
SENATE BILL 6745

State of Washington 58th Legislature 2004 Regular Session

By Senators Swecker, Kastama, Jacobsen, B. Sheldon, Spanel and Oke

Read first time . Referred to .

1 AN ACT Relating to creating an open primary with voluntary partisan
2 registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310,
3 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145,
4 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430,
5 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140,
6 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030,
7 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060,
8 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110,
9 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060,
10 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310,
11 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, 29A.80.060, and
12 42.17.020; reenacting and amending RCW 42.17.310 and 42.17.310; adding
13 new sections to chapter 29A.04 RCW; adding a new section to chapter
14 29A.08 RCW; adding a new section to chapter 29A.32 RCW; adding a new
15 section to chapter 29A.36 RCW; adding a new section to chapter 29A.40
16 RCW; adding new sections to chapter 29A.52 RCW; adding a new section to
17 chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding
18 a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A
19 RCW; creating a new section; repealing RCW 29A.04.903, 29A.36.140,
20 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing
21 penalties; providing an effective date; providing expiration dates; and

1 declaring an emergency.

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

3 **PART 1 - PRIMARY**

4 **Sec. 101.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
5 read as follows:

6 As used in this title:

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

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

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

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

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

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

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

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

31 (5) "Provisional ballot" means a ballot issued to a voter at the
32 polling place on election day by the precinct election board, for one
33 of the following reasons:

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

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

4 (c) The voter asserts that he or she is registered in a different
5 major political party than appears in the poll book and wants to vote
6 the party ballot of that party;

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

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

14 (7) "Nonpartisan ballot" means a primary election ballot listing
15 only nonpartisan races and ballot measures to be voted on at that
16 primary election.

17 NEW SECTION. Sec. 102. A new section is added to chapter 29A.04
18 RCW to read as follows:

19 "Registered party member" means a registered voter who chooses to
20 affiliate with a political party as part of his or her voter
21 registration. Party affiliation as part of voter registration includes
22 major and minor political parties. A registered voter is not required
23 to affiliate with a political party to be eligible to vote in a primary
24 or election.

25 NEW SECTION. Sec. 103. A new section is added to chapter 29A.04
26 RCW to read as follows:

27 "Unaffiliated voter" means a registered voter who is not a
28 registered party member of any major political party.

29 **Sec. 104.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to
30 read as follows:

31 The county auditor of each county shall be ex officio the
32 supervisor of all primaries and elections, general or special, and it
33 shall be the county auditor's duty to provide places for holding such
34 primaries and elections; to appoint the precinct election officers and
35 to provide for their compensation; to provide the supplies and

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

15 **Sec. 105.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
16 read as follows:

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

21 **Sec. 106.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to
22 read as follows:

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

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

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

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

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

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

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

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

5 **Sec. 107.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to
6 read as follows:

7 (1) On receipt of an application for voter registration under this
8 chapter, the county auditor shall review the application to determine
9 whether the information supplied is complete. An application that
10 contains the applicant's name, complete valid residence address, date
11 of birth, and signature attesting to the truth of the information
12 provided on the application is complete. If it is not complete, the
13 auditor shall promptly mail a verification notice of the deficiency to
14 the applicant. This verification notice shall require the applicant to
15 provide the missing information. If the verification notice is not
16 returned by the applicant or is returned as undeliverable the auditor
17 shall not place the name of the applicant on the county voter list. If
18 the applicant provides the required information, the applicant shall be
19 registered to vote as of the date of mailing of the original voter
20 registration application. Party affiliation information is not
21 required for a complete voter registration.

22 (2) If the information is complete, the applicant is considered to
23 be registered to vote as of the date of mailing. The auditor shall
24 record the appropriate precinct identification, taxing district
25 identification, ~~((and))~~ date of registration, and party affiliation, if
26 any, on the voter's record. Within forty-five days after the receipt
27 of an application but no later than seven days before the next primary,
28 special election, or general election, the auditor shall send to the
29 applicant, by first class mail, an acknowledgement notice identifying
30 the registrant's precinct and containing such other information as may
31 be required by the secretary of state. The postal service shall be
32 instructed not to forward a voter registration card to any other
33 address and to return to the auditor any card which is not deliverable.
34 If the applicant has indicated that he or she is registered to vote in
35 another county in Washington but has also provided an address within
36 the auditor's county that is for voter registration purposes, the
37 auditor shall send, on behalf of the registrant, a registration

1 cancellation notice to the auditor of that other county and the auditor
2 receiving the notice shall cancel the registrant's voter registration
3 in that other county. If the registrant has indicated on the form that
4 he or she is registered to vote within the county but has provided a
5 new address within the county that is for voter registration purposes,
6 the auditor shall transfer the voter's registration.

7 (3) If an acknowledgement notice card is properly mailed as
8 required by this section to the address listed by the voter as being
9 the voter's mailing address and the notice is subsequently returned to
10 the auditor by the postal service as being undeliverable to the voter
11 at that address, the auditor shall promptly send the voter a
12 confirmation notice. The auditor shall place the voter's registration
13 on inactive status pending a response from the voter to the
14 confirmation notice.

15 NEW SECTION. **Sec. 108.** A new section is added to chapter 29A.08
16 RCW to read as follows:

17 In addition to the information required by RCW 29A.08.010 for voter
18 registration, the county auditor shall provide each voter an
19 opportunity to affiliate with a major political party by checking the
20 appropriate box, or to indicate that the voter wants to affiliate with
21 a minor political party not listed, as part of his or her voter
22 registration. A voter may choose any major or minor political party,
23 or may make no party selection. Under no circumstances may an
24 individual be required to affiliate with a political party in order to
25 register to vote. Each voter who chooses to affiliate with a major
26 political party as part of his or her voter registration is considered
27 a "registered party member" of that political party so long as he or
28 she maintains that affiliation as part of his or her voter
29 registration. A voter who does not affiliate with any major party on
30 his or her voter registration form will be considered to be an
31 unaffiliated voter. A voter may not affiliate with more than one
32 political party at a time, but may change his or her party affiliation
33 information in a manner consistent with the procedures for changing a
34 voter registration address, as provided in RCW 29A.08.140, 29A.08.145,
35 and 29A.08.430: PROVIDED, HOWEVER, That a change of party affiliation
36 made less than thirty days prior to a primary shall not be effective
37 until the day after the primary.

1 No record may be created or maintained by a state or local
2 governmental agency that identifies a voter with the votes cast by the
3 voter.

4 **Sec. 109.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
5 read as follows:

6 Each county auditor shall maintain a computer file containing the
7 records of all registered voters within the county. The auditor may
8 provide for the establishment and maintenance of such files by private
9 contract or through interlocal agreement as provided by chapter 39.34
10 RCW. The computer file must include, but not be limited to, each
11 voter's last name, first name, middle initial, date of birth, residence
12 address, gender, party affiliation, if any, date of registration,
13 applicable taxing district and precinct codes, and the last date on
14 which the individual voted. The county auditor shall subsequently
15 record each consecutive date upon which the individual has voted and
16 retain at least the last five such consecutive dates. If the voter has
17 not voted at least five times since establishing his or her current
18 registration record, only the available dates will be included.

19 **Sec. 110.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to
20 read as follows:

21 The county auditor shall acknowledge each new voter registration or
22 transfer of address or party affiliation by providing or sending the
23 voter a card identifying his or her current precinct and containing
24 such other information as may be prescribed by the secretary of state.
25 When a person who has previously registered to vote in a jurisdiction
26 applies for voter registration in a new jurisdiction, the person shall
27 provide on the registration form, all information needed to cancel any
28 previous registration. The county auditor shall forward any
29 information pertaining to the voter's prior voter registration to the
30 county where the voter was previously registered, so that registration
31 may be canceled. If the prior voter registration is in another state,
32 the notification must be made to the state elections office of that
33 state. A county auditor receiving official information that a voter
34 has registered to vote in another jurisdiction shall immediately cancel
35 that voter's registration.

1 **Sec. 111.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to
2 read as follows:

3 The registration files of all precincts shall be closed against
4 original registration or transfers of address or party affiliation for
5 thirty days immediately preceding every primary, special election, and
6 general election to be held in such precincts.

7 The county auditor shall give notice of the closing of the precinct
8 files for original registration and transfer and notice of the special
9 registration and voting procedure provided by RCW 29A.08.145 by one
10 publication in a newspaper of general circulation in the county at
11 least five days before the closing of the precinct files.

12 No person may vote at any primary, special election, or general
13 election in a precinct polling place unless he or she has registered to
14 vote at least thirty days before that primary or election. If a
15 person, otherwise qualified to vote in the state, county, and precinct
16 in which he or she applies for registration, does not register at least
17 thirty days before any primary, special election, or general election,
18 he or she may register and vote (~~by absentee ballot~~) for that primary
19 or election under RCW 29A.08.145.

20 **Sec. 112.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to
21 read as follows:

22 This section establishes a special procedure which an elector may
23 use to register to vote or change his or her voter registration address
24 during the period beginning after the closing of registration for
25 voting at the polls under RCW 29A.08.140 and ending on the fifteenth
26 day before a primary, special election, or general election. A
27 qualified elector in the (~~county~~) state may register to vote or
28 change his or her registration address in person in the office of the
29 county auditor or at a voter registration location specifically
30 designated for this purpose by the county auditor of the county in
31 which the applicant resides, and apply for an absentee ballot for that
32 primary or election. The auditor or registration assistant shall
33 register that individual in the manner provided in this chapter and
34 provide an absentee ballot. If the elector is not registered to vote
35 in Washington, and registers less than thirty days before a primary
36 election, the absentee ballot or ballots must comply with RCW
37 29A.40.090, and the elector's party affiliation, if any. The

1 application for an absentee ballot executed by the newly registered
2 voter for the primary or election that follows the execution of the
3 registration shall be promptly transmitted to the auditor with the
4 completed voter registration form.

5 **Sec. 113.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
6 read as follows:

7 An applicant for voter registration shall complete an application
8 providing the following information concerning his or her
9 qualifications as a voter in this state:

10 (1) The address of the last former registration of the applicant as
11 a voter in the state;

12 (2) The applicant's full name;

13 (3) The applicant's date of birth;

14 (4) The address of the applicant's residence for voting purposes;

15 (5) The mailing address of the applicant if that address is not the
16 same as the address in subsection (4) of this section;

17 (6) The sex of the applicant;

18 (7) A declaration that the applicant is a citizen of the United
19 States;

20 (8) The applicant's signature; and

21 (9) Any other information that the secretary of state determines is
22 necessary to establish the identity of the applicant and prevent
23 duplicate or fraudulent voter registrations.

24 The application must also include a box for the applicant to check
25 in order to affiliate with a major political party or indicate
26 affiliation with a minor political party not listed. Affiliation with
27 a political party is not required for registration, and lack of party
28 affiliation may not be used as grounds for not registering an applicant
29 to vote.

30 This information shall be recorded on a single registration form to
31 be prescribed by the secretary of state.

32 If the applicant fails to provide the information required for
33 voter registration, the auditor shall send the applicant a verification
34 notice. The auditor shall not register the applicant until the
35 required information is provided. If a verification notice is returned
36 as undeliverable or the applicant fails to respond to the notice within
37 forty-five days, the auditor shall not register the applicant to vote.

1 The following warning shall appear in a conspicuous place on the
2 voter registration form:

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

8 The voter registration form must include information on the option
9 to affiliate with a political party, and the fact that party
10 affiliation is not required to register to vote.

11 **Sec. 114.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to
12 read as follows:

13 (1) A person may register to vote(~~(, transfer a voter~~
14 ~~registration,)~~) or change his or her voter registration name (~~(for~~
15 ~~voter registration purposes)~~), address, or party affiliation when he or
16 she applies for or renews a driver's license or identification card
17 under chapter 46.20 RCW.

18 (2) To register to vote(~~(, transfer his or her voter~~
19 ~~registration,)~~) or change his or her voter registration name (~~(for~~
20 ~~voter registration purposes)~~), address, or party affiliation under this
21 section, the applicant shall provide the information required by RCW
22 29A.08.210.

23 (3) The driver licensing agent shall record that the applicant has
24 requested to register to vote or (~~(transfer a))~~ change voter
25 (~~(registration))~~ address, or party affiliation.

26 **Sec. 115.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to
27 read as follows:

28 (1) The secretary of state shall provide for the voter registration
29 forms submitted under RCW 29A.08.340 to be collected from each driver's
30 licensing facility within five days of their completion.

31 (2) The department of licensing shall produce and transmit to the
32 secretary of state a machine-readable file containing the following
33 information from the records of each individual who requested a voter
34 registration or transfer at a driver's license facility during each
35 period for which forms are transmitted under subsection (1) of this
36 section: The name, address, date of birth, gender, and driver's

1 license number of the applicant, the (~~driver's license number~~)
2 applicant's party affiliation, if any, the date on which the
3 application for voter registration or transfer was submitted, and the
4 location of the office at which the application was submitted.

5 (3) The voter registration forms from the driver's licensing
6 facilities must be forwarded to the county in which the applicant has
7 registered to vote no later than ten days after the date on which the
8 forms were to be collected.

9 (4) For a voter registration application where the address for
10 voting purposes is different from the address in the machine-readable
11 file received from the department of licensing, the secretary of state
12 shall amend the record of that application in the machine-readable file
13 to reflect the county in which the applicant has registered to vote.

14 (5) The secretary of state shall sort the records in the machine-
15 readable file according to the county in which the applicant registered
16 to vote and produce a file of voter registration transactions for each
17 county. The records of each county may be transmitted on or through
18 whatever medium the county auditor determines will best facilitate the
19 incorporation of these records into the existing voter registration
20 files of that county.

21 (6) The secretary of state shall produce a list of voter
22 registration transactions for each county and transmit a copy of this
23 list to that county with each file of voter registration transactions
24 no later than ten days after the date on which that information was to
25 be transmitted under subsection (1) of this section.

26 (7) If a registrant has indicated on the voter registration
27 application form that he or she is registered to vote in another county
28 in Washington but has also provided an address within the auditor's
29 county that is for voter registration purposes, the auditor shall send,
30 on behalf of the registrant, a registration cancellation notice to the
31 auditor of that other county and the auditor receiving the notice shall
32 cancel the registrant's voter registration in that other county. If
33 the registrant has indicated on the form that he or she is registered
34 to vote within the county but has provided a new address within the
35 county that is for voter registration purposes, the auditor shall
36 transfer the voter's registration.

1 **Sec. 116.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to
2 read as follows:

3 (1) The department of licensing shall provide information on all
4 persons changing their address on change of address forms submitted to
5 the department unless the voter has indicated that the address change
6 is not for voting purposes. This information will be transmitted to
7 the secretary of state each week in a machine-readable file containing
8 the following information on persons changing their address: The name,
9 address, date of birth, gender, and driver's license number of the
10 applicant, the applicant's (~~driver's license number~~) party
11 affiliation, if any, the applicant's former address, the county code
12 for the applicant's former address, and the date that the request for
13 address change was received.

