmit copies of all unofficial returns of state
25 and legislative primaries or elections prepared by or for the county
26 canvassing board to either the secretary of the senate or the chief
27 clerk of the house.

28 **Sec. 28.** RCW 42.12.040 and 2002 c 108 s 2 are each amended to read
29 as follows:

30 If a vacancy occurs in any partisan elective office in the
31 executive or legislative branches of state government or in any
32 partisan county elective office before the (~~sixth~~) seventh Tuesday
33 prior to the primary for the next general election following the
34 occurrence of the vacancy, a successor shall be elected to that office
35 at that general election. Except during the last year of the term of
36 office, if such a vacancy occurs on or after the (~~sixth~~) seventh
37 Tuesday prior to the primary for that general election, the election of

1 the successor shall occur at the next succeeding general election. The
2 elected successor shall hold office for the remainder of the unexpired
3 term. This section shall not apply to any vacancy occurring in a
4 charter county which has charter provisions inconsistent with this
5 section.

6 **Sec. 29.** RCW 42.17.080 and 2002 c 75 s 2 are each amended to read
7 as follows:

8 (1) On the day the treasurer is designated, each candidate or
9 political committee shall file with the commission and the county
10 auditor or elections officer of the county in which the candidate
11 resides, or in the case of a political committee, the county in which
12 the treasurer resides, in addition to any statement of organization
13 required under RCW 42.17.040 or 42.17.050, a report of all
14 contributions received and expenditures made prior to that date, if
15 any.

16 (2) At the following intervals each treasurer shall file with the
17 commission and the county auditor or elections officer of the county in
18 which the candidate resides, or in the case of a political committee,
19 the county in which the committee maintains its office or headquarters,
20 and if there is no office or headquarters then in the county in which
21 the treasurer resides, a report containing the information required by
22 RCW 42.17.090:

23 (a) On the twenty-first day and the seventh day immediately
24 preceding the date on which the election is held; and

25 (b) On the tenth day of the first month after the election(~~+~~
26 ~~PROVIDED, That this report shall not be required following a primary~~
27 ~~election from:~~

28 ~~(i) A candidate whose name will appear on the subsequent general~~
29 ~~election ballot; or~~

30 ~~(ii) Any continuing political committee)); and~~

31 (c) On the tenth day of each month in which no other reports are
32 required to be filed under this section: PROVIDED, That such report
33 shall only be filed if the committee has received a contribution or
34 made an expenditure in the preceding calendar month and either the
35 total contributions received or total expenditures made since the last
36 such report exceed two hundred dollars.

1 When there is no outstanding debt or obligation, and the campaign
2 fund is closed, and the campaign is concluded in all respects, and in
3 the case of a political committee, the committee has ceased to function
4 and has dissolved, the treasurer shall file a final report. Upon
5 submitting a final report, the duties of the treasurer shall cease and
6 there shall be no obligation to make any further reports.

7 The report filed twenty-one days before the election shall report
8 all contributions received and expenditures made as of the end of the
9 fifth business day before the date of the report. The report filed
10 seven days before the election shall report all contributions received
11 and expenditures made as of the end of the one business day before the
12 date of the report. Reports filed on the tenth day of the month shall
13 report all contributions received and expenditures made from the
14 closing date of the last report filed through the last day of the month
15 preceding the date of the current report.

16 (3) For the period beginning the first day of the fourth month
17 preceding the date on which the special (~~or general~~) election is
18 held, or for the period beginning the first day of the seventh month
19 before the date on which the general election is held, and ending on
20 the date of that special or general election, each Monday the treasurer
21 shall file with the commission and the appropriate county elections
22 officer a report of each bank deposit made during the previous seven
23 calendar days. The report shall contain the name of each person
24 contributing the funds so deposited and the amount contributed by each
25 person. However, contributions of no more than twenty-five dollars in
26 the aggregate from any one person may be deposited without identifying
27 the contributor. A copy of the report shall be retained by the
28 treasurer for his or her records. In the event of deposits made by a
29 deputy treasurer, the copy shall be forwarded to the treasurer for his
30 or her records. Each report shall be certified as correct by the
31 treasurer or deputy treasurer making the deposit.

32 (4) If a city requires that candidates or committees for city
33 offices file reports with a city agency, the candidate or treasurer so
34 filing need not also file the report with the county auditor or
35 elections officer.

36 (5) The treasurer or candidate shall maintain books of account
37 accurately reflecting all contributions and expenditures on a current
38 basis within five business days of receipt or expenditure. During the

1 eight days immediately preceding the date of the election the books of
2 account shall be kept current within one business day. As specified in
3 the committee's statement of organization filed under RCW 42.17.040,
4 the books of account must be open for public inspection as follows:

5 (a) For at least two consecutive hours between 8:00 a.m. and 8:00
6 p.m. on the eighth day immediately before the election, except when it
7 is a legal holiday, in which case on the seventh day immediately before
8 the election, at the principal headquarters or, if there is no
9 headquarters, at the address of the treasurer or such other place as
10 may be authorized by the commission; and

11 (b) By appointment for inspections to be conducted at the
12 designated place for inspections between 8:00 a.m. and 8:00 p.m. on any
13 other day from the seventh day through the day immediately before the
14 election, other than Saturday, Sunday, or a legal holiday. It is a
15 violation of this chapter for a candidate or political committee to
16 refuse to allow and keep an appointment for an inspection to be
17 conducted during these authorized times and days in the week prior to
18 the election. The appointment must be allowed at an authorized time
19 and day for such inspections that is within twenty-four hours of the
20 time and day that is requested for the inspection.

21 (6) The treasurer or candidate shall preserve books of account,
22 bills, receipts, and all other financial records of the campaign or
23 political committee for not less than five calendar years following the
24 year during which the transaction occurred.

25 (7) All reports filed pursuant to subsection (1) or (2) of this
26 section shall be certified as correct by the candidate and the
27 treasurer.

28 (8) Copies of all reports filed pursuant to this section shall be
29 readily available for public inspection for at least two consecutive
30 hours Monday through Friday, excluding legal holidays, between 8:00
31 a.m. and 8:00 p.m., as specified in the committee's statement of
32 organization filed pursuant to RCW 42.17.040, at the principal
33 headquarters or, if there is no headquarters, at the address of the
34 treasurer or such other place as may be authorized by the commission.

35 (9) After January 1, 2002, a report that is filed with the
36 commission electronically need not also be filed with the county
37 auditor or elections officer.

1 (10) The commission shall adopt administrative rules establishing
2 requirements for filer participation in any system designed and
3 implemented by the commission for the electronic filing of reports.

4 **Sec. 30.** RCW 42.17.710 and 1993 c 2 s 11 are each amended to read
5 as follows:

6 (1) During the period beginning on the thirtieth day before the
7 date a regular legislative session convenes and continuing thirty days
8 past the date of final adjournment, and during the period beginning on
9 the date a special legislative session convenes and continuing through
10 the date that session adjourns, no state official or a person employed
11 by or acting on behalf of a state official or state legislator may
12 solicit or accept contributions to a public office fund, to a candidate
13 or authorized committee, or to retire a campaign debt.

14 (2) However, state officials who have reported to the commission
15 under RCW 42.17.240 and will appear on the ballot for an office in the
16 current year and persons employed by or acting on behalf of those
17 officials may, after the final adjournment of the regular session,
18 solicit and accept contributions to the candidate's public office fund,
19 to the candidate or authorized committee, or to retire the candidate's
20 campaign debt.

21 **Sec. 31.** RCW 42.52.185 and 1997 c 320 s 1 are each amended to read
22 as follows:

23 (1) During the twelve-month period beginning on December 1st of the
24 year before a general election for a state legislator's election to
25 office and continuing through November 30th immediately after the
26 general election, the legislator may not mail, either by regular mail
27 or electronic mail, to a constituent at public expense a letter,
28 newsletter, brochure, or other piece of literature, except as follows:

29 (a) The legislator may mail two mailings of newsletters to
30 constituents. All newsletters within each mailing of newsletters must
31 be identical as to their content but not as to the constituent name or
32 address. One such mailing may be mailed no later than thirty days
33 after the start of a regular legislative session, except that a
34 legislator appointed during a regular legislative session to fill a
35 vacant seat may have up to thirty days from the date of appointment to
36 send out the first mailing. The other mailing may be mailed no (~~later~~

1 ~~than sixty days after the end of a regular legislative session))~~
2 earlier than one day after the date of the primary established by RCW
3 29.13.070 and no later than fifteen days after the date of the primary.

4 (b) The legislator may mail an individual letter to (i) an
5 individual constituent who has contacted the legislator regarding the
6 subject matter of the letter during the legislator's current term of
7 office; (ii) an individual constituent who holds a governmental office
8 with jurisdiction over the subject matter of the letter; or (iii) an
9 individual constituent who has received an award or honor of
10 extraordinary distinction of a type that is sufficiently infrequent to
11 be noteworthy to a reasonable person, including, but not limited to:
12 (A) An international or national award such as the Nobel prize or the
13 Pulitzer prize; (B) a state award such as Washington scholar; (C) an
14 Eagle Scout award; and (D) a Medal of Honor.

15 (2) For purposes of subsection (1) of this section, "legislator"
16 means a legislator who is a "candidate," as defined by RCW 42.17.020,
17 for any public office.

18 (3) A violation of this section constitutes use of the facilities
19 of a public office for the purpose of assisting a campaign under RCW
20 42.52.180.

21 (4) The house of representatives and senate shall specifically
22 limit expenditures per member for the total cost of mailings. Those
23 costs include, but are not limited to, production costs, printing
24 costs, and postage costs. The limits imposed under this subsection
25 apply only to the total expenditures on mailings per member and not to
26 any categorical cost within the total.

27 (5) For purposes of this section, persons residing outside the
28 legislative district represented by the legislator are not considered
29 to be constituents, but students, military personnel, or others
30 temporarily employed outside of the district who normally reside in the
31 district are considered to be constituents.

32 **Sec. 32.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read
33 as follows:

34 (1) As provided in this section, a rural county library district,
35 island library district, or intercounty rural library district may
36 withdraw areas from its boundaries, or reannex areas into the library

1 district that previously had been withdrawn from the library district
2 under this section.