14 (2) The secretary of state shall forward this information to the
15 appropriate county each week. When the information indicates that the
16 voter has moved within the county, the county auditor shall use the
17 change of address information to transfer the voter's registration and
18 send the voter an acknowledgement notice of the transfer. If the
19 information indicates that the new address is outside the voter's
20 original county, the county auditor shall send the voter a registration
21 by mail form at the voter's new address and advise the voter of the
22 need to reregister in the new county. The auditor shall then place the
23 voter on inactive status.

24 **Sec. 117.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
25 read as follows:

26 (~~To maintain a valid voter registration,~~) A registered voter who
27 changes his or her party affiliation, or residence from one address to
28 another within the same county, shall transfer his or her registration
29 (~~to the new address~~) information in one of the following ways: (1)
30 Sending to the county auditor a signed request stating the voter's
31 present and previous party affiliation or registration address (~~and~~
32 ~~the address from which the voter was last registered~~), as applicable;
33 (2) appearing in person before the auditor and signing such a request;
34 or (3) transferring the registration information in the manner provided
35 by RCW 29A.08.430(~~;~~ ~~or~~ (4) ~~telephoning the county auditor to transfer~~
36 ~~the registration. The telephone call transferring a registration by~~
37 ~~telephone must be received by the auditor before the precinct~~

1 ~~registration files are closed to new registrations for the next primary~~
2 ~~or special or general election in which the voter participates)).~~ A
3 change in the voter's party affiliation made less than thirty days
4 prior to a primary election is not effective until the day after the
5 primary election.

6 **Sec. 118.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to
7 read as follows:

8 (1) A person who is registered to vote in this state may transfer
9 his or her voter registration information on the day of a special,
10 primary, or general election (~~(or primary)~~) under the following
11 procedures:

12 (a) The voter may complete, at the polling place, a registration
13 transfer form designed by the secretary of state and supplied by the
14 county auditor; or

15 (b) The voter may write in his or her new residential address in
16 the precinct list of registered voters.

17 The county auditor shall determine which of these two procedures
18 are to be used in the county or may determine that both procedures are
19 to be available to voters for use in the county.

20 (2) A voter who transfers his or her registration in the manner
21 authorized by this section shall vote in the precinct in which he or
22 she was previously registered.

23 (3) The auditor shall, within ninety days, mail to each voter who
24 has transferred a registration under this section a notice of his or
25 her current precinct and polling place.

26 (4) A change in the voter's party affiliation made less than thirty
27 days prior to a primary election is not effective until the day after
28 the primary election.

29 **Sec. 119.** RCW 29A.08.645 and 2003 c 111 s 244 are each amended to
30 read as follows:

31 The secretary of state shall create a standard electronic file
32 format (state transfer form) to be used for the transfer of voter
33 registration information between county auditors and the office of the
34 secretary of state. The format must be prescribed by rule and contain
35 at least the following information: Voter name, address, date of
36 birth, party affiliation, if any, date of registration, mailing

1 address, legislative and congressional district, and digitized
2 signature image. Each county shall program its voter registration
3 system to convert this data from the county's storage format into the
4 state transfer format.

5 **Sec. 120.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to
6 read as follows:

7 (1) The county auditor shall have custody of the voter registration
8 records for each county. The original voter registration form must be
9 filed without regard to precinct and is considered confidential and
10 unavailable for public inspection and copying. An automated file of
11 all registered voters must be maintained pursuant to RCW 29A.08.125.
12 An auditor may maintain the automated file in lieu of filing or
13 maintaining the original voter registration forms if the automated file
14 includes all of the information from the original voter registration
15 forms including, but not limited to, a retrievable facsimile of each
16 voter's signature.

17 (2) The following information contained in voter registration
18 records or files regarding a voter or a group of voters is available
19 for public inspection and copying: The voter's name, gender, voting
20 record, party affiliation, if any, date of registration, and
21 registration number. The address and political jurisdiction of a
22 registered voter are available for public inspection and copying except
23 as provided by chapter 40.24 RCW. No other information from voter
24 registration records or files is available for public inspection or
25 copying, including an unaffiliated voter's choice of ballot under RCW
26 29A.44.230.

27 **Sec. 121.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
28 read as follows:

29 The secretary of state shall not approve a vote tallying system
30 unless it:

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

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

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

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

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

7 ~~((6))~~ (5) Except for functions or capabilities unique to this
8 state, has been tested, certified, and used in at least one other state
9 or election jurisdiction.

10 **Sec. 122.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
11 read as follows:

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

16 (2) Excluding the office of precinct committee officer or a
17 temporary elected position such as a charter review board member or
18 freeholder, no person may file for more than one office.

19 (3) The name of a candidate for an office shall not appear on a
20 ballot for that office unless, except as provided in RCW 3.46.067 and
21 3.50.057, the candidate is, at the time the candidate's declaration of
22 candidacy is filed, properly registered to vote in the geographic area
23 represented by the office, and, if seeking a partisan office, the
24 candidate is qualified to run as a candidate of the party indicated or
25 as an independent. For the purposes of this section, each geographic
26 area in which registered voters may cast ballots for an office is
27 represented by that office. If a person elected to an office must be
28 nominated from a district or similar division of the geographic area
29 represented by the office, the name of a candidate for the office shall
30 not appear on a primary ballot for that office unless the candidate is,
31 at the time the candidate's declaration of candidacy is filed, properly
32 registered to vote in that district or division. The officer with whom
33 declarations of candidacy must be filed under this title shall review
34 each such declaration filed regarding compliance with this subsection.
35 This subsection does not apply to the office of a member of the United
36 States Congress.

1 (4) ~~((This section does not apply to the office of a member of the~~
2 ~~United States Congress))~~ Beginning January 1, 2005, if a person filing
3 a declaration of candidacy for a partisan office designates on his or
4 her declaration an affiliation with a major political party, he or she
5 must, at the time of filing: (a) Be a registered party member of that
6 major political party; and (b)(i) be qualified to run as a candidate of
7 that party according to the party's rules in effect on the fifth day of
8 March preceding the filing; (ii) submit a petition to the filing
9 officer containing the signatures of registered party members of at
10 least five percent of the registered party members of that party
11 residing within the jurisdiction of the office sought; or (iii) meet
12 any party rules in effect on March 5th preceding the primary regarding
13 signature requirements for ballot eligibility, provided that such rules
14 may not exceed the five percent requirement of (b)(ii) of this
15 subsection. The candidate may gather petition signatures at any time
16 after the first day of February preceding the primary, and may provide
17 documentation and assistance to qualified electors desiring to register
18 to vote, affiliate with a political party, or change party affiliation.

19 (5) If a person filing a declaration of candidacy for a partisan
20 office designates on his or her declaration an affiliation with a minor
21 political party or indicates that he or she is an independent
22 candidate, he or she may not, at the time of filing, be a registered
23 party member of any major political party.

24 (6) Within thirty days after the effective date of this section,
25 each major political party shall file with the secretary of state a
26 copy of its rules governing the eligibility of persons to seek election
27 to public office using the party's name. The secretary of state shall
28 place the text of the rules on its web site. A copy of any party's
29 rules shall be publicly available upon request. If a major political
30 party changes its rules governing the eligibility of persons to seek
31 the nomination of the party to public office, the amended rules must be
32 filed with the secretary of state and take effect no later than March
33 1st for purposes of any partisan primary conducted between September
34 1st of the same year and August 30th of the following year.

35 **Sec. 123.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
36 read as follows:

37 (1) Any nomination of a candidate for partisan public office by

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

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

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

32 (4) A minor political party may hold more than one convention but
33 in no case shall any such party nominate more than one candidate for
34 any one partisan public office or position. ((For the purpose of
35 nominating candidates for the offices of president and vice president,
36 United States senator, or a statewide office,)) A minor party or
37 independent candidate holding multiple conventions may add together the
38 number of signatures of different individuals from each convention

1 obtained in support of the candidate or candidates in order to obtain
2 the number required by RCW 29A.20.140. (~~For all other offices for~~
3 ~~which nominations are made, signatures of the requisite number of~~
4 ~~registered voters must be obtained at a single convention.))~~

5 **Sec. 124.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
6 read as follows:

7 (1) To be valid, a convention must be attended by at least
8 (~~twenty-five~~) one hundred registered voters, none of whom may be
9 registered party members of a major political party. A minor party or
10 independent candidate holding multiple conventions may add together the
11 number of different individuals attending different conventions in
12 order to obtain the required number of registered voters.

13 (2) In order to nominate candidates for the offices of president
14 and vice president of the United States, United States senator, or any
15 statewide office, a nominating convention shall obtain and submit to
16 the filing officer the signatures of at least (~~two hundred~~) one
17 thousand registered voters of the state of Washington, none of whom may
18 be registered party members of a major political party. A minor party
19 or independent candidate holding multiple conventions may add together
20 the number of signatures of different individuals from different
21 conventions in order to obtain the required number of required
22 signatures. In order to nominate candidates for any other office, a
23 nominating convention shall obtain and submit to the filing officer the
24 signatures of (~~twenty-five~~) one hundred persons who are registered to
25 vote in the jurisdiction of the office for which the nominations are
26 made, none of whom may be registered party members of a major political
27 party.

28 (3) A person signing a minor party nominating petition shall be
29 limited to voting a nonpartisan ballot at the subsequent primary
30 election and may not vote a party ballot.

31 **Sec. 125.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
32 read as follows:

33 A nominating petition submitted under this chapter shall clearly
34 identify the name of the minor party or independent candidate
35 convention as it appears on the certificate of nomination as required
36 by RCW 29A.20.160(3). The petition shall (~~also~~) contain a statement

1 that the person signing the petition is a registered voter of the state
2 of Washington and that the person signing the petition will not be
3 eligible to vote a party ballot at the subsequent primary election.
4 The petition shall also have a space for the voter to sign his or her
5 name and to print his or her name and address. No person may sign more
6 than one nominating petition under this chapter for an office for ((a
7 ~~primary or~~) an election.

8 **Sec. 126.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
9 read as follows:

10 A certificate evidencing nominations made at a convention or
11 conventions must:

12 (1) Be in writing;

13 (2) Contain the name of each person nominated, his or her
14 residence, a statement that he or she is not a registered party member
15 of a major political party, and the office for which he or she is
16 named, and if the nomination is for the offices of president and vice
17 president of the United States, a sworn statement from both nominees
18 giving their consent to the nomination;

19 (3) Identify the minor political party or the independent candidate
20 on whose behalf the convention was held;

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

22 (5) Be accompanied by a nominating petition or petitions bearing
23 the signatures and addresses of registered voters equal in number to
24 that required by RCW 29A.20.140;

25 (6) Contain proof of publication of the notice of calling the
26 convention; and

27 (7) Be submitted to the appropriate filing officer not later than
28 one week following the adjournment of the convention at which the
29 nominations were made. If the nominations are made only for offices
30 whose jurisdiction is entirely within one county, the certificate and
31 nominating petitions must be filed with the county auditor. If a minor
32 party or independent candidate convention nominates any candidates for
33 offices whose jurisdiction encompasses more than one county, all
34 nominating petitions and the convention certificates must be filed with
35 the secretary of state.

1 **Sec. 127.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
2 read as follows:

3 (1) If two or more valid certificates of nomination are filed
4 purporting to nominate different candidates for the same position using
5 the same party name or confusingly similar party names, the filing
6 officer must give effect to both certificates. If conflicting claims
7 to the party name are not resolved either by mutual agreement or by a
8 judicial determination of the right to the name, the candidates must be
9 treated as independent candidates. Disputes over the right to the name
10 must not be permitted to delay the printing of either ballots or a
11 voters' pamphlet. Other candidates nominated by the same conventions
12 may continue to use the partisan affiliation unless a court of
13 competent jurisdiction directs otherwise.

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

34 (3) This section also applies to candidates of a major political
35 party if the party is conducting a primary under section 302 or 303 of
36 this act.

1 **Sec. 128.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
2 read as follows:

3 Upon the receipt of the certificate of nomination, the officer with
4 whom it is filed shall check the certificate and canvass the signatures
5 on the accompanying nominating petitions to determine if the
6 requirements of RCW 29A.20.140 have been met. Once the determination
7 has been made, the filing officer shall notify the presiding officer of
8 the convention and any other persons requesting the notification, of
9 his or her decision regarding the sufficiency of the certificate or the
10 nominating petitions, and forward to the secretary of state the name
11 and address of all registered voters who have signed the nominating
12 petition. Any appeal regarding the filing officer's determination must
13 be filed with the superior court of the county in which the certificate
14 or petitions were filed not later than five days from the date the
15 determination is made, and shall be heard and finally disposed of by
16 the court within five days of the filing. Nominating petitions shall
17 not be available for public inspection or copying.

18 **Sec. 129.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
19 read as follows:

20 Not later than the Friday immediately preceding the first day for
21 candidates to file, the secretary of state shall notify the county
22 auditors of the names and designations of all minor party and
23 independent candidates who have filed valid convention certificates and
24 nominating petitions with that office. The secretary of state shall
25 also forward to the appropriate county auditors the names and addresses
26 of all voters on the nominating petitions residing in that county.
27 Except for the offices of president and vice president, persons
28 nominated under this chapter shall file declarations of candidacy as
29 provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate
30 nominated at a convention shall not be printed upon the ((primary))
31 general election ballot unless he or she pays the fee required by law
32 to be paid by candidates for the same office to be nominated at a
33 primary.

34 **Sec. 130.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
35 read as follows:

36 A candidate who desires to have his or her name printed on the

1 ballot for election to an office other than president of the United
2 States, vice president of the United States, or an office for which
3 ownership of property is a prerequisite to voting shall complete and
4 file a declaration of candidacy. The secretary of state shall adopt,
5 by rule, a declaration of candidacy form for the office of precinct
6 committee officer and a separate standard form for candidates for all
7 other offices filing under this chapter. Included on the standard form
8 shall be:

9 (1) A place for the candidate to declare that he or she is a
10 registered voter within the jurisdiction of the office for which he or
11 she is filing, and the address at which he or she is registered;

12 (2) A place for the candidate to indicate the position for which he
13 or she is filing;

14 (3) A place for the candidate to indicate a party designation, if
15 applicable, and declare that he or she meets the requirements of RCW
16 29A.20.020 if the designation is a major political party;

17 (4) A place for the candidate to indicate the amount of the filing
18 fee accompanying the declaration of candidacy or for the candidate to
19 indicate that he or she is filing a nominating petition in lieu of the
20 filing fee under RCW 29A.24.090; and

21 (5) A place for the candidate to sign the declaration of candidacy,
22 stating that the information provided on the form is true and swearing
23 or affirming that he or she will support the Constitution and laws of
24 the United States and the Constitution and laws of the state of
25 Washington.

26 In the case of a declaration of candidacy filed electronically,
27 submission of the form constitutes agreement that the information
28 provided with the filing is true, that he or she will support the
29 Constitutions and laws of the United States and the state of
30 Washington, and that he or she agrees to electronic payment of the
31 filing fee established in RCW 29A.24.090.

32 The secretary of state may require any other information on the
33 form he or she deems appropriate to facilitate the filing process.