3 (2) The withdrawal of an area shall be authorized upon: (a)
4 Adoption of a resolution by the board of trustees requesting the
5 withdrawal and finding that, in the opinion of the board, inclusion of
6 this area within the library district will result in a reduction of the
7 district's tax levy rate under the provisions of RCW 84.52.010; and (b)
8 adoption of a resolution by the city or town council approving the
9 withdrawal, if the area is located within the city or town, or adoption
10 of a resolution by the county legislative authority of the county
11 within which the area is located approving the withdrawal, if the area
12 is located outside of a city or town. A withdrawal shall be effective
13 at the end of the day on the thirty-first day of December in the year
14 in which the resolutions are adopted, but for purposes of establishing
15 boundaries for property tax purposes, the boundaries shall be
16 established immediately upon the adoption of the second resolution.

17 The authority of an area to be withdrawn from a library district as
18 provided under this section is in addition, and not subject, to the
19 provisions of RCW 27.12.380.

20 The withdrawal of an area from the boundaries of a library district
21 shall not exempt any property therein from taxation for the purpose of
22 paying the costs of redeeming any indebtedness of the library district
23 existing at the time of the withdrawal.

24 (3) An area that has been withdrawn from the boundaries of a
25 library district under this section may be reannexed into the library
26 district upon: (a) Adoption of a resolution by the board of trustees
27 proposing the reannexation; and (b) adoption of a resolution by the
28 city or town council approving the reannexation, if the area is located
29 within the city or town, or adoption of a resolution by the county
30 legislative authority of the county within which the area is located
31 approving the reannexation, if the area is located outside of a city or
32 town. The reannexation shall be effective at the end of the day on the
33 thirty-first day of December in the year in which the adoption of the
34 second resolution occurs, but for purposes of establishing boundaries
35 for property tax purposes, the boundaries shall be established
36 immediately upon the adoption of the second resolution. Referendum
37 action on the proposed reannexation may be taken by the voters of the
38 area proposed to be reannexed if a petition calling for a referendum is

1 filed with the city or town council, or county legislative authority,
2 within a thirty-day period after the adoption of the second resolution,
3 which petition has been signed by registered voters of the area
4 proposed to be reannexed equal in number to ten percent of the total
5 number of the registered voters residing in that area.

6 If a valid petition signed by the requisite number of registered
7 voters has been so filed, the effect of the resolutions shall be held
8 in abeyance and a ballot proposition to authorize the reannexation
9 shall be submitted to the voters of the area at the next special
10 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
11 fifty-two or more days after the petitions have been validated.
12 Approval of the ballot proposition authorizing the reannexation by a
13 simple majority vote shall authorize the reannexation.

14 **Sec. 33.** RCW 27.12.370 and 1982 c 123 s 14 are each amended to
15 read as follows:

16 The county legislative authority or authorities shall by resolution
17 call a special election to be held in such city or town at the next
18 date provided in RCW 29.13.010 but not less than (~~forty-five~~) fifty-
19 two days from the date of the declaration of such finding, and shall
20 cause notice of such election to be given as provided for in RCW
21 29.27.080.

22 The election on the annexation of the city or town into the library
23 district shall be conducted by the auditor of the county or counties in
24 which the city or town is located in accordance with the general
25 election laws of the state and the results thereof shall be canvassed
26 by the canvassing board of the county or counties. No person shall be
27 entitled to vote at such election unless he or she is registered to
28 vote in said city or town for at least thirty days preceding the date
29 of the election. The ballot proposition shall be in substantially the
30 following form:

31 "Shall the city or town of be annexed to and be
32 a part of library district?
33 YES
34 NO

35 If a majority of the persons voting on the proposition shall vote
36 in favor thereof, the city or town shall thereupon be annexed and shall
37 be a part of such library district.

1 **Sec. 34.** RCW 35.06.070 and 1994 c 81 s 8 are each amended to read
2 as follows:

3 A ballot proposition authorizing an advancement in classification
4 of a town to a second class city shall be submitted to the voters of
5 the town if either: (1) Petitions proposing the advancement are
6 submitted to the town clerk that have been signed by voters of the town
7 equal in number to at least ten percent of the voters of the town
8 voting at the last municipal general election; or (2) the town council
9 adopts a resolution proposing the advancement. The clerk shall
10 immediately forward the petitions to the county auditor who shall
11 review the signatures and certify the sufficiency of the petitions.

12 A ballot proposition authorizing an advancement shall be submitted
13 to the town voters at the next municipal general election occurring
14 (~~forty-five~~) fifty-two or more days after the petitions are submitted
15 if the county auditor certifies the petitions as having sufficient
16 valid signatures. The town shall be advanced to a second class city if
17 the ballot proposition is approved by a simple majority vote, effective
18 when the corporation is actually reorganized and the new officers are
19 elected and qualified. The county auditor shall notify the secretary
20 of state if the advancement of a town to a second class city is
21 approved.

22 **Sec. 35.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to
23 read as follows:

24 The annexation ordinance provided for in RCW 35.13.182 is subject
25 to referendum for forty-five days after its passage. Upon the filing
26 of a timely and sufficient referendum petition with the legislative
27 body, signed by qualified electors in number equal to not less than ten
28 percent of the votes cast in the last general state election in the
29 area to be annexed, the question of annexation shall be submitted to
30 the voters of the area in a general election if one is to be held
31 within ninety days or at a special election called for that purpose not
32 less than (~~forty-five~~) fifty-two days nor more than ninety days after
33 the filing of the referendum petition. Notice of the election shall be
34 given as provided in RCW 35.13.080 and the election shall be conducted
35 as provided in the general election law. The annexation shall be
36 deemed approved by the voters unless a majority of the votes cast on
37 the proposition are in opposition thereto.

1 After the expiration of the forty-fifth day from but excluding the
2 date of passage of the annexation ordinance, if no timely and
3 sufficient referendum petition has been filed, the area annexed shall
4 become a part of the city or town upon the date fixed in the ordinance
5 of annexation.

6 **Sec. 36.** RCW 35.61.360 and 1987 c 138 s 2 are each amended to read
7 as follows:

8 (1) As provided in this section, a metropolitan park district may
9 withdraw areas from its boundaries, or reannex areas into the
10 metropolitan park district that previously had been withdrawn from the
11 metropolitan park district under this section.

12 (2) The withdrawal of an area shall be authorized upon: (a)
13 Adoption of a resolution by the park district commissioners requesting
14 the withdrawal and finding that, in the opinion of the commissioners,
15 inclusion of this area within the metropolitan park district will
16 result in a reduction of the district's tax levy rate under the
17 provisions of RCW 84.52.010; and (b) adoption of a resolution by the
18 city or town council approving the withdrawal, if the area is located
19 within the city or town, or adoption of a resolution by the county
20 legislative authority of the county within which the area is located
21 approving the withdrawal, if the area is located outside of a city or
22 town. A withdrawal shall be effective at the end of the day on the
23 thirty-first day of December in the year in which the resolutions are
24 adopted, but for purposes of establishing boundaries for property tax
25 purposes, the boundaries shall be established immediately upon the
26 adoption of the second resolution.

27 The withdrawal of an area from the boundaries of a metropolitan
28 park district shall not exempt any property therein from taxation for
29 the purpose of paying the costs of redeeming any indebtedness of the
30 metropolitan park district existing at the time of the withdrawal.

31 (3) An area that has been withdrawn from the boundaries of a
32 metropolitan park district under this section may be reannexed into the
33 metropolitan park district upon: (a) Adoption of a resolution by the
34 park district commissioners proposing the reannexation; and (b)
35 adoption of a resolution by the city or town council approving the
36 reannexation, if the area is located within the city or town, or
37 adoption of a resolution by the county legislative authority of the

1 county within which the area is located approving the reannexation, if
2 the area is located outside of a city or town. The reannexation shall
3 be effective at the end of the day on the thirty-first day of December
4 in the year in which the adoption of the second resolution occurs, but
5 for purposes of establishing boundaries for property tax purposes, the
6 boundaries shall be established immediately upon the adoption of the
7 second resolution. Referendum action on the proposed reannexation may
8 be taken by the voters of the area proposed to be reannexed if a
9 petition calling for a referendum is filed with the city or town
10 council, or county legislative authority, within a thirty-day period
11 after the adoption of the second resolution, which petition has been
12 signed by registered voters of the area proposed to be reannexed equal
13 in number to ten percent of the total number of the registered voters
14 residing in that area.

15 If a valid petition signed by the requisite number of registered
16 voters has been so filed, the effect of the resolutions shall be held
17 in abeyance and a ballot proposition to authorize the reannexation
18 shall be submitted to the voters of the area at the next special
19 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
20 fifty-two or more days after the petitions have been validated.
21 Approval of the ballot proposition authorizing the reannexation by a
22 simple majority vote shall authorize the reannexation.

23 **Sec. 37.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each
24 amended to read as follows:

25 Such annexation ordinance as provided for in RCW 35A.14.297 shall
26 be subject to referendum for forty-five days after the passage thereof.
27 Upon the filing of a timely and sufficient referendum petition with the
28 legislative body, signed by qualified electors in number equal to not
29 less than ten percent of the votes cast in the last general state
30 election in the area to be annexed, the question of annexation shall be
31 submitted to the voters of such area in a general election if one is to
32 be held within ninety days or at a special election called for that
33 purpose not less than (~~forty-five~~) fifty-two days nor more than
34 ninety days after the filing of the referendum petition. Notice of
35 such election shall be given as provided in RCW 35A.14.070 and the
36 election shall be conducted as provided in RCW (~~35A.14.060~~)

1 35A.29.151. The annexation shall be deemed approved by the voters
2 unless a majority of the votes cast on the proposition are in
3 opposition thereto.