34 **Sec. 131.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
35 read as follows:

36 (1) The nominating petition authorized by RCW 29A.24.090 (~~shall~~)
37 must be printed on sheets of uniform color and size, (~~shall~~) include

1 a place for each individual to sign and print his or her name and the
2 address, city, and county at which he or she is registered to vote, and
3 contain no more than twenty numbered lines(, and)).

4 (2) For candidates for nonpartisan office, the nominating petition
5 must be in substantially the following form:

6 The warning prescribed by RCW 29A.72.140; followed by:
7 We, the undersigned registered voters of _____ (the state of
8 Washington or the political subdivision for which the nomination is
9 made) _____, hereby petition that the name of _____ (candidate's name) _____ be
10 printed on the official primary ballot for the office of _____ (insert
11 name of office) _____.

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

15 (3) For candidates of a major political party for partisan office,
16 the nominating petition must be in substantially the following form:

17 The warning prescribed by RCW 29A.72.140; followed by:
18 We, the undersigned registered voters of _____ (the state of
19 Washington or the political subdivision for which the nomination is
20 made) _____, and registered party members of the _____ (major political
21 party), _____ hereby petition that the name of _____ (candidate's name) _____ be
22 printed on the official primary ballot for the office of _____ (insert
23 name of office) _____ as a candidate of the _____ (major political party).

24 (4) For independent candidates and candidates of a minor political
25 party for partisan office, the nominating petition must be in
26 substantially the following form:

27 The warning prescribed by RCW 29A.72.140; followed by:
28 We, the undersigned registered voters of (the state of
29 Washington or the political subdivision for which the nomination is
30 made), hereby petition that the name of (candidate's name)
31 be printed on the official general election ballot for the office
32 of (insert name of office)

33 **Sec. 132.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to
34 read as follows:

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

20 **Sec. 133.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
21 read as follows:

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

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

33 Candidacies validly filed within the special three-day filing
34 period shall appear on the ((primary)) ballot as if filed during the
35 regular filing period.

1 **Sec. 134.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
2 read as follows:

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

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

21 No person may file as a write-in candidate (~~(where)~~):

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

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

30 (3) Where the name of the person attempting to file already appears
31 on the ballot as a candidate for another office, unless one of the two
32 offices for which he or she is a candidate is precinct
33 (~~(committeeperson)~~) committee officer;

34 (4) At a party primary election unless the person meets the
35 requirements of RCW 29A.20.020.

36 The declaration of candidacy shall be similar to that required by
37 RCW 29A.24.030. No write-in candidate filing under this section may be
38 included in any voter's pamphlet produced under chapter 29A.32 RCW

1 unless that candidate qualifies to have his or her name printed on the
2 general election ballot. The legislative authority of any jurisdiction
3 producing a local voter's pamphlet under chapter 29A.32 RCW may
4 provide, by ordinance, for the inclusion of write-in candidates in such
5 pamphlets.

6 **Sec. 135.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
7 read as follows:

8 (1) Whenever a vacancy occurs in the United States house of
9 representatives or the United States senate from this state, the
10 governor shall order a special election to fill the vacancy. Minor
11 political party candidates and independent candidates may be nominated
12 through the convention procedures provided in RCW 29A.20.110 through
13 29A.20.200.

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

24 (3) If the vacancy occurs less than six months before a state
25 general election and before the second Friday following the close of
26 the filing period for that general election, the special primary and
27 special vacancy elections shall be held in concert with the state
28 primary and state general election in that year.

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

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

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

12 **Sec. 136.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
13 read as follows:

14 The general election laws and laws relating to partisan primaries
15 shall apply to the special primaries and vacancy elections provided for
16 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
17 inconsistent with the provisions of these sections. Minor political
18 party and independent candidates may appear only on the general
19 election ballot. Statutory time deadlines relating to availability of
20 absentee ballots, certification, canvassing, and related procedures
21 that cannot be met in a timely fashion may be modified for the purposes
22 of a specific primary or vacancy election under this chapter by the
23 secretary of state through emergency rules adopted under RCW
24 29A.04.610.

25 **Sec. 137.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to
26 read as follows:

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

1 failure to elect at a (~~state-general~~) primary election, the vacancy
2 may not be filled until after the organization meeting of the county
3 central committee and the new county chair has been selected as
4 provided by RCW 29A.80.030.

5 **Sec. 138.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
6 read as follows:

7 The voters' pamphlet must contain:

8 (1) Information about each ballot measure initiated by or referred
9 to the voters for their approval or rejection as required by RCW
10 29A.32.070;

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

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

29 (4) In even-numbered years, a section explaining how voters may
30 participate in the election campaign process; the address and telephone
31 number of the public disclosure commission established under RCW
32 42.17.350; and a summary of the disclosure requirements that apply when
33 contributions are made to candidates and political committees;

34 (5) In even-numbered years the name, address, and telephone number
35 of each political party with nominees listed in the pamphlet, if filed
36 with the secretary of state by the state committee of a major political

1 party or the presiding officer of the convention of a minor political
2 party;

3 (6) In each odd-numbered year immediately before a year in which a
4 president of the United States is to be nominated and elected,
5 information explaining the precinct caucus and convention process used
6 by each major political party to elect delegates to its national
7 presidential candidate nominating convention. The pamphlet must also
8 provide a description of the statutory procedures by which minor
9 political parties are formed and the statutory methods used by the
10 parties to nominate candidates for president;

11 (7) (~~In even numbered years, a description of the office of~~
12 ~~precinct committee officer and its duties~~) A section explaining how to
13 register to vote, how to affiliate with a major or minor political
14 party, and the fact that party affiliation is not required in order to
15 register to vote;

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

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

19 (10) Any additional information pertaining to elections as may be
20 required by law or in the judgment of the secretary of state is deemed
21 informative to the voters.

22 NEW SECTION. Sec. 139. A new section is added to chapter 29A.32
23 RCW to read as follows:

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

26 (1) A description of the office of precinct committee officer and
27 its duties;

28 (2) An explanation of whether each major political party is
29 allowing unaffiliated voters to participate in that party's partisan
30 primary;

31 (3) An explanation that minor political party candidates and
32 independent candidates will appear only on the general election ballot;
33 and

34 (4) For 2004 only, an explanation that the party primary will be
35 conducted as a statewide vote-by-mail primary.

1 **Sec. 140.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
2 read as follows:

3 The local voters' pamphlet shall include but not be limited to the
4 following:

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

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

10 (3) Information on how a person may register to vote, how to
11 affiliate with a major or minor political party, the fact that party
12 affiliation is not required in order to register to vote, and how to
13 obtain an absentee ballot;

14 (4) The text of each measure accompanied by an explanatory
15 statement prepared by the prosecuting attorney for any county measure
16 or by the attorney for the jurisdiction submitting the measure if other
17 than a county measure. All explanatory statements for city, town, or
18 district measures not approved by the attorney for the jurisdiction
19 submitting the measure shall be reviewed and approved by the county
20 prosecuting attorney or city attorney, when applicable, before
21 inclusion in the pamphlet;

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

24 (6) For partisan primary elections, an explanation of whether each
25 major political party is allowing unaffiliated voters to participate in
26 that party's partisan primary, and an explanation that minor political
27 party candidates and independent candidates will appear only on the
28 general election ballot;

29 (7) For the 2004 primary, an explanation that the party primary
30 will be conducted as a statewide vote-by-mail primary.

31 **Sec. 141.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
32 read as follows:

33 On or before the day following the last day for political parties
34 to fill vacancies in the ticket as provided by RCW 29A.28.010, the
35 secretary of state shall certify to each county auditor a list of the
36 candidates who have filed declarations of candidacy in his or her
37 office for the primary. For each office, the certificate shall include

1 the name of each candidate, his or her address, and his or her party
2 designation, if any. Minor political party and independent candidates
3 may appear only on the general election ballot.

4 **Sec. 142.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
5 read as follows:

6 Except for the candidates for the positions of president and vice
7 president ((~~or~~)), for a partisan or nonpartisan office for which no
8 primary is required, or for independent or minor party candidates, the
9 names of all candidates who, under this title, filed a declaration of
10 candidacy((~~or~~)) or were certified as a candidate to fill a vacancy on a
11 major party ticket((~~or were nominated as an independent or minor~~
12 ~~party candidate~~)) will appear on the appropriate ballot at the primary
13 throughout the jurisdiction in which they are to be nominated.

14 NEW SECTION. **Sec. 143.** A new section is added to chapter 29A.36
15 RCW to read as follows:

16 (1) At all partisan primaries, the county auditor must prepare a
17 nonpartisan ballot, if nonpartisan races or ballot measures are to be
18 voted on at the primary, and party ballots for each major political
19 party. Partisan primaries must be conducted using party ballots when
20 applicable.

21 (2) In order to appear on a party ballot, a candidate must have
22 designated that same major political party in his or her declaration of
23 candidacy for partisan office and meet the requirements of RCW
24 29A.20.020(4).

25 (3) Every eligible registered voter, regardless of party
26 affiliation, may vote in a partisan primary as follows:

27 (a) A voter who is a registered party member of a major political
28 party may vote the party ballot for that same political party, and may
29 not vote the party ballot for any other political party.

30 (b) An unaffiliated voter may vote the party ballot for any
31 particular political party unless, by March 1st of that year, the state
32 chair of that political party has provided to the secretary of state a
33 signed statement refusing to consent to the participation of
34 unaffiliated voters in that party's partisan primary. If a state chair
35 does not provide such a statement, the party is deemed to have

1 consented to the participation of unaffiliated voters in that party's
2 partisan primary.

3 (c) An unaffiliated voter who has signed a minor party or
4 independent candidate nominating petition may vote only the nonpartisan
5 ballot and may not vote a party ballot.

6 **Sec. 144.** RCW 29A.36.110 and 2003 c 111 s 911 are each amended to
7 read as follows:

8 Every ballot for a single combination of issues (~~(and)~~), offices
9 (~~(shall)~~), and candidates must be uniform within a precinct and
10 (~~(shall)~~) identify the type of primary or election, the county, and the
11 date of the primary or election(~~(, and)~~). The ballot or voting device
12 shall contain instructions on the proper method of recording a vote,
13 including write-in votes. Each position, together with the names of
14 the candidates for that office, shall be clearly separated from other
15 offices or positions in the same jurisdiction. The offices in each
16 jurisdiction shall be clearly separated from each other. No paper
17 ballot or ballot card may be marked in any way that would permit the
18 identification of the person who voted that ballot.

19 **Sec. 145.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
20 read as follows:

21 (1) The positions or offices on a primary ballot shall be arranged
22 in substantially the following order: United States senator; United
23 States representative; governor; lieutenant governor; secretary of
24 state; state treasurer; state auditor; attorney general; commissioner
25 of public lands; superintendent of public instruction; insurance
26 commissioner; state senator; state representative; county officers;
27 justices of the supreme court; judges of the court of appeals; judges
28 of the superior court; and judges of the district court. For all other
29 jurisdictions on the primary ballot, the offices in each jurisdiction
30 shall be grouped together and be in the order of the position numbers
31 assigned to those offices, if any.

32 (2) The order of the positions or offices on (~~(an)~~) a general
33 election ballot shall be substantially the same as on a primary ballot
34 except that the offices of president and vice president of the United
35 States shall precede all other offices on a presidential election
36 ballot. (~~(State ballot issues shall be placed before all offices on an~~

1 ~~election ballot.~~)) The positions on a ballot to be assigned to ballot
2 measures regarding local units of government shall be established by
3 the secretary of state by rule.

4 (3) The political party or independent candidacy of each candidate
5 for partisan office shall be indicated next to the name of the
6 candidate on ~~((the))~~ party primary and general election ballots. A
7 candidate shall file a written notice with the filing officer within
8 three business days after the close of the filing period designating
9 the political party to be indicated next to the candidate's name on the
10 ballot if either: (a) The candidate has been nominated by two or more
11 minor political parties or independent conventions; or (b) the
12 candidate has both filed a declaration of candidacy declaring an
13 affiliation with a major political party and been nominated by a minor
14 political party or independent convention. If no written notice is
15 filed the filing officer shall give effect to the party designation
16 shown upon the first valid document filed. A candidate may be deemed
17 nominated by a minor party or independent convention only if all
18 documentation required by chapter 29A.20 RCW has been timely filed.

19 **Sec. 146.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
20 read as follows:

21 After the close of business on the last day for candidates to file
22 for office, the filing officer shall, from among those filings made in
23 person and by mail, determine by lot the order in which the names of
24 those candidates will appear on ~~((all sample and absentee))~~ the
25 applicable ballots. ~~((In the case of candidates for city, town, and~~
26 ~~district office, this procedure shall also determine the order for~~
27 ~~candidate names on the official primary ballot used at the polling~~
28 ~~place.))~~ The determination shall be done publicly and may be witnessed
29 by the media and by any candidate. If no primary is required for any
30 nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any
31 independent or minor party candidate files a declaration of candidacy,
32 the names shall appear on the general election ballot in the order
33 determined by lot.

34 **Sec. 147.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to
35 read as follows:

36 Except in each county with a population of one million or more, on

1 or before the fifteenth day before a primary or election, the county
2 auditor shall prepare a sample ballot which shall be made readily
3 available to members of the public. For a partisan primary, the county
4 auditor shall prepare a sample nonpartisan ballot and sample party
5 ballots. The secretary of state shall adopt rules governing the
6 preparation of sample ballots in counties with a population of one
7 million or more. The rules shall permit, among other alternatives, the
8 preparation of more than one sample ballot by a county with a
9 population of one million or more for a primary or election, each of
10 which lists a portion of the offices and issues to be voted on in that
11 county. The position of precinct committee officer shall be shown on
12 the sample party ballot for the (~~general election~~) primary, but the
13 names of candidates for the individual positions need not be shown.

14 **Sec. 148.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to
15 read as follows:

16 (1) On the top of each ballot (~~there will~~) must be printed clear
17 and concise instructions directing the voter(~~s~~) how to mark the
18 ballot, including write-in votes. (~~After the instructions and before~~
19 ~~the offices,~~)

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

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

28 (~~+2~~) (4) On a general election ballot, the candidate or
29 candidates of the major political party that received the highest
30 number of votes from the electors of this state for the office of
31 president of the United States at the last presidential election
32 (~~will~~) must appear first following the appropriate office
33 heading(~~r~~). The candidate or candidates of the other major political
34 parties will follow according to the votes cast for their nominees for
35 president at the last presidential election, and independent candidates
36 and the candidate or candidates of all other parties will follow in the
37 order of their qualification with the secretary of state.

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

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

7 **Sec. 149.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
8 read as follows:

9 The name of a candidate for a partisan office for which a primary
10 was conducted shall not be printed on the ballot for that office at the
11 subsequent general election unless the candidate receives ~~((a number of~~
12 ~~votes equal to at least one percent of the total number cast for all~~
13 ~~candidates for that position sought and))~~ a plurality of the votes cast
14 for the candidates of his or her party for that office at the preceding
15 primary.

16 **Sec. 150.** RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to
17 read as follows:

18 (1) The county auditor shall issue an absentee ballot for the
19 primary or election for which it was requested, or for the next
20 occurring primary or election when ongoing absentee status has been
21 requested if the information contained in a request for an absentee
22 ballot or ongoing absentee status received by the county auditor is
23 complete and correct and the applicant is qualified to vote under
24 federal or state law. Otherwise, the county auditor shall notify the
25 applicant of the reason or reasons why the request cannot be accepted.
26 Whenever two or more candidates have filed for the position of precinct
27 committee officer for the same party in the same precinct ~~((at a~~
28 ~~general election held in an even numbered year))~~, the contest for that
29 position must be presented to absentee voters from that precinct by
30 either including the contest on the regular absentee ballot or a
31 separate absentee ballot. The ballot must provide space designated for
32 writing in the name of additional candidates.

33 (2) A registered voter may obtain a replacement ballot if the
34 ballot is destroyed, spoiled, lost, or not received by the voter. The
35 voter may obtain the ballot by telephone request, by mail,

1 electronically, or in person. The county auditor shall keep a record
2 of each replacement ballot provided under this subsection.

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

11 NEW SECTION. **Sec. 151.** A new section is added to chapter 29A.40
12 RCW to read as follows:

13 (1) For the 2004 primary, all registered voters shall be considered
14 to be absentee voters. Each county auditor shall issue ballots to all
15 registered voters in accordance with RCW 29A.40.090.

16 (2) This section expires January 1, 2005.

17 **Sec. 152.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to
18 read as follows:

19 (1) For a primary election with at least one partisan race, the
20 county auditor shall:

21 (a) Send each absentee unaffiliated voter a party ballot for each
22 major political party, one security envelope in which to seal the voted
23 party ballot, a larger envelope in which to return the security
24 envelope, and instructions on how to mark and return one ballot to the
25 county auditor. The instructions that accompany absentee party ballots
26 to an unaffiliated voter must include an explanation that only one
27 party ballot may be voted and returned, and that if more than one party
28 ballot is voted and returned, none of the party ballots will be
29 counted;

30 (b) Send each absentee unaffiliated voter who has signed a minor
31 party or independent candidate nominating petition a nonpartisan
32 ballot, a security envelope in which to seal the nonpartisan ballot
33 after voting, a larger envelope in which to return the security
34 envelope, and instructions on how to mark the ballot and how to return
35 it to the county auditor;

1 (c) Send each absentee voter who is a registered party member of a
2 major political party the party ballot of the major political party
3 with which the voter is affiliated, a security envelope in which to
4 seal the party ballot after voting, a larger envelope in which to
5 return the security envelope, and instructions on how to mark the
6 ballot and how to return it to the county auditor; and

7 (d) Instruct the voter to destroy and discard all unvoted party
8 ballots.

9 (2) For a general election, the county auditor shall send each
10 absentee voter a ballot, a security envelope in which to seal the
11 ballot after voting, a larger envelope in which to return the security
12 envelope, and instructions on how to mark the ballot and how to return
13 it to the county auditor.

14 (3) For primary and general elections, the larger return envelope
15 must contain a declaration by the absentee voter reciting his or her
16 qualifications and stating that he or she has not voted in any other
17 jurisdiction at this election, together with a summary of the penalties
18 for any violation of any of the provisions of this chapter. The return
19 envelope must provide space for the voter to indicate the date on which
20 the ballot was voted and for the voter to sign the oath. A summary of
21 the applicable penalty provisions of this chapter must be printed on
22 the return envelope immediately adjacent to the space for the voter's
23 signature. The signature of the voter on the return envelope must
24 affirm and attest to the statements regarding the qualifications of
25 that voter and to the validity of the ballot. For out-of-state voters,
26 overseas voters, and service voters, the signed declaration on the
27 return envelope constitutes the equivalent of a voter registration for
28 the election or primary for which the ballot has been issued. The
29 voter must be instructed to either return the ballot to the county
30 auditor by whom it was issued or attach sufficient first class postage,
31 if applicable, and mail the ballot to the appropriate county auditor no
32 later than the day of the election or primary for which the ballot was
33 issued.

34 If the county auditor chooses to forward absentee ballots, he or
35 she must include with the ballot a clear explanation of the
36 qualifications necessary to vote in that election and must also advise
37 a voter with questions about his or her eligibility to contact the
38 county auditor. This explanation may be provided on the ballot

1 envelope, on an enclosed insert, or printed directly on the ballot
2 itself. If the information is not included, the envelope must clearly
3 indicate that the ballot is not to be forwarded and that return postage
4 is guaranteed.

5 **Sec. 153.** RCW 29A.44.020 and 2003 c 111 s 1102 are each amended to
6 read as follows:

7 (1) At any election, general or special, or at any primary, any
8 political party or committee may designate a person other than a
9 precinct election officer, for each polling place to check a list of
10 registered voters of the precinct to determine who has and who has not
11 voted.

12 (2) The precinct committee officer or his or her designee or
13 designees must not seek to obtain or keep a record of the party ballot
14 voted by an unaffiliated voter voting in any election.

15 (3) The lists must be furnished by the party or committee
16 concerned.

17 (4) Every person who violates subsection (2) of this section is
18 guilty of a class C felony, punishable under RCW 9A.20.021.

19 **Sec. 154.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to
20 read as follows:

21 A voter desiring to vote shall give his or her name to the precinct
22 election officer who has the precinct list of registered voters. This
23 officer shall announce the name to the precinct election officer who
24 has the copy of the inspector's poll book for that precinct. If the
25 right of this voter to participate in the primary or election is not
26 challenged, the voter must be issued a ballot or permitted to enter a
27 voting booth or to operate a voting device. At a partisan primary,
28 every voter who is a registered party member of a major political party
29 must be issued the party ballot specific to his or her political party;
30 every unaffiliated voter must be issued a party ballot for each major
31 political party that has consented to the participation of unaffiliated
32 voters in its partisan primary under section 143 of this act; and every
33 unaffiliated voter who has signed a minor party or independent
34 candidate nominating petition must be issued only the nonpartisan
35 ballot. The number of the ballot or the voter must be recorded by the

1 precinct election officers. If the right of the voter to participate
2 is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

3 **Sec. 155.** RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to
4 read as follows:

5 As each voter casts his or her vote, the precinct election officers
6 shall insert in the poll books or precinct list of registered voters
7 opposite that voter's name, a notation to credit the voter with having
8 participated in that primary or election. In a partisan primary, no
9 record may be made of which party ballot an unaffiliated voter voted,
10 except as necessary for conducting the provisions of chapter 29A.60,
11 29A.64, or 29A.68 RCW. Any record made under this section shall be
12 subject to the provisions of RCW 29A.08.710 and section 167 of this
13 act. The precinct election officers shall record the voter's name so
14 that a separate record is kept.

15 NEW SECTION. **Sec. 156.** A new section is added to chapter 29A.52
16 RCW to read as follows:

17 Major political party candidates for all partisan elected offices,
18 except for president, vice president, precinct committee officer, and
19 offices exempted from the primary under RCW 29A.52.010, must be
20 nominated at primaries held under sections 157 through 160 of this act,
21 or, if applicable, chapter 29A.-- RCW (sections 201 through 255 of this
22 act).

23 NEW SECTION. **Sec. 157.** A new section is added to chapter 29A.52
24 RCW to read as follows:

25 (1) A major political party may choose, by rule, to allow
26 unaffiliated voters to participate in its primary. The rule may be
27 applied only on a statewide basis and with respect to all votes cast by
28 unaffiliated voters, rather than with respect to votes cast in specific
29 districts or races or for specific candidates. If a major political
30 party allows unaffiliated voters to participate in its primary, no
31 distinction may be made by the party or by a county canvassing board
32 between votes cast by registered party members and votes cast by
33 unaffiliated voters.

34 (2) A major political party shall be deemed to have chosen to allow
35 unaffiliated voters to participate in its primary unless by March 1st

1 of the year of the primary, the state chair of the major political
2 party has provided to the secretary of state a signed statement
3 refusing to consent to the participation of unaffiliated voters in that
4 party's primary. Any such refusal to consent shall only be effective
5 for any partisan primary conducted between September 1st of the same
6 year and August 30th of the following year.

7 (3) In any year in which the chair of a major political party
8 provides the secretary of state a signed statement by March 1st, under
9 subsection (2) of this section, that only registered party members may
10 vote the party ballot specific to that political party, sections 302
11 and 303 of this act apply.

12 NEW SECTION. **Sec. 158.** A new section is added to chapter 29A.52
13 RCW to read as follows:

14 In a partisan primary:

15 (1) Every eligible voter, regardless of party affiliation, may vote
16 a party ballot if at least one major political party has consented to
17 allowing unaffiliated voters to participate in its primary.

18 (2) A voter who is a registered party member of a major political
19 party may vote the party ballot for his or her political party, and may
20 not vote the party ballot for any other political party.

21 (3) An unaffiliated voter may vote the party ballot for any
22 particular political party unless, by March 1st of that year, the state
23 chair of that political party has provided to the secretary of state a
24 signed statement refusing to consent to the participation of
25 unaffiliated voters in that party's partisan primary. Only one party
26 ballot may be voted.

27 (4) An unaffiliated voter who has signed a minor party or
28 independent candidate nominating petition may vote only the nonpartisan
29 ballot, and may not vote a party ballot.

30 NEW SECTION. **Sec. 159.** A new section is added to chapter 29A.52
31 RCW to read as follows:

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

34 NEW SECTION. **Sec. 160.** A new section is added to chapter 29A.52
35 RCW to read as follows:

1 An explanation of whether each major political party is allowing
2 unaffiliated voters to participate in that party's partisan primary,
3 and instructions for voting a party ballot, must appear, at the very
4 least, in:

5 (1) Any primary voters' pamphlet prepared by the secretary of state
6 or a local government if a partisan office will appear on the ballot;

7 (2) Instructions that accompany a primary absentee party ballot;

8 (3) Any notice of a partisan primary published in compliance with
9 RCW 29A.52.310; and

10 (4) The web site of the office of the secretary of state and any
11 web site of a county auditor's office.

12 **Sec. 161.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
13 read as follows:

14 (1) The offices of superintendent of public instruction, justice of
15 the supreme court, judge of the court of appeals, judge of the superior
16 court, and judge of the district court shall be nonpartisan and the
17 candidates therefor shall be nominated and elected as such.

18 (2) All city, town, and special purpose district elective offices
19 shall be nonpartisan and the candidates therefor shall be nominated and
20 elected as such.

21 (3) Nonpartisan offices shall appear in a primary on the
22 nonpartisan ballot and on every party ballot.

23 **Sec. 162.** RCW 29A.52.310 and 2003 c 111 s 1309 are each amended to
24 read as follows:

25 Not more than ten nor less than three days before the primary the
26 county auditor shall publish notice of such primary in one or more
27 newspapers of general circulation within the county. The notice must
28 contain the proper party designations, the names and addresses of all
29 persons who have filed a declaration of candidacy to be voted upon at
30 that primary, whether each major political party is allowing
31 unaffiliated voters to participate in its primary, an explanation that
32 minor political party and independent candidates will appear only in
33 the general election, the hours during which the polls will be open,
34 and the polling places for each precinct, giving the address of each
35 polling place. The names of all candidates for nonpartisan offices

1 must be published separately with designation of the offices for which
2 they are candidates but without party designation. This is the only
3 notice required for the holding of any primary.

4 NEW SECTION. **Sec. 163.** A new section is added to chapter 29A.52
5 RCW to read as follows:

6 (1) The notice required by RCW 29A.52.310 shall prominently include
7 an explanation that the 2004 primary will be conducted exclusively by
8 mail.

9 (2) This section expires January 1, 2005.

10 **Sec. 164.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
11 read as follows:

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

17 NEW SECTION. **Sec. 165.** A new section is added to chapter 29A.60
18 RCW to read as follows:

19 (1) No record of the party ballot voted by an unaffiliated voter
20 voting in a primary or election may be created or maintained by any
21 public agency, organization, or person except for the purposes of
22 conducting the provisions of this chapter and chapters 29A.64 and
23 29A.68 RCW. Any such record created for the purpose defined in this
24 chapter is not a public record and therefore is not available for
25 public inspection or copying.

26 (2) No record of the party ballot voted by an unaffiliated voter
27 voting in a primary shall be recorded or sought by individuals
28 conducting activities authorized under RCW 29A.44.020.

29 (3) Nothing in this section shall be construed so as to prohibit a
30 political organization from conducting voter identification and party
31 building activities that occur outside the polling place or at any time
32 other than on the day of the primary or election.

33 (4) Every person who violates this section is guilty of a class C
34 felony, punishable under RCW 9A.20.021.

1 **Sec. 166.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
2 read as follows:

3 (1) For any office at any election or primary, any voter may write
4 in on the ballot the name of any person for an office who has filed as
5 a write-in candidate for the office in the manner provided by RCW
6 29A.24.310 and such vote shall be counted the same as if the name had
7 been printed on the ballot and marked by the voter. In a partisan
8 primary, a voter may write in only the name of a write-in candidate
9 affiliated with the same major political party as designated on the
10 party ballot and eligible for nomination as a candidate of that party.

11 No write-in vote made for any person who has not filed a declaration of
12 candidacy pursuant to RCW 29A.24.310 is valid if that person filed for
13 the same office, either as a regular candidate or a write-in candidate,
14 at the preceding primary. Any abbreviation used to designate office,
15 position, or political party shall be accepted if the canvassing board
16 can determine, to their satisfaction, the voter's intent.

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

19 (3) Write-in votes cast for an individual candidate for an office
20 need not be tallied if the total number of write-in votes cast for the
21 office is not greater than the number of votes cast for the candidate
22 apparently nominated or elected, and the write-in votes could not have
23 altered the outcome of the primary or election. In the case of write-
24 in votes for statewide office or for any office whose jurisdiction
25 encompasses more than one county, write-in votes for an individual
26 candidate must be tallied whenever the county auditor is notified by
27 either the office of the secretary of state or another auditor in a
28 multicounty jurisdiction that it appears that the write-in votes could
29 alter the outcome of the primary or election.

30 (4) In the case of statewide offices or jurisdictions that
31 encompass more than one county, if the total number of write-in votes
32 cast for an office within a county is greater than the number of votes
33 cast for a candidate apparently nominated or elected in a primary or
34 election, the auditor shall tally all write-in votes for individual
35 candidates for that office and notify the office of the secretary of
36 state and the auditors of the other counties within the jurisdiction,
37 that the write-in votes for individual candidates should be tallied.

1 NEW SECTION. **Sec. 167.** A new section is added to chapter 29A.64
2 RCW to read as follows:

3 (1) No record of the party ballot voted by an unaffiliated voter
4 voting in a primary or election may be created or maintained by any
5 public agency, organization, or person except for the purposes of
6 conducting the provisions of this chapter and chapters 29A.60 and
7 29A.68 RCW. Any such record created for the purpose defined in this
8 chapter is not a public record and therefore is not available for
9 public inspection or copying.

10 (2) No record of the party ballot voted by an unaffiliated voter
11 voting in a primary shall be recorded or sought by individuals
12 conducting activities authorized under RCW 29A.44.020.