4 After the expiration of the forty-fifth day from but excluding the
5 date of passage of the annexation ordinance, if no timely and
6 sufficient referendum petition has been filed, the area annexed shall
7 become a part of the code city upon the date fixed in the ordinance of
8 annexation. From and after such date, if the ordinance so provided,
9 property in the annexed area shall be subject to the proposed zoning
10 regulation prepared and filed for such area as provided in RCW
11 35A.14.330 and 35A.14.340. If the ordinance so provided, all property
12 within the area annexed shall be assessed and taxed at the same rate
13 and on the same basis as the property of such annexing code city is
14 assessed and taxed to pay for any then outstanding indebtedness of such
15 city contracted prior to, or existing at, the date of annexation.

16 **Sec. 38.** RCW 36.93.030 and 1991 c 363 s 91 are each amended to
17 read as follows:

18 (1) There is (~~hereby~~) created and established in each county with
19 a population of two hundred ten thousand or more a board to be known
20 and designated as a "boundary review board(~~()~~)."

21 (2) A boundary review board may be created and established in any
22 other county in the following manner:

23 (a) The county legislative authority may, by majority vote, adopt
24 a resolution establishing a boundary review board; or

25 (b) A petition seeking establishment of a boundary review board
26 signed by qualified electors residing in the county equal in number to
27 at least five percent of the votes cast in the county at the last
28 county general election may be filed with the county auditor.

29 Upon the filing of such a petition, the county auditor shall
30 examine the same and certify to the sufficiency of the signatures
31 thereon. No person may withdraw his or her name from a petition after
32 it has been filed with the auditor. Within thirty days after the
33 filing of such petition, the county auditor shall transmit the same to
34 the county legislative authority, together with his or her certificate
35 of sufficiency.

36 After receipt of a valid petition for the establishment of a
37 boundary review board, the county legislative authority shall submit

1 the question of whether a boundary review board should be established
2 to the electorate at the next county primary or county general election
3 which occurs more than (~~forty-five~~) fifty-two days from the date of
4 receipt of the petition. Notice of the election shall be given as
5 provided in RCW 29.27.080 and shall include a clear statement of the
6 proposal to be submitted.

7 If a majority of the persons voting on the proposition shall vote
8 in favor of the establishment of the boundary review board, such board
9 shall thereupon be deemed established.

10 **Sec. 39.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read
11 as follows:

12 The election on the formation of the district and to elect the
13 initial fire commissioners shall be conducted by the election officials
14 of the county or counties in which the proposed district is located in
15 accordance with the general election laws of the state. This election
16 shall be held at the next general election date, as specified under RCW
17 29.13.020, that occurs (~~forty-five~~) fifty-two or more days after the
18 date of the action by the boundary review board, or county legislative
19 authority or authorities, approving the proposal.

20 **Sec. 40.** RCW 52.04.056 and 1989 c 63 s 11 are each amended to read
21 as follows:

22 (1) As provided in this section, a fire protection district may
23 withdraw areas from its boundaries, or reannex areas into the fire
24 protection district that previously had been withdrawn from the fire
25 protection district under this section.

26 (2) The withdrawal of an area shall be authorized upon: (a)
27 Adoption of a resolution by the board of fire commissioners requesting
28 the withdrawal and finding that, in the opinion of the board, inclusion
29 of this area within the fire protection district will result in a
30 reduction of the district's tax levy rate under the provisions of RCW
31 84.52.010; and (b) adoption of a resolution by the city or town council
32 approving the withdrawal, if the area is located within the city or
33 town, or adoption of a resolution by the county legislative authority
34 or authorities of the county or counties within which the area is
35 located approving the withdrawal, if the area is located outside of a
36 city or town. A withdrawal shall be effective at the end of the day on

1 the thirty-first day of December in the year in which the resolutions
2 are adopted, but for purposes of establishing boundaries for property
3 tax purposes, the boundaries shall be established immediately upon the
4 adoption of the second resolution.

5 The authority of an area to be withdrawn from a fire protection
6 district as provided under this section is in addition, and not
7 subject, to the provisions of RCW 52.04.101.

8 The withdrawal of an area from the boundaries of a fire protection
9 district shall not exempt any property therein from taxation for the
10 purpose of paying the costs of redeeming any indebtedness of the fire
11 protection district existing at the time of the withdrawal.

12 (3) An area that has been withdrawn from the boundaries of a fire
13 protection district under this section may be reannexed into the fire
14 protection district upon: (a) Adoption of a resolution by the board of
15 fire commissioners proposing the reannexation; and (b) adoption of a
16 resolution by the city or town council approving the reannexation, if
17 the area is located within the city or town, or adoption of a
18 resolution by the county legislative authority or authorities of the
19 county or counties within which the area is located approving the
20 reannexation, if the area is located outside of a city or town. The
21 reannexation shall be effective at the end of the day on the thirty-
22 first day of December in the year in which the adoption of the second
23 resolution occurs, but for purposes of establishing boundaries for
24 property tax purposes, the boundaries shall be established immediately
25 upon the adoption of the second resolution. Referendum action on the
26 proposed reannexation may be taken by the voters of the area proposed
27 to be reannexed if a petition calling for a referendum is filed with
28 the city or town council, or county legislative authority or
29 authorities, within a thirty-day period after the adoption of the
30 second resolution, which petition has been signed by registered voters
31 of the area proposed to be reannexed equal in number to ten percent of
32 the total number of the registered voters residing in that area.