13 (3) Nothing in this section shall be construed so as to prohibit a
14 political organization from conducting voter identification and party
15 building activities that occur outside the polling place or at any time
16 other than on the day of the primary or election.

17 (4) Every person who violates this section is guilty of a class C
18 felony, punishable under RCW 9A.20.021.

19 NEW SECTION. **Sec. 168.** A new section is added to chapter 29A.68
20 RCW to read as follows:

21 (1) No record of the party ballot voted by an unaffiliated voter
22 voting in a primary or election may be created or maintained by any
23 public agency, organization, or person except for the purposes of
24 conducting the provisions of this chapter and chapters 29A.60 and
25 29A.64 RCW. Any such record created for the purpose defined in this
26 chapter is not a public record and therefore is not available for
27 public inspection or copying.

28 (2) No record of the party ballot voted by an unaffiliated voter
29 voting in a primary shall be recorded or sought by individuals
30 conducting activities authorized under RCW 29A.44.020.

31 (3) Nothing in this section shall be construed so as to prohibit a
32 political organization from conducting voter identification and party
33 building activities that occur outside the polling place or at any time
34 other than on the day of the primary or election.

35 (4) Every person who violates this section is guilty of a class C
36 felony, punishable under RCW 9A.20.021.

1 **Sec. 169.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to
2 read as follows:

3 Any registered party member of a major political party who is a
4 registered voter in the precinct may upon payment of a fee of one
5 dollar file his or her declaration of candidacy as prescribed under RCW
6 29A.24.030 with the county auditor for the office of precinct committee
7 officer of his or her party in that precinct. When elected at the
8 primary, the precinct committee officer shall serve so long as the
9 committee officer remains an eligible voter in that precinct and until
10 a successor has been elected at the next ensuing state (~~general~~)
11 primary election in the even-numbered year.

12 **Sec. 170.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
13 read as follows:

14 The statutory requirements for filing as a candidate at the
15 primaries apply to candidates for precinct committee officer, except
16 that the filing period for this office alone is extended to and
17 includes the Friday immediately following the last day for political
18 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.
19 The office (~~shall not~~) must be voted upon at the primaries in even-
20 numbered years, (~~but~~) and the names of all candidates must appear
21 under the proper (~~party and~~) office designation(~~s~~) on the party
22 ballots (~~for the general election for each even-numbered year, and~~).
23 The one receiving the highest number of votes will be declared elected.
24 (~~However, to be declared elected, a candidate must receive at least~~
25 ~~ten percent of the number of votes cast for the candidate of the~~
26 ~~candidate's party receiving the greatest number of votes in the~~
27 ~~precinct.~~) The term of office of precinct committee officer is two
28 years, commencing upon completion of the official canvass of votes by
29 the county canvassing board of election returns.

30 **Sec. 171.** RCW 29A.80.060 and 2003 c 111 s 2006 are each amended to
31 read as follows:

32 Within forty-five days after the statewide general election in
33 even-numbered years, the county chair of each major political party
34 shall call separate meetings of all elected precinct committee officers
35 in each legislative district(~~, a majority of the precincts of which~~
36 ~~are within a county with a population of one million or more~~) for the

1 purpose of electing a legislative district chair in such district. The
2 district chair shall hold office until the next legislative district
3 reorganizational meeting two years later, or until a successor is
4 elected.

5 The legislative district chair may be removed only by the majority
6 vote of the elected precinct committee officers in the chair's
7 district.

8 **Sec. 172.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
9 as follows:

10 (1) "Agency" includes all state agencies and all local agencies.
11 "State agency" includes every state office, department, division,
12 bureau, board, commission, or other state agency. "Local agency"
13 includes every county, city, town, municipal corporation, quasi-
14 municipal corporation, or special purpose district, or any office,
15 department, division, bureau, board, commission, or agency thereof, or
16 other local public agency.

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

21 (3) "Ballot proposition" means any "measure" as defined by RCW
22 ((~~29.01.110~~)) 29A.04.091, or any initiative, recall, or referendum
23 proposition proposed to be submitted to the voters of the state or any
24 municipal corporation, political subdivision, or other voting
25 constituency from and after the time when the proposition has been
26 initially filed with the appropriate election officer of that
27 constituency prior to its circulation for signatures.

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

31 (5) "Bona fide political party" means:
32 (a) An organization that has filed a valid certificate of
33 nomination with the secretary of state under chapter ((~~29.24~~)) 29A.20
34 RCW;

35 (b) The governing body of the state organization of a major
36 political party, as defined in RCW ((~~29.01.090~~)) 29A.04.085, that is

1 the body authorized by the charter or bylaws of the party to exercise
2 authority on behalf of the state party; or

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

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

8 (7) "Treasurer" and "deputy treasurer" mean the individuals
9 appointed by a candidate or political committee, pursuant to RCW
10 42.17.050, to perform the duties specified in that section.

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

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

16 (b) Announces publicly or files for office;

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

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

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

24 (10) "Commercial advertiser" means any person who sells the service
25 of communicating messages or producing printed material for broadcast
26 or distribution to the general public or segments of the general public
27 whether through the use of newspapers, magazines, television and radio
28 stations, billboard companies, direct mail advertising companies,
29 printing companies, or otherwise.

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

31 (12) "Compensation" unless the context requires a narrower meaning,
32 includes payment in any form for real or personal property or services
33 of any kind: PROVIDED, That for the purpose of compliance with RCW
34 42.17.241, the term "compensation" shall not include per diem
35 allowances or other payments made by a governmental entity to reimburse
36 a public official for expenses incurred while the official is engaged
37 in the official business of the governmental entity.

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

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

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

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

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

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

19 (b) "Contribution" does not include:

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

22 (ii) Ordinary home hospitality;

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

26 (iv) A news item, feature, commentary, or editorial in a regularly
27 scheduled news medium that is of primary interest to the general
28 public, that is in a news medium controlled by a person whose business
29 is that news medium, and that is not controlled by a candidate or a
30 political committee;

31 (v) An internal political communication primarily limited to the
32 (~~members of or~~) contributors to a political party organization or
33 political committee, or to the officers, management staff, or
34 stockholders of a corporation or similar enterprise, or to the members
35 of a labor organization or other membership organization;

36 (vi) The rendering of personal services of the sort commonly
37 performed by volunteer campaign workers, or incidental expenses
38 personally incurred by volunteer campaign workers not in excess of

1 fifty dollars personally paid for by the worker. "Volunteer services,"
2 for the purposes of this section, means services or labor for which the
3 individual is not compensated by any person;

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

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

11 (A) A political party or caucus political committee if the person
12 paying for the services is the regular employer of the person rendering
13 such services; or

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

18 (c) Contributions other than money or its equivalent are deemed to
19 have a monetary value equivalent to the fair market value of the
20 contribution. Services or property or rights furnished at less than
21 their fair market value for the purpose of assisting any candidate or
22 political committee are deemed a contribution. Such a contribution
23 must be reported as an in-kind contribution at its fair market value
24 and counts towards any applicable contribution limit of the provider.

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

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

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

1 (18) "Election cycle" means the period beginning on the first day
2 of December after the date of the last previous general election for
3 the office that the candidate seeks and ending on November 30th after
4 the next election for the office. In the case of a special election to
5 fill a vacancy in an office, "election cycle" means the period
6 beginning on the day the vacancy occurs and ending on November 30th
7 after the special election.

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

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

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

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

28 (23) "Immediate family" includes the spouse, dependent children,
29 and other dependent relatives, if living in the household. For the
30 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
31 an individual's spouse, and child, stepchild, grandchild, parent,
32 stepparent, grandparent, brother, half brother, sister, or half sister
33 of the individual and the spouse of any such person and a child,
34 stepchild, grandchild, parent, stepparent, grandparent, brother, half
35 brother, sister, or half sister of the individual's spouse and the
36 spouse of any such person.

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

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

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

16 (c) The expenditure, alone or in conjunction with another
17 expenditure or other expenditures of the same person in support of or
18 opposition to that candidate, has a value of five hundred dollars or
19 more. A series of expenditures, each of which is under five hundred
20 dollars, constitutes one independent expenditure if their cumulative
21 value is five hundred dollars or more.

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

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

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

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

34 (26) "Legislation" means bills, resolutions, motions, amendments,
35 nominations, and other matters pending or proposed in either house of
36 the state legislature, and includes any other matter that may be the
37 subject of action by either house or any committee of the legislature

1 and all bills and resolutions that, having passed both houses, are
2 pending approval by the governor.

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

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

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

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

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

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

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

35 (34) "Primary" for the purposes of RCW 42.17.640 means the
36 ~~((procedure for nominating))~~ election that nominates a candidate of a
37 major political party to state office ~~((under chapter 29.18 or 29.21~~
38 ~~RCW or any other primary for an election that uses, in large measure,~~

1 ~~the procedures established in chapter 29.18 or 29.21 RCW~~). In the
2 event that all major parties adopt rules prohibiting the counting of
3 unaffiliated ballots at the primary election, primary means the
4 procedure for qualifying a candidate to state office under chapter
5 29A.-- RCW (sections 201 through 255 of this act).

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

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

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

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

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

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

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

1 in the possession or control of the committee that are in excess of the
2 amount necessary to pay all remaining debts when it makes its final
3 report under RCW 42.17.065.

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

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

15 **Sec. 173.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277
16 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as
17 follows:

18 (1) The following are exempt from public inspection and copying:

19 (a) Personal information in any files maintained for students in
20 public schools, patients or clients of public institutions or public
21 health agencies, or welfare recipients.

22 (b) Personal information in files maintained for employees,
23 appointees, or elected officials of any public agency to the extent
24 that disclosure would violate their right to privacy.

25 (c) Information required of any taxpayer in connection with the
26 assessment or collection of any tax if the disclosure of the
27 information to other persons would (i) be prohibited to such persons by
28 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
29 taxpayer's right to privacy or result in unfair competitive
30 disadvantage to the taxpayer.

31 (d) Specific intelligence information and specific investigative
32 records compiled by investigative, law enforcement, and penology
33 agencies, and state agencies vested with the responsibility to
34 discipline members of any profession, the nondisclosure of which is
35 essential to effective law enforcement or for the protection of any
36 person's right to privacy.

1 (e) Information revealing the identity of persons who are witnesses
2 to or victims of crime or who file complaints with investigative, law
3 enforcement, or penology agencies, other than the public disclosure
4 commission, if disclosure would endanger any person's life, physical
5 safety, or property. If at the time a complaint is filed the
6 complainant, victim or witness indicates a desire for disclosure or
7 nondisclosure, such desire shall govern. However, all complaints filed
8 with the public disclosure commission about any elected official or
9 candidate for public office must be made in writing and signed by the
10 complainant under oath.

11 (f) Test questions, scoring keys, and other examination data used
12 to administer a license, employment, or academic examination.

13 (g) Except as provided by chapter 8.26 RCW, the contents of real
14 estate appraisals, made for or by any agency relative to the
15 acquisition or sale of property, until the project or prospective sale
16 is abandoned or until such time as all of the property has been
17 acquired or the property to which the sale appraisal relates is sold,
18 but in no event shall disclosure be denied for more than three years
19 after the appraisal.

20 (h) Valuable formulae, designs, drawings, computer source code or
21 object code, and research data obtained by any agency within five years
22 of the request for disclosure when disclosure would produce private
23 gain and public loss.

24 (i) Preliminary drafts, notes, recommendations, and intra-agency
25 memorandums in which opinions are expressed or policies formulated or
26 recommended except that a specific record shall not be exempt when
27 publicly cited by an agency in connection with any agency action.

28 (j) Records which are relevant to a controversy to which an agency
29 is a party but which records would not be available to another party
30 under the rules of pretrial discovery for causes pending in the
31 superior courts.

32 (k) Records, maps, or other information identifying the location of
33 archaeological sites in order to avoid the looting or depredation of
34 such sites.

35 (l) Any library record, the primary purpose of which is to maintain
36 control of library materials, or to gain access to information, which
37 discloses or could be used to disclose the identity of a library user.

1 (m) Financial information supplied by or on behalf of a person,
2 firm, or corporation for the purpose of qualifying to submit a bid or
3 proposal for (i) a ferry system construction or repair contract as
4 required by RCW 47.60.680 through 47.60.750 or (ii) highway
5 construction or improvement as required by RCW 47.28.070.

6 (n) Railroad company contracts filed prior to July 28, 1991, with
7 the utilities and transportation commission under RCW 81.34.070, except
8 that the summaries of the contracts are open to public inspection and
9 copying as otherwise provided by this chapter.

10 (o) Financial and commercial information and records supplied by
11 private persons pertaining to export services provided pursuant to
12 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
13 export projects pursuant to RCW 43.23.035.

14 (p) Financial disclosures filed by private vocational schools under
15 chapters 28B.85 and 28C.10 RCW.

16 (q) Records filed with the utilities and transportation commission
17 or attorney general under RCW 80.04.095 that a court has determined are
18 confidential under RCW 80.04.095.

19 (r) Financial and commercial information and records supplied by
20 businesses or individuals during application for loans or program
21 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
22 or during application for economic development loans or program
23 services provided by any local agency.

24 (s) Membership lists or lists of members or owners of interests of
25 units in timeshare projects, subdivisions, camping resorts,
26 condominiums, land developments, or common-interest communities
27 affiliated with such projects, regulated by the department of
28 licensing, in the files or possession of the department.

29 (t) All applications for public employment, including the names of
30 applicants, resumes, and other related materials submitted with respect
31 to an applicant.

32 (u) The residential addresses or residential telephone numbers of
33 employees or volunteers of a public agency which are held by any public
34 agency in personnel records, public employment related records, or
35 volunteer rosters, or are included in any mailing list of employees or
36 volunteers of any public agency.

37 (v) The residential addresses and residential telephone numbers of
38 the customers of a public utility contained in the records or lists

1 held by the public utility of which they are customers, except that
2 this information may be released to the division of child support or
3 the agency or firm providing child support enforcement for another
4 state under Title IV-D of the federal social security act, for the
5 establishment, enforcement, or modification of a support order.

6 (w)(i) The federal social security number of individuals governed
7 under chapter 18.130 RCW maintained in the files of the department of
8 health, except this exemption does not apply to requests made directly
9 to the department from federal, state, and local agencies of
10 government, and national and state licensing, credentialing,
11 investigatory, disciplinary, and examination organizations; (ii) the
12 current residential address and current residential telephone number of
13 a health care provider governed under chapter 18.130 RCW maintained in
14 the files of the department, if the provider requests that this
15 information be withheld from public inspection and copying, and
16 provides to the department an accurate alternate or business address
17 and business telephone number. On or after January 1, 1995, the
18 current residential address and residential telephone number of a
19 health care provider governed under RCW 18.130.040 maintained in the
20 files of the department shall automatically be withheld from public
21 inspection and copying unless the provider specifically requests the
22 information be released, and except as provided for under RCW
23 42.17.260(9).

24 (x) Information obtained by the board of pharmacy as provided in
25 RCW 69.45.090.