33 If a valid petition signed by the requisite number of registered
34 voters has been so filed, the effect of the resolutions shall be held
35 in abeyance and a ballot proposition to authorize the reannexation
36 shall be submitted to the voters of the area at the next special
37 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)

1 fifty-two or more days after the petitions have been validated.
2 Approval of the ballot proposition authorizing the reannexation by a
3 simple majority vote shall authorize the reannexation.

4 **Sec. 41.** RCW 52.04.071 and 1984 c 230 s 16 are each amended to
5 read as follows:

6 The county legislative authority or authorities shall by resolution
7 call a special election to be held in the city or town and in the fire
8 protection district at the next date provided in RCW 29.13.010 but not
9 less than ((~~forty-five~~)) fifty-two days from the date of the
10 declaration of the finding, and shall cause notice of the election to
11 be given as provided for in RCW 29.27.080.

12 The election on the annexation of the city or town into the fire
13 protection district shall be conducted by the auditor of the county or
14 counties in which the city or town and the fire protection district are
15 located in accordance with the general election laws of the state. The
16 results thereof shall be canvassed by the canvassing board of the
17 county or counties. No person is entitled to vote at the election
18 unless he or she is a qualified elector in the city or town or unless
19 he or she is a qualified elector within the boundaries of the fire
20 protection district. The ballot proposition shall be in substantially
21 the following form:

22 "Shall the city or town of be annexed to and be a part
23 of fire protection district?
24 YES
25 NO "

26 If a majority of the persons voting on the proposition in the city
27 or town and a majority of the persons voting on the proposition in the
28 fire protection district vote in favor thereof, the city or town shall
29 be annexed and shall be a part of the fire protection district.

30 **Sec. 42.** RCW 53.04.110 and 1998 c 240 s 1 are each amended to read
31 as follows:

32 Any port district now existing or which may hereafter be organized
33 under the laws of the state of Washington is hereby authorized to
34 change its corporate name under the following conditions and in the
35 following manner:

1 (1) On presentation, at least (~~forty-five~~) fifty-two days before
2 any general port election to be held in the port district, of a
3 petition to the commissioners of any port district now existing or
4 which may hereafter be established under the laws of the state of
5 Washington, signed by at least ten percent of the total number of
6 voters of the port district who voted at the last general port election
7 and asking that the corporate name of the port district be changed, it
8 shall be the duty of the commissioners to submit to the voters of the
9 port district the proposition as to whether the corporate name of the
10 port shall be changed. The proposition shall be submitted at the next
11 general port election.

12 (2) The petition shall contain the present corporate name of the
13 port district and the corporate name which is proposed to be given to
14 the port district.

15 (3) On submitting the proposition to the voters of the port
16 district it shall be the duty of the port commissioners to cause to be
17 printed on the official ballot used at the election the following
18 proposition:

19 "Shall the corporate name, 'Port of.....' be
20 changed to 'Port of.....'..... YES
21 "Shall the corporate name, 'Port of.....' be
22 changed to 'Port of.....'.....NO"

23 (4) At the time when the returns of the general election shall be
24 canvassed by the commissioners of the port district, it shall be the
25 duty of the commissioners to canvass the vote upon the proposition so
26 submitted, recording in their record the result of the canvass.

27 (5) Should a majority of the registered voters of the port district
28 voting at the general port election vote in favor of the proposition it
29 shall be the duty of the port commissioners to certify the fact to the
30 auditor of the county in which the port district shall be situated and
31 to the secretary of state of the state of Washington, under the seal of
32 the port district. On and after the filing of the certificate with the
33 county auditor as aforesaid and with the secretary of state of the
34 state of Washington, the corporate name of the port district shall be
35 changed, and thenceforth the port district shall be known and
36 designated in accordance therewith.

1 **Sec. 43.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to
2 read as follows:

3 At any general election held in an even-numbered year, the county
4 legislative authority of any county in this state may, or, on petition
5 of ten percent of the qualified electors of the county based on the
6 total vote cast in the last general county election held in an even-
7 numbered year, shall, by resolution, submit to the voters of the county
8 the proposition of creating a public utility district which shall be
9 coextensive with the limits of the county as now or hereafter
10 established. A form of petition for the creation of a public utility
11 district shall be submitted to the county auditor within ten months
12 prior to the election at which the proposition is to be submitted to
13 the voters. Petitions shall be filed with the county auditor not less
14 than four months before the election and the county auditor shall
15 within thirty days examine the signatures thereof and certify to the
16 sufficiency or insufficiency thereof. If the petition be found to be
17 insufficient, it shall be returned to the persons filing the same, who
18 may amend or add names thereto for ten days, when the same shall be
19 returned to the county auditor, who shall have an additional fifteen
20 days to examine the same and attach his certificate thereto. No person
21 having signed the petition shall be allowed to withdraw his name
22 therefrom after the filing of the same with the county auditor:
23 PROVIDED, That each signature shall be dated and that no signature
24 dated prior to the date on which the form of petition was submitted to
25 the county auditor shall be valid. Whenever the petition shall be
26 certified to as sufficient, the county auditor shall forthwith transmit
27 the same, together with his certificate of sufficiency attached
28 thereto, to the county legislative authority which shall submit the
29 proposition to the voters of the county at the next general election in
30 an even-numbered year occurring (~~forty-five~~) fifty-two days after
31 submission of the proposition to the legislative authority. The notice
32 of the election shall state the boundaries of the proposed public
33 utility district and the object of such election, and shall in other
34 respects conform to the requirements of the general laws of the state
35 of Washington, governing the time and manner of holding elections. In
36 submitting the question to the voters for their approval or rejection,
37 the proposition shall be expressed on the ballot substantially in the
38 following terms:

1 Public Utility District No. YES

2 Public Utility District No. NO

3 Any petition for the formation of a public utility district may
4 describe a less area than the entire county in which the petition is
5 filed, the boundaries of which shall follow the then existing precinct
6 boundaries and not divide any voting precinct; and in the event that
7 such a petition is filed the county legislative authority shall fix a
8 date for a hearing on such petition, and shall publish the petition,
9 without the signatures thereto appended, for two weeks prior to the
10 date of the hearing, together with a notice stating the time of the
11 meeting when the petition will be heard. The publication, and all
12 other publications required by chapter 1, Laws of 1931, shall be in a
13 newspaper of general circulation in the county in which the district is
14 situated. The hearing on the petition may be adjourned from time to
15 time, not exceeding four weeks in all. If upon the final hearing the
16 county legislative authority shall find that any lands have been
17 unjustly or improperly included within the proposed public utility
18 district and will not be benefited by inclusion therein, it shall
19 change and fix the boundary lines in such manner as it shall deem
20 reasonable and just and conducive to the public welfare and
21 convenience, and make and enter an order establishing and defining the
22 boundary lines of the proposed public utility district: PROVIDED, That
23 no lands shall be included within the boundaries so fixed lying outside
24 the boundaries described in the petition, except upon the written
25 request of the owners of those lands. Thereafter the same procedure
26 shall be followed as prescribed in this chapter for the formation of a
27 public utility district including an entire county, except that the
28 petition and election shall be confined solely to the lesser public
29 utility district.

30 No public utility district created after September 1, 1979, shall
31 include any other public utility district within its boundaries:
32 PROVIDED, That this paragraph shall not alter, amend, or modify
33 provisions of chapter 54.32 RCW.

34 **Sec. 44.** RCW 54.08.070 and 1979 ex.s. c 240 s 2 are each amended
35 to read as follows:

36 Any district which does not own or operate electric facilities for
37 the generation, transmission or distribution of electric power on March

1 25, 1969, or any district which hereafter does not construct or acquire
2 such electric facilities within ten years of its creation, shall not
3 construct or acquire any such electric facilities without the approval
4 of such proposal by the voters of such district: PROVIDED, That a
5 district shall have the power to construct or acquire electric
6 facilities within ten years following its creation by action of its
7 commission without voter approval of such action.

8 At any general election held in an even-numbered year, the proposal
9 to construct or acquire electric facilities may be submitted to the
10 voters of the district by resolution of the public utility district
11 commission or shall be submitted to the voters of the district by the
12 county legislative authority on petition of ten percent of the
13 qualified electors of such district, based on the total vote cast in
14 the last general county election held in an even-numbered year. A form
15 of petition for the construction or acquisition of electric facilities
16 by the public utility district shall be submitted to the county auditor
17 within ten months prior to the election at which such proposition is to
18 be submitted to the voters. Petitions shall be filed with the county
19 auditor not less than four months before such election and the county
20 auditor shall within thirty days examine the signatures thereof and
21 certify to the sufficiency or insufficiency thereof. If such petition
22 is found to be insufficient, it shall be returned to the persons filing
23 the same, who may amend and add names thereto for ten days, when the
24 same shall be returned to the county auditor, who shall have an
25 additional fifteen days to examine the same and attach his certificate
26 thereto. No person having signed such petition shall be allowed to
27 withdraw his name therefrom after the filing of the same with the
28 county auditor: PROVIDED, That each signature shall be dated and that
29 no signature dated prior to the date on which the form of petition was
30 submitted to the county auditor shall be valid. Whenever such petition
31 shall be certified to as sufficient, the county auditor shall forthwith
32 transmit the same, together with his certificate of sufficiency
33 attached thereto, to the county legislative authority which shall
34 submit such proposition to the voters of said district at the next
35 general election in an even-numbered year occurring (~~forty-five~~)
36 fifty-two days after submission of the proposition to said legislative
37 authority. The notice of the election shall state the object of such

1 election, and shall in other respects conform to the requirements of
2 the general laws of Washington, governing the time and manner of
3 holding elections.

4 The proposal submitted to the voters for their approval or
5 rejection, shall be expressed on the ballot substantially in the
6 following terms:

7 Shall Public Utility District No. of County
8 construct or acquire electric facilities for the generation,
9 transmission or distribution of electric power?

10 Yes

11 No

12 Within ten days after such election, the election board of the
13 county shall canvass the returns, and if at such election a majority of
14 the voters voting on such proposition shall vote in favor of such
15 construction or acquisition of electric facilities, the district shall
16 be authorized to construct or acquire electric facilities.