26 (y) Information obtained by the board of pharmacy or the department
27 of health and its representatives as provided in RCW 69.41.044,
28 69.41.280, and 18.64.420.

29 (z) Financial information, business plans, examination reports, and
30 any information produced or obtained in evaluating or examining a
31 business and industrial development corporation organized or seeking
32 certification under chapter 31.24 RCW.

33 (aa) Financial and commercial information supplied to the state
34 investment board by any person when the information relates to the
35 investment of public trust or retirement funds and when disclosure
36 would result in loss to such funds or in private loss to the providers
37 of this information.

38 (bb) Financial and valuable trade information under RCW 51.36.120.

1 (cc) Client records maintained by an agency that is a domestic
2 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
3 crisis center as defined in RCW 70.125.030.

4 (dd) Information that identifies a person who, while an agency
5 employee: (i) Seeks advice, under an informal process established by
6 the employing agency, in order to ascertain his or her rights in
7 connection with a possible unfair practice under chapter 49.60 RCW
8 against the person; and (ii) requests his or her identity or any
9 identifying information not be disclosed.

10 (ee) Investigative records compiled by an employing agency
11 conducting a current investigation of a possible unfair practice under
12 chapter 49.60 RCW or of a possible violation of other federal, state,
13 or local laws prohibiting discrimination in employment.

14 (ff) Business related information protected from public inspection
15 and copying under RCW 15.86.110.

16 (gg) Financial, commercial, operations, and technical and research
17 information and data submitted to or obtained by the clean Washington
18 center in applications for, or delivery of, program services under
19 chapter 70.95H RCW.

20 (hh) Information and documents created specifically for, and
21 collected and maintained by a quality improvement committee pursuant to
22 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
23 4.24.250, regardless of which agency is in possession of the
24 information and documents.

25 (ii) Personal information in files maintained in a data base
26 created under RCW 43.07.360.

27 (jj) Financial and commercial information requested by the public
28 stadium authority from any person or organization that leases or uses
29 the stadium and exhibition center as defined in RCW 36.102.010.

30 (kk) Names of individuals residing in emergency or transitional
31 housing that are furnished to the department of revenue or a county
32 assessor in order to substantiate a claim for property tax exemption
33 under RCW 84.36.043.

34 (ll) The names, residential addresses, residential telephone
35 numbers, and other individually identifiable records held by an agency
36 in relation to a vanpool, carpool, or other ride-sharing program or
37 service. However, these records may be disclosed to other persons who

1 apply for ride-matching services and who need that information in order
2 to identify potential riders or drivers with whom to share rides.

3 (mm) The personally identifying information of current or former
4 participants or applicants in a paratransit or other transit service
5 operated for the benefit of persons with disabilities or elderly
6 persons.

7 (nn) The personally identifying information of persons who acquire
8 and use transit passes and other fare payment media including, but not
9 limited to, stored value smart cards and magnetic strip cards, except
10 that an agency may disclose this information to a person, employer,
11 educational institution, or other entity that is responsible, in whole
12 or in part, for payment of the cost of acquiring or using a transit
13 pass or other fare payment media, or to the news media when reporting
14 on public transportation or public safety. This information may also
15 be disclosed at the agency's discretion to governmental agencies or
16 groups concerned with public transportation or public safety.

17 (oo) Proprietary financial and commercial information that the
18 submitting entity, with review by the department of health,
19 specifically identifies at the time it is submitted and that is
20 provided to or obtained by the department of health in connection with
21 an application for, or the supervision of, an antitrust exemption
22 sought by the submitting entity under RCW 43.72.310. If a request for
23 such information is received, the submitting entity must be notified of
24 the request. Within ten business days of receipt of the notice, the
25 submitting entity shall provide a written statement of the continuing
26 need for confidentiality, which shall be provided to the requester.
27 Upon receipt of such notice, the department of health shall continue to
28 treat information designated under this section as exempt from
29 disclosure. If the requester initiates an action to compel disclosure
30 under this chapter, the submitting entity must be joined as a party to
31 demonstrate the continuing need for confidentiality.

32 (pp) Records maintained by the board of industrial insurance
33 appeals that are related to appeals of crime victims' compensation
34 claims filed with the board under RCW 7.68.110.

35 (qq) Financial and commercial information supplied by or on behalf
36 of a person, firm, corporation, or entity under chapter 28B.95 RCW
37 relating to the purchase or sale of tuition units and contracts for the
38 purchase of multiple tuition units.

1 (rr) Any records of investigative reports prepared by any state,
2 county, municipal, or other law enforcement agency pertaining to sex
3 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
4 defined in RCW 71.09.020, which have been transferred to the Washington
5 association of sheriffs and police chiefs for permanent electronic
6 retention and retrieval pursuant to RCW 40.14.070(2)(b).

7 (ss) Credit card numbers, debit card numbers, electronic check
8 numbers, card expiration dates, or bank or other financial account
9 numbers, except when disclosure is expressly required by or governed by
10 other law.

11 (tt) Financial information, including but not limited to account
12 numbers and values, and other identification numbers supplied by or on
13 behalf of a person, firm, corporation, limited liability company,
14 partnership, or other entity related to an application for a liquor
15 license, gambling license, or lottery retail license.

16 (uu) Records maintained by the employment security department and
17 subject to chapter 50.13 RCW if provided to another individual or
18 organization for operational, research, or evaluation purposes.

19 (vv) Individually identifiable information received by the work
20 force training and education coordinating board for research or
21 evaluation purposes.

22 (ww) Those portions of records assembled, prepared, or maintained
23 to prevent, mitigate, or respond to criminal terrorist acts, which are
24 acts that significantly disrupt the conduct of government or of the
25 general civilian population of the state or the United States and that
26 manifest an extreme indifference to human life, the public disclosure
27 of which would have a substantial likelihood of threatening public
28 safety, consisting of:

29 (i) Specific and unique vulnerability assessments or specific and
30 unique response or deployment plans, including compiled underlying data
31 collected in preparation of or essential to the assessments, or to the
32 response or deployment plans; and

33 (ii) Records not subject to public disclosure under federal law
34 that are shared by federal or international agencies, and information
35 prepared from national security briefings provided to state or local
36 government officials related to domestic preparedness for acts of
37 terrorism.

1 (xx) Commercial fishing catch data from logbooks required to be
2 provided to the department of fish and wildlife under RCW 77.12.047,
3 when the data identifies specific catch location, timing, or
4 methodology and the release of which would result in unfair competitive
5 disadvantage to the commercial fisher providing the catch data.
6 However, this information may be released to government agencies
7 concerned with the management of fish and wildlife resources.

8 (yy) Sensitive wildlife data obtained by the department of fish and
9 wildlife. However, sensitive wildlife data may be released to
10 government agencies concerned with the management of fish and wildlife
11 resources. Sensitive wildlife data includes:

12 (i) The nesting sites or specific locations of endangered species
13 designated under RCW 77.12.020, or threatened or sensitive species
14 classified by rule of the department of fish and wildlife;

15 (ii) Radio frequencies used in, or locational data generated by,
16 telemetry studies; or

17 (iii) Other location data that could compromise the viability of a
18 specific fish or wildlife population, and where at least one of the
19 following criteria are met:

20 (A) The species has a known commercial or black market value;

21 (B) There is a history of malicious take of that species; or

22 (C) There is a known demand to visit, take, or disturb, and the
23 species behavior or ecology renders it especially vulnerable or the
24 species has an extremely limited distribution and concentration.

25 (zz) The personally identifying information of persons who acquire
26 recreational licenses under RCW 77.32.010 or commercial licenses under
27 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
28 department, and type of license, endorsement, or tag. However, the
29 department of fish and wildlife may disclose personally identifying
30 information to:

31 (i) Government agencies concerned with the management of fish and
32 wildlife resources;

33 (ii) The department of social and health services, child support
34 division, and to the department of licensing in order to implement RCW
35 77.32.014 and 46.20.291; and

36 (iii) Law enforcement agencies for the purpose of firearm
37 possession enforcement under RCW 9.41.040.

1 (aaa)(i) Discharge papers of a veteran of the armed forces of the
2 United States filed at the office of the county auditor before July 1,
3 2002, that have not been commingled with other recorded documents.
4 These records will be available only to the veteran, the veteran's next
5 of kin, a deceased veteran's properly appointed personal representative
6 or executor, a person holding that veteran's general power of attorney,
7 or to anyone else designated in writing by that veteran to receive the
8 records.

9 (ii) Discharge papers of a veteran of the armed forces of the
10 United States filed at the office of the county auditor before July 1,
11 2002, that have been commingled with other records, if the veteran has
12 recorded a "request for exemption from public disclosure of discharge
13 papers" with the county auditor. If such a request has been recorded,
14 these records may be released only to the veteran filing the papers,
15 the veteran's next of kin, a deceased veteran's properly appointed
16 personal representative or executor, a person holding the veteran's
17 general power of attorney, or anyone else designated in writing by the
18 veteran to receive the records.

19 (iii) Discharge papers of a veteran filed at the office of the
20 county auditor after June 30, 2002, are not public records, but will be
21 available only to the veteran, the veteran's next of kin, a deceased
22 veteran's properly appointed personal representative or executor, a
23 person holding the veteran's general power of attorney, or anyone else
24 designated in writing by the veteran to receive the records.

25 (iv) For the purposes of this subsection (1)(aaa), next of kin of
26 deceased veterans have the same rights to full access to the record.
27 Next of kin are the veteran's widow or widower who has not remarried,
28 son, daughter, father, mother, brother, and sister.

29 (bbb) Those portions of records containing specific and unique
30 vulnerability assessments or specific and unique emergency and escape
31 response plans at a city, county, or state adult or juvenile
32 correctional facility, the public disclosure of which would have a
33 substantial likelihood of threatening the security of a city, county,
34 or state adult or juvenile correctional facility or any individual's
35 safety.

36 (ccc) Information compiled by school districts or schools in the
37 development of their comprehensive safe school plans pursuant to RCW

1 28A.320.125, to the extent that they identify specific vulnerabilities
2 of school districts and each individual school.

3 (ddd) Information regarding the infrastructure and security of
4 computer and telecommunications networks, consisting of security
5 passwords, security access codes and programs, access codes for secure
6 software applications, security and service recovery plans, security
7 risk assessments, and security test results to the extent that they
8 identify specific system vulnerabilities.

9 (eee) Information obtained and exempted or withheld from public
10 inspection by the health care authority under RCW 41.05.026, whether
11 retained by the authority, transferred to another state purchased
12 health care program by the authority, or transferred by the authority
13 to a technical review committee created to facilitate the development,
14 acquisition, or implementation of state purchased health care under
15 chapter 41.05 RCW.

16 (fff) Proprietary data, trade secrets, or other information that
17 relates to: (i) A vendor's unique methods of conducting business; (ii)
18 data unique to the product or services of the vendor; or (iii)
19 determining prices or rates to be charged for services, submitted by
20 any vendor to the department of social and health services for purposes
21 of the development, acquisition, or implementation of state purchased
22 health care as defined in RCW 41.05.011.

23 (ggg) Proprietary information deemed confidential for the purposes
24 of section 923, chapter 26, Laws of 2003 1st sp. sess.

25 (hhh) Any records of the party ballot voted and returned by a
26 particular unaffiliated voter.

27 (2) Except for information described in subsection (1)(c)(i) of
28 this section and confidential income data exempted from public
29 inspection pursuant to RCW 84.40.020, the exemptions of this section
30 are inapplicable to the extent that information, the disclosure of
31 which would violate personal privacy or vital governmental interests,
32 can be deleted from the specific records sought. No exemption may be
33 construed to permit the nondisclosure of statistical information not
34 descriptive of any readily identifiable person or persons.

35 (3) Inspection or copying of any specific records exempt under the
36 provisions of this section may be permitted if the superior court in
37 the county in which the record is maintained finds, after a hearing

1 with notice thereof to every person in interest and the agency, that
2 the exemption of such records is clearly unnecessary to protect any
3 individual's right of privacy or any vital governmental function.

4 (4) Agency responses refusing, in whole or in part, inspection of
5 any public record shall include a statement of the specific exemption
6 authorizing the withholding of the record (or part) and a brief
7 explanation of how the exemption applies to the record withheld.

8 **Sec. 174.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
9 each reenacted and amended to read as follows:

10 (1) The following are exempt from public inspection and copying:

11 (a) Personal information in any files maintained for students in
12 public schools, patients or clients of public institutions or public
13 health agencies, or welfare recipients.

14 (b) Personal information in files maintained for employees,
15 appointees, or elected officials of any public agency to the extent
16 that disclosure would violate their right to privacy.

17 (c) Information required of any taxpayer in connection with the
18 assessment or collection of any tax if the disclosure of the
19 information to other persons would (i) be prohibited to such persons by
20 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
21 taxpayer's right to privacy or result in unfair competitive
22 disadvantage to the taxpayer.

23 (d) Specific intelligence information and specific investigative
24 records compiled by investigative, law enforcement, and penology
25 agencies, and state agencies vested with the responsibility to
26 discipline members of any profession, the nondisclosure of which is
27 essential to effective law enforcement or for the protection of any
28 person's right to privacy.

29 (e) Information revealing the identity of persons who are witnesses
30 to or victims of crime or who file complaints with investigative, law
31 enforcement, or penology agencies, other than the public disclosure
32 commission, if disclosure would endanger any person's life, physical
33 safety, or property. If at the time a complaint is filed the
34 complainant, victim or witness indicates a desire for disclosure or
35 nondisclosure, such desire shall govern. However, all complaints filed
36 with the public disclosure commission about any elected official or

1 candidate for public office must be made in writing and signed by the
2 complainant under oath.

3 (f) Test questions, scoring keys, and other examination data used
4 to administer a license, employment, or academic examination.

5 (g) Except as provided by chapter 8.26 RCW, the contents of real
6 estate appraisals, made for or by any agency relative to the
7 acquisition or sale of property, until the project or prospective sale
8 is abandoned or until such time as all of the property has been
9 acquired or the property to which the sale appraisal relates is sold,
10 but in no event shall disclosure be denied for more than three years
11 after the appraisal.

12 (h) Valuable formulae, designs, drawings, computer source code or
13 object code, and research data obtained by any agency within five years
14 of the request for disclosure when disclosure would produce private
15 gain and public loss.

16 (i) Preliminary drafts, notes, recommendations, and intra-agency
17 memorandums in which opinions are expressed or policies formulated or
18 recommended except that a specific record shall not be exempt when
19 publicly cited by an agency in connection with any agency action.

20 (j) Records which are relevant to a controversy to which an agency
21 is a party but which records would not be available to another party
22 under the rules of pretrial discovery for causes pending in the
23 superior courts.

24 (k) Records, maps, or other information identifying the location of
25 archaeological sites in order to avoid the looting or depredation of
26 such sites.

27 (l) Any library record, the primary purpose of which is to maintain
28 control of library materials, or to gain access to information, which
29 discloses or could be used to disclose the identity of a library user.

30 (m) Financial information supplied by or on behalf of a person,
31 firm, or corporation for the purpose of qualifying to submit a bid or
32 proposal for (i) a ferry system construction or repair contract as
33 required by RCW 47.60.680 through 47.60.750 or (ii) highway
34 construction or improvement as required by RCW 47.28.070.