17 **Sec. 45.** RCW 57.04.050 and 1999 c 153 s 1 are each amended to read
18 as follows:

19 Upon entry of the findings of the final hearing on the petition if
20 one or more county legislative authorities find that the proposed
21 district will be conducive to the public health, welfare, and
22 convenience and will benefit the land therein, they shall present a
23 resolution to the county auditor calling for a special election to be
24 held at a date specified under RCW 29.13.020, that occurs (~~forty-~~
25 ~~five~~) fifty-two or more days after the resolution is presented, at
26 which a ballot proposition authorizing the district to be created shall
27 be submitted to voters for their approval or rejection. The
28 commissioners shall cause to be published a notice of the election for
29 four successive weeks in a newspaper of general circulation in the
30 proposed district, which notice shall state the hours during which the
31 polls will be open, the boundaries of the district as finally adopted
32 and the object of the election, and the notice shall also be posted ten
33 days in ten public places in the proposed district. The district shall
34 be created if the ballot proposition authorizing the district to be
35 created is approved by a majority of the voters voting on the
36 proposition.

1 A separate ballot proposition authorizing the district, if created,
2 to impose a single-year excess levy for the preliminary expenses of the
3 district shall be submitted to voters for their approval or rejection
4 at the same special election, if the petition to create the district
5 also proposed that a ballot proposition authorizing an excess levy be
6 submitted to voters for their approval or rejection. The excess levy
7 shall be proposed in the amount specified in the petition to create the
8 district, not to exceed one dollar and twenty-five cents per thousand
9 dollars of assessed value, and may only be submitted to voters for
10 their approval or rejection if the special election is held in
11 February, March, April, or (~~May~~) September. The proposition to be
12 effective must be approved in the manner set forth in Article VII,
13 section 2(a) of the state Constitution.

14 **Sec. 46.** RCW 70.44.235 and 1987 c 138 s 4 are each amended to read
15 as follows:

16 (1) As provided in this section, a public hospital district may
17 withdraw areas from its boundaries, or reannex areas into the public
18 hospital district that previously had been withdrawn from the public
19 hospital district under this section.

20 (2) The withdrawal of an area shall be authorized upon: (a)
21 Adoption of a resolution by the hospital district commissioners
22 requesting the withdrawal and finding that, in the opinion of the
23 commissioners, inclusion of this area within the public hospital
24 district will result in a reduction of the district's tax levy rate
25 under the provisions of RCW 84.52.010; and (b) adoption of a resolution
26 by the city or town council approving the withdrawal, if the area is
27 located within the city or town, or adoption of a resolution by the
28 county legislative authority of the county within which the area is
29 located approving the withdrawal, if the area is located outside of a
30 city or town. A withdrawal shall be effective at the end of the day on
31 the thirty-first day of December in the year in which the resolutions
32 are adopted, but for purposes of establishing boundaries for property
33 tax purposes, the boundaries shall be established immediately upon the
34 adoption of the second resolution.

35 The withdrawal of an area from the boundaries of a public hospital
36 district shall not exempt any property therein from taxation for the

1 purpose of paying the costs of redeeming any indebtedness of the public
2 hospital district existing at the time of the withdrawal.

3 (3) An area that has been withdrawn from the boundaries of a public
4 hospital district under this section may be reannexed into the public
5 hospital district upon: (a) Adoption of a resolution by the hospital
6 district commissioners proposing the reannexation; and (b) adoption of
7 a resolution by the city or town council approving the reannexation, if
8 the area is located within the city or town, or adoption of a
9 resolution by the county legislative authority of the county within
10 which the area is located approving the reannexation, if the area is
11 located outside of a city or town. The reannexation shall be effective
12 at the end of the day on the thirty-first day of December in the year
13 in which the adoption of the second resolution occurs, but for purposes
14 of establishing boundaries for property tax purposes, the boundaries
15 shall be established immediately upon the adoption of the second
16 resolution. Referendum action on the proposed reannexation may be
17 taken by the voters of the area proposed to be reannexed if a petition
18 calling for a referendum is filed with the city or town council, or
19 county legislative authority, within a thirty-day period after the
20 adoption of the second resolution, which petition has been signed by
21 registered voters of the area proposed to be reannexed equal in number
22 to ten percent of the total number of the registered voters residing in
23 that area.

24 If a valid petition signed by the requisite number of registered
25 voters has been so filed, the effect of the resolutions shall be held
26 in abeyance and a ballot proposition to authorize the reannexation
27 shall be submitted to the voters of the area at the next special
28 election date specified in RCW 29.13.020 that occurs (~~forty-five~~)
29 fifty-two or more days after the petitions have been validated.
30 Approval of the ballot proposition authorizing the reannexation by a
31 simple majority vote shall authorize the reannexation.

32 NEW SECTION. **Sec. 47.** RCW 29.01.160 (September primary) and 1965
33 c 9 s 29.01.160 are each repealed.

34 NEW SECTION. **Sec. 48.** This act takes effect January 1, 2004.

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