35 (n) Railroad company contracts filed prior to July 28, 1991, with
36 the utilities and transportation commission under RCW 81.34.070, except
37 that the summaries of the contracts are open to public inspection and
38 copying as otherwise provided by this chapter.

1 (o) Financial and commercial information and records supplied by
2 private persons pertaining to export services provided pursuant to
3 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
4 export projects pursuant to RCW 43.23.035.

5 (p) Financial disclosures filed by private vocational schools under
6 chapters 28B.85 and 28C.10 RCW.

7 (q) Records filed with the utilities and transportation commission
8 or attorney general under RCW 80.04.095 that a court has determined are
9 confidential under RCW 80.04.095.

10 (r) Financial and commercial information and records supplied by
11 businesses or individuals during application for loans or program
12 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
13 or during application for economic development loans or program
14 services provided by any local agency.

15 (s) Membership lists or lists of members or owners of interests of
16 units in timeshare projects, subdivisions, camping resorts,
17 condominiums, land developments, or common-interest communities
18 affiliated with such projects, regulated by the department of
19 licensing, in the files or possession of the department.

20 (t) All applications for public employment, including the names of
21 applicants, resumes, and other related materials submitted with respect
22 to an applicant.

23 (u) The residential addresses or residential telephone numbers of
24 employees or volunteers of a public agency which are held by any public
25 agency in personnel records, public employment related records, or
26 volunteer rosters, or are included in any mailing list of employees or
27 volunteers of any public agency.

28 (v) The residential addresses and residential telephone numbers of
29 the customers of a public utility contained in the records or lists
30 held by the public utility of which they are customers, except that
31 this information may be released to the division of child support or
32 the agency or firm providing child support enforcement for another
33 state under Title IV-D of the federal social security act, for the
34 establishment, enforcement, or modification of a support order.

35 (w)(i) The federal social security number of individuals governed
36 under chapter 18.130 RCW maintained in the files of the department of
37 health, except this exemption does not apply to requests made directly
38 to the department from federal, state, and local agencies of

1 government, and national and state licensing, credentialing,
2 investigatory, disciplinary, and examination organizations; (ii) the
3 current residential address and current residential telephone number of
4 a health care provider governed under chapter 18.130 RCW maintained in
5 the files of the department, if the provider requests that this
6 information be withheld from public inspection and copying, and
7 provides to the department an accurate alternate or business address
8 and business telephone number. On or after January 1, 1995, the
9 current residential address and residential telephone number of a
10 health care provider governed under RCW 18.130.040 maintained in the
11 files of the department shall automatically be withheld from public
12 inspection and copying unless the provider specifically requests the
13 information be released, and except as provided for under RCW
14 42.17.260(9).

15 (x) Information obtained by the board of pharmacy as provided in
16 RCW 69.45.090.

17 (y) Information obtained by the board of pharmacy or the department
18 of health and its representatives as provided in RCW 69.41.044,
19 69.41.280, and 18.64.420.

20 (z) Financial information, business plans, examination reports, and
21 any information produced or obtained in evaluating or examining a
22 business and industrial development corporation organized or seeking
23 certification under chapter 31.24 RCW.

24 (aa) Financial and commercial information supplied to the state
25 investment board by any person when the information relates to the
26 investment of public trust or retirement funds and when disclosure
27 would result in loss to such funds or in private loss to the providers
28 of this information.

29 (bb) Financial and valuable trade information under RCW 51.36.120.

30 (cc) Client records maintained by an agency that is a domestic
31 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
32 crisis center as defined in RCW 70.125.030.

33 (dd) Information that identifies a person who, while an agency
34 employee: (i) Seeks advice, under an informal process established by
35 the employing agency, in order to ascertain his or her rights in
36 connection with a possible unfair practice under chapter 49.60 RCW
37 against the person; and (ii) requests his or her identity or any
38 identifying information not be disclosed.

1 (ee) Investigative records compiled by an employing agency
2 conducting a current investigation of a possible unfair practice under
3 chapter 49.60 RCW or of a possible violation of other federal, state,
4 or local laws prohibiting discrimination in employment.

5 (ff) Business related information protected from public inspection
6 and copying under RCW 15.86.110.

7 (gg) Financial, commercial, operations, and technical and research
8 information and data submitted to or obtained by the clean Washington
9 center in applications for, or delivery of, program services under
10 chapter 70.95H RCW.

11 (hh) Information and documents created specifically for, and
12 collected and maintained by a quality improvement committee pursuant to
13 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
14 4.24.250, regardless of which agency is in possession of the
15 information and documents.

16 (ii) Personal information in files maintained in a data base
17 created under RCW 43.07.360.

18 (jj) Financial and commercial information requested by the public
19 stadium authority from any person or organization that leases or uses
20 the stadium and exhibition center as defined in RCW 36.102.010.

21 (kk) Names of individuals residing in emergency or transitional
22 housing that are furnished to the department of revenue or a county
23 assessor in order to substantiate a claim for property tax exemption
24 under RCW 84.36.043.

25 (ll) The names, residential addresses, residential telephone
26 numbers, and other individually identifiable records held by an agency
27 in relation to a vanpool, carpool, or other ride-sharing program or
28 service. However, these records may be disclosed to other persons who
29 apply for ride-matching services and who need that information in order
30 to identify potential riders or drivers with whom to share rides.

31 (mm) The personally identifying information of current or former
32 participants or applicants in a paratransit or other transit service
33 operated for the benefit of persons with disabilities or elderly
34 persons.

35 (nn) The personally identifying information of persons who acquire
36 and use transit passes and other fare payment media including, but not
37 limited to, stored value smart cards and magnetic strip cards, except
38 that an agency may disclose this information to a person, employer,

1 educational institution, or other entity that is responsible, in whole
2 or in part, for payment of the cost of acquiring or using a transit
3 pass or other fare payment media, or to the news media when reporting
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5 be disclosed at the agency's discretion to governmental agencies or
6 groups concerned with public transportation or public safety.

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8 submitting entity, with review by the department of health,
9 specifically identifies at the time it is submitted and that is
10 provided to or obtained by the department of health in connection with
11 an application for, or the supervision of, an antitrust exemption
12 sought by the submitting entity under RCW 43.72.310. If a request for
13 such information is received, the submitting entity must be notified of
14 the request. Within ten business days of receipt of the notice, the
15 submitting entity shall provide a written statement of the continuing
16 need for confidentiality, which shall be provided to the requester.
17 Upon receipt of such notice, the department of health shall continue to
18 treat information designated under this section as exempt from
19 disclosure. If the requester initiates an action to compel disclosure
20 under this chapter, the submitting entity must be joined as a party to
21 demonstrate the continuing need for confidentiality.

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23 appeals that are related to appeals of crime victims' compensation
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26 of a person, firm, corporation, or entity under chapter 28B.95 RCW
27 relating to the purchase or sale of tuition units and contracts for the
28 purchase of multiple tuition units.

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31 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
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8 organization for operational, research, or evaluation purposes.

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11 evaluation purposes.

12 (ww) Those portions of records assembled, prepared, or maintained
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14 acts that significantly disrupt the conduct of government or of the
15 general civilian population of the state or the United States and that
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5 telemetry studies; or

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7 specific fish or wildlife population, and where at least one of the
8 following criteria are met:

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1 papers" with the county auditor. If such a request has been recorded,
2 these records may be released only to the veteran filing the papers,
3 the veteran's next of kin, a deceased veteran's properly appointed
4 personal representative or executor, a person holding the veteran's
5 general power of attorney, or anyone else designated in writing by the
6 veteran to receive the records.

7 (iii) Discharge papers of a veteran filed at the office of the
8 county auditor after June 30, 2002, are not public records, but will be
9 available only to the veteran, the veteran's next of kin, a deceased
10 veteran's properly appointed personal representative or executor, a
11 person holding the veteran's general power of attorney, or anyone else
12 designated in writing by the veteran to receive the records.

13 (iv) For the purposes of this subsection (1)(aaa), next of kin of
14 deceased veterans have the same rights to full access to the record.
15 Next of kin are the veteran's widow or widower who has not remarried,
16 son, daughter, father, mother, brother, and sister.

17 (bbb) Those portions of records containing specific and unique
18 vulnerability assessments or specific and unique emergency and escape
19 response plans at a city, county, or state adult or juvenile
20 correctional facility, the public disclosure of which would have a
21 substantial likelihood of threatening the security of a city, county,
22 or state adult or juvenile correctional facility or any individual's
23 safety.

24 (ccc) Information compiled by school districts or schools in the
25 development of their comprehensive safe school plans pursuant to RCW
26 28A.320.125, to the extent that they identify specific vulnerabilities
27 of school districts and each individual school.

28 (ddd) Information regarding the infrastructure and security of
29 computer and telecommunications networks, consisting of security
30 passwords, security access codes and programs, access codes for secure
31 software applications, security and service recovery plans, security
32 risk assessments, and security test results to the extent that they
33 identify specific system vulnerabilities.

34 (eee) Information obtained and exempted or withheld from public
35 inspection by the health care authority under RCW 41.05.026, whether
36 retained by the authority, transferred to another state purchased
37 health care program by the authority, or transferred by the authority

1 to a technical review committee created to facilitate the development,
2 acquisition, or implementation of state purchased health care under
3 chapter 41.05 RCW.

4 (fff) Proprietary data, trade secrets, or other information that
5 relates to: (i) A vendor's unique methods of conducting business; (ii)
6 data unique to the product or services of the vendor; or (iii)
7 determining prices or rates to be charged for services, submitted by
8 any vendor to the department of social and health services for purposes
9 of the development, acquisition, or implementation of state purchased
10 health care as defined in RCW 41.05.011.

11 (ggg) Any records of the party ballot voted and returned by a
12 particular unaffiliated voter.

13 (2) Except for information described in subsection (1)(c)(i) of
14 this section and confidential income data exempted from public
15 inspection pursuant to RCW 84.40.020, the exemptions of this section
16 are inapplicable to the extent that information, the disclosure of
17 which would violate personal privacy or vital governmental interests,
18 can be deleted from the specific records sought. No exemption may be
19 construed to permit the nondisclosure of statistical information not
20 descriptive of any readily identifiable person or persons.

21 (3) Inspection or copying of any specific records exempt under the
22 provisions of this section may be permitted if the superior court in
23 the county in which the record is maintained finds, after a hearing
24 with notice thereof to every person in interest and the agency, that
25 the exemption of such records is clearly unnecessary to protect any
26 individual's right of privacy or any vital governmental function.

27 (4) Agency responses refusing, in whole or in part, inspection of
28 any public record shall include a statement of the specific exemption
29 authorizing the withholding of the record (or part) and a brief
30 explanation of how the exemption applies to the record withheld.

31 NEW SECTION. Sec. 175. The following acts or parts of acts are
32 each repealed:

33 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
34 2405;

35 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
36 2003 c 111 s 914;

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

- 1 (4) RCW 29A.52.120 (General election laws govern primaries) and
- 2 2003 c 111 s 1303;
- 3 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
- 4 1304; and
- 5 (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1.

6 **PART 2 - ALTERNATIVE PRIMARY**

7 NEW SECTION. **Sec. 201.** "Major political party" means a political
8 party identified as the party best approximating his or her political
9 philosophy by at least one candidate for an office voted upon statewide
10 who also received at least five percent of the total votes cast for
11 that office at the last primary or general election in a year in which
12 the governor is elected.

13 NEW SECTION. **Sec. 202.** The rights of Washington voters are
14 protected by its Constitution and laws and include the following
15 fundamental rights:

- 16 (1) The right of qualified voters to vote at all elections;
- 17 (2) The right of absolute secrecy of the vote. No voter may be
- 18 required to disclose political faith or adherence in order to vote; and
- 19 (3) The right to cast a vote for any candidate for each office
- 20 without any limitation based on party preference or affiliation, of
- 21 either the voter or the candidate.

22 NEW SECTION. **Sec. 203.** "Partisan office" means an office for
23 which a candidate may identify a political philosophy under section
24 214(3) or 215 of this act, and is limited to the following offices:

- 25 (1) United States senator and representative;
- 26 (2) All state offices except (a) judicial offices and (b) the
- 27 office of superintendent of public instruction;
- 28 (3) All county offices except (a) judicial offices and (b) those
- 29 offices where a county home rule charter provides otherwise.

30 NEW SECTION. **Sec. 204.** "Primary" means a statutory qualifying
31 procedure in which each registered voter eligible to vote in the
32 district or jurisdiction is permitted to cast a vote for his or her
33 preferred candidate for each office appearing on the ballot, without

1 any limitation based on party preference or affiliation on the part of
2 the voter or the candidate, with the result that not more than two
3 candidates for each office qualify to appear on the general election
4 ballot.

5 NEW SECTION. **Sec. 205.** Qualifying primaries for general elections
6 to be held in November must be held on the third Tuesday of the
7 preceding September or on the seventh Tuesday immediately preceding
8 such general election, whichever occurs first.

9 NEW SECTION. **Sec. 206.** (1) A person filing a declaration of
10 candidacy for an office shall, at the time of filing, be a registered
11 voter and possess the qualifications specified by law for persons who
12 may be elected to the office.

13 (2) Excluding the office of precinct committee officer or a
14 temporary elected position such as a charter review board member or
15 freeholder, no person may file for more than one office.

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

31 (4) The requirements of voter registration and residence within the
32 geographic area of a district do not apply to candidates for
33 congressional office. Qualifications for United States Congress are
34 specified in the United States Constitution.

1 NEW SECTION. **Sec. 207.** Nominations of candidates for president
2 and vice president of the United States other than by a major political
3 party must be made at a convention to be held not earlier than the
4 first Sunday in July and not later than seventy days before the general
5 election.

6 NEW SECTION. **Sec. 208.** In order to nominate candidates for the
7 offices of president and vice president of the United States, a
8 nominating convention shall obtain and submit to the filing officer the
9 signatures of at least two hundred registered voters of the state of
10 Washington.

11 NEW SECTION. **Sec. 209.** A nominating petition submitted under this
12 chapter shall clearly identify the name of the minor party or
13 independent candidate. The petition shall also contain a statement
14 that the person signing the petition is a registered voter of the state
15 of Washington and shall have a space for the voter to sign his or her
16 name and to print his or her name and address. The nominating petition
17 must be submitted to the secretary of state not later than ten days
18 after adjournment of the convention.

19 NEW SECTION. **Sec. 210.** A certificate evidencing nominations of
20 candidates for the offices of president and vice president made at a
21 convention must:

- 22 (1) Be in writing;
- 23 (2) Contain the name of each person nominated for the offices of
24 president and vice president of the United States, their addresses, and
25 a sworn statement from both nominees giving their consent to the
26 nomination;
- 27 (3) Identify the minor political party or the independent candidate
28 on whose behalf the convention was held;
- 29 (4) Be verified by the oath of the presiding officer and secretary;
- 30 (5) Be accompanied by a nominating petition or petitions bearing
31 the signatures and addresses of registered voters equal in number to
32 that required by section 208 of this act;
- 33 (6) Contain proof of publication of the notice of calling the
34 convention; and

1 (7) Be submitted to the secretary of state not later than one week
2 following the adjournment of the convention at which the nominations
3 were made.

4 NEW SECTION. **Sec. 211.** (1) If two or more valid certificates of
5 nomination are filed purporting to nominate different candidates for
6 president and vice president using the same party name, the filing
7 officer must give effect to both certificates. If conflicting claims
8 to the party name are not resolved either by mutual agreement or by a
9 judicial determination of the right to the name, the candidates must be
10 treated as independent candidates. Disputes over the right to the name
11 must not be permitted to delay the printing of either ballots or a
12 voters' pamphlet.

13 (2) A person affected may petition the superior court of Thurston
14 county for a judicial determination of the right to the name of a minor
15 political party, either before or after documents are filed with the
16 secretary of state. The court shall resolve the conflict between
17 competing claims to the use of the same party name according to the
18 following principles: (a) The prior established public use of the name
19 during previous elections by a party composed of or led by the same
20 individuals or individuals in documented succession; (b) prior
21 established public use of the name earlier in the same election cycle;
22 (c) documented affiliation with a national or statewide party
23 organization with an established use of the name; (d) the first date of
24 filing of a certificate of nomination; and (e) such other indicia of an
25 established right to use of the name as the court may deem relevant.
26 Upon resolving the conflict between competing claims, the court may
27 also address any ballot designation for the candidate who does not
28 prevail.

29 NEW SECTION. **Sec. 212.** A minor political party or independent
30 candidate convention nominating candidates for the offices of president
31 and vice president of the United States shall, not later than ten days
32 after the adjournment of the convention, submit a list of presidential
33 electors to the office of the secretary of state. The list shall
34 contain the names and the mailing addresses of the persons selected and
35 shall be verified by the candidates named on the nominating petition.

1 NEW SECTION. **Sec. 213.** Upon the receipt of the nominating
2 petition, the secretary of state shall canvass the signatures. Once
3 the determination of the sufficiency of the petitions has been made,
4 the filing officer shall notify the candidates and any other persons
5 requesting the notification. Any appeal regarding the filing officer's
6 determination must be filed with the superior court of Thurston county
7 not later than five days from the date the determination is made, and
8 shall be heard and finally disposed of by the court within five days of
9 the filing. Nominating petitions shall not be available for public
10 inspection or copying.

11 NEW SECTION. **Sec. 214.** A candidate who desires to have his or her
12 name printed on the ballot for election to an office other than
13 president of the United States, vice president of the United States, or
14 an office for which ownership of property is a prerequisite to voting
15 shall complete and file a declaration of candidacy. The secretary of
16 state shall adopt, by rule, a declaration of candidacy form for the
17 office of precinct committee officer and a separate standard form for
18 candidates for all other offices filing under this chapter. Included
19 on the standard form shall be:

20 (1) A place for the candidate to declare that he or she is a
21 registered voter within the jurisdiction of the office for which he or
22 she is filing, and the address at which he or she is registered;

23 (2) A place for the candidate to indicate the position for which he
24 or she is filing;

25 (3) For those offices defined in section 203 of this act only, a
26 place for the candidate to identify a major or minor political party,
27 if any, the candidate regards as best approximating his or her own
28 political philosophy. No candidate may list more than one political
29 party. Nothing in this indication of political philosophy may be
30 construed as denoting an endorsement or nomination by that party. The
31 sole purpose of allowing candidates to identify a political party
32 preference is to provide to voters a brief description of each
33 candidate's political philosophy, which the voters may consider when
34 casting their votes at a primary or general election. If a court of
35 competent jurisdiction holds that a political party has a right to
36 control the use of the name in a manner inconsistent with this

1 subsection, this subsection is inoperative and section 215 of this act
2 applies;

3 (4) A place for the candidate to indicate the amount of the filing
4 fee accompanying the declaration of candidacy or for the candidate to
5 indicate that he or she is filing a petition in lieu of the filing fee
6 under section 217 of this act;

7 (5) A place for the candidate to sign the declaration of candidacy,
8 stating that the information provided on the form is true and swearing
9 or affirming that he or she will support the Constitution and laws of
10 the United States and the Constitution and laws of the state of
11 Washington.

12 In the case of a declaration of candidacy filed electronically,
13 submission of the form constitutes agreement that the information
14 provided with the filing is true, that he or she will support the
15 Constitutions and laws of the United States and the state of
16 Washington, and that he or she agrees to electronic payment of the
17 filing fee established in section 217 of this act.

18 The secretary of state may require any other information on the
19 form he or she deems appropriate to facilitate the filing process.

20 NEW SECTION. **Sec. 215.** If, as provided in section 214(3) of this
21 act, a court of competent jurisdiction holds that a political party has
22 the right to control the use of its name in a manner inconsistent with
23 the provisions of that subsection, then the following process applies:

24 For those offices defined in section 203 of this act, a place for
25 the candidate to submit a description of up to three words that the
26 candidate regards as best approximating his or her own political
27 philosophy. The sole purpose of allowing a candidate to submit a
28 three-word description is to provide to voters information about each
29 candidate's political philosophy, which the voters may consider when
30 casting their votes at a primary or general election. The secretary of
31 state shall adopt rules as necessary for the implementation of this
32 section.

33 NEW SECTION. **Sec. 216.** Any candidate may mail his or her
34 declaration of candidacy for an office to the filing officer. Such
35 declarations of candidacy shall be processed by the filing officer in
36 the following manner:

1 (1) Any declaration received by the filing officer by mail before
2 the tenth business day immediately preceding the first day for
3 candidates to file for office shall be returned to the candidate
4 submitting it, together with a notification that the declaration of
5 candidacy was received too early to be processed. The candidate shall
6 then be permitted to resubmit his or her declaration of candidacy
7 during the filing period.

8 (2) Any properly executed declaration of candidacy received by mail
9 on or after the tenth business day immediately preceding the first day
10 for candidates to file for office and before the close of business on
11 the last day of the filing period shall be included with filings made
12 in person during the filing period. In primaries for partisan office
13 and judicial offices the filing officer shall determine by lot the
14 order in which the names of those candidates shall appear upon sample
15 and absentee primary ballots.

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

20 NEW SECTION. **Sec. 217.** A filing fee of one dollar shall accompany
21 each declaration of candidacy for precinct committee officer; a filing
22 fee of ten dollars shall accompany the declaration of candidacy for any
23 office with a fixed annual salary of one thousand dollars or less; a
24 filing fee equal to one percent of the annual salary of the office at
25 the time of filing shall accompany the declaration of candidacy for any
26 office with a fixed annual salary of more than one thousand dollars per
27 annum. No filing fee need accompany a declaration of candidacy for any
28 office for which compensation is on a per diem or per meeting attended
29 basis.

30 A candidate who lacks sufficient assets or income at the time of
31 filing to pay the filing fee required by this section shall submit with
32 his or her declaration of candidacy a filing petition. The petition
33 shall contain not less than a number of signatures of registered voters
34 equal to the number of dollars of the filing fee. The signatures shall
35 be of voters registered to vote within the jurisdiction of the office
36 for which the candidate is filing.

37 When the candidacy is for:

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

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

8 NEW SECTION. **Sec. 218.** The filing petition authorized by section
9 217 of this act shall be printed on sheets of uniform color and size,
10 shall contain no more than twenty numbered lines, and must be in
11 substantially the following form:

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

13 We, the undersigned registered voters of . . .(the state of
14 Washington or the political subdivision for which the filing is
15 made). . ., hereby petition that the name of . . .(candidate's
16 name). . . be printed on the official primary ballot for the office of
17 . . .(insert name of office). . .

18 If the candidate listed a political party on the declaration of
19 candidacy, then the name of that party must appear on the filing
20 petition.

21 The petition must include a place for each individual to sign and
22 print his or her name, and the address, city, and county at which he or
23 she is registered to vote.

24 NEW SECTION. **Sec. 219.** Petitions may be rejected for the
25 following reasons:

- 26 (1) The petition is not in the proper form;
- 27 (2) The petition clearly bears insufficient signatures;
- 28 (3) The petition is not accompanied by a declaration of candidacy;
- 29 (4) The time within which the petition and the declaration of
30 candidacy could have been filed has expired.

31 If the petition is accepted, the officer with whom it is filed
32 shall canvass the signatures contained on it and shall reject the
33 signatures of those persons who are not registered voters and the
34 signatures of those persons who are not registered to vote within the
35 jurisdiction of the office for which the petition is filed. He or she

1 shall additionally reject any signature that appears on the petitions
2 of two or more candidates for the same office and shall also reject,
3 each time it appears, the name of any person who signs the same
4 petition more than once.

5 If the officer with whom the petition is filed refuses to accept
6 the petition or refuses to certify the petition as bearing sufficient
7 valid signatures, the person filing the petition may appeal that action
8 to the superior court. The application for judicial review shall take
9 precedence over other cases and matters and shall be speedily heard and
10 determined.

11 NEW SECTION. **Sec. 220.** A void in candidacy for an office occurs
12 when an election for such office, except for the short term, has been
13 scheduled and no valid declaration of candidacy has been filed for the
14 position or all persons filing such valid declarations of candidacy
15 have died or been disqualified.

16 NEW SECTION. **Sec. 221.** The election officer with whom
17 declarations of candidacy are filed shall give notice of a void in
18 candidacy for an office by notifying press, radio, and television in
19 the county or counties involved and by such other means as may now or
20 hereafter be provided by law. The notice shall state the office, and
21 the time and place for filing declarations of candidacy.

22 NEW SECTION. **Sec. 222.** Filings to fill a void in candidacy for an
23 office must be made in the same manner and with the same official as
24 required during the regular filing period for such office.

25 NEW SECTION. **Sec. 223.** Filings for an office shall be reopened
26 for a period of three normal business days, such three day period to be
27 fixed by the election officer with whom such declarations of candidacy
28 are filed and notice thereof given by notifying press, radio, and
29 television in the county or counties and by such other means as may now
30 or hereafter be provided by law whenever before the sixth Tuesday prior
31 to a primary:

- 32 (1) A void in candidacy occurs;
- 33 (2) A vacancy occurs in an office leaving an unexpired term to be
34 filled by an election for which filings have not been held; or

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

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

6 NEW SECTION. **Sec. 224.** Filings for a nonpartisan office (other
7 than judge of the supreme court or superintendent of public
8 instruction) shall be reopened for a period of three normal business
9 days, such three day period to be fixed by the election officer with
10 whom such declarations of candidacy are filed and notice thereof given
11 by notifying press, radio, and television in the county and by such
12 other means as may now or hereafter be provided by law, when:

13 (1) A void in candidacy for such nonpartisan office occurs on or
14 after the sixth Tuesday prior to a primary but prior to the sixth
15 Tuesday before an election; or

16 (2) A candidate for judge of the superior court eligible after a
17 contested primary for a certificate of election by Article 4, section
18 29, Amendment 41 of the state Constitution, dies or is disqualified
19 within the ten day period immediately following the last day allotted
20 for a candidate to withdraw; or

21 (3) A vacancy occurs in any nonpartisan office on or after the
22 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
23 an election leaving an unexpired term to be filled by an election for
24 which filings have not been held.

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

27 NEW SECTION. **Sec. 225.** A scheduled election lapses, the office is
28 deemed stricken from the ballot, no purported write-in votes may be
29 counted, and no candidate may be certified as elected, when:

30 (1) In an election for judge of the supreme court, superintendent
31 of public instruction, or a partisan office, a void in candidacy occurs
32 on or after the sixth Tuesday prior to a primary, public filings and
33 the primary being an indispensable phase of the election process for
34 such offices;

35 (2) Except as otherwise specified in section 224 of this act, a
36 candidate for judge of the superior court entitled to a certificate of

1 election pursuant to Article 4, section 29, Amendment 41 of the state
2 Constitution dies or is disqualified on or after the sixth Tuesday
3 prior to a primary;

4 (3) In other elections for nonpartisan office a void in candidacy
5 occurs or a vacancy occurs involving an unexpired term to be filled on
6 or after the sixth Tuesday prior to an election.

7 NEW SECTION. **Sec. 226.** Any person who desires to be a write-in
8 candidate and have such votes counted at a primary or election may file
9 a declaration of candidacy with the officer designated in RCW
10 29A.24.070 not later than the day before the primary or election.
11 Declarations of candidacy for write-in candidates must be accompanied
12 by a filing fee in the same manner as required of other candidates
13 filing for the office as provided in section 217 of this act.

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

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

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

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

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

35 The declaration of candidacy shall be similar to that required by
36 section 214 of this act. No write-in candidate filing under this
37 section may be included in any voter's pamphlet produced under chapter

1 29A.32 RCW unless that candidate qualifies to have his or her name
2 printed on the general election ballot. The legislative authority of
3 any jurisdiction producing a local voter's pamphlet under chapter
4 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
5 candidates in such pamphlets.

6 NEW SECTION. **Sec. 227.** If the death or disqualification of a
7 candidate for a partisan or nonpartisan office does not give rise to
8 the opening of a new filing period under section 223 of this act, then
9 the following will occur:

10 (1) If the candidate dies or becomes disqualified after filing a
11 declaration of candidacy but before the close of the filing period,
12 then the declaration of candidacy is void and his or her name will not
13 appear on the ballot;

14 (2) If the candidate dies or becomes disqualified after the close
15 of the filing period but before the day of the primary, then his or her
16 name will appear on the primary ballot and all otherwise valid votes
17 for that candidate will be tabulated. The candidate's name will not
18 appear on the general election ballot even if he or she otherwise would
19 have qualified to do so, but no other candidate will advance, or be
20 substituted, in the place of that candidate. If the candidate was the
21 only candidate to qualify to advance to the general election, then the
22 general election for that office lapses, and the office will be
23 regarded as vacant as of the time the newly elected official would have
24 otherwise taken office;

25 (3) If the candidate dies or becomes disqualified on or after the
26 day of the primary, and he or she would have otherwise qualified to
27 appear on the general election ballot, then his or her name will appear
28 on the general election ballot and all otherwise valid votes for that
29 candidate will be tabulated. If the candidate received a number of
30 votes sufficient to be elected to office, but for his or her death or
31 disqualification, then the office will be regarded as vacant as of the
32 time the newly elected official would have otherwise taken office.

33 NEW SECTION. **Sec. 228.** (1) Whenever a vacancy occurs in the
34 United States house of representatives or the United States senate from
35 this state, the governor shall order a special election to fill the
36 vacancy.

1 (2) Within ten days of such vacancy occurring, he or she shall
2 issue a writ of election fixing a date for the special vacancy election
3 not less than ninety days after the issuance of the writ, fixing a date
4 for the primary for qualifying candidates for the special vacancy
5 election not less than thirty days before the day fixed for holding the
6 special vacancy election, fixing the dates for the special filing
7 period, and designating the term or part of the term for which the
8 vacancy exists. If the vacancy is in the office of United States
9 representative, the writ of election shall specify the congressional
10 district that is vacant.

11 (3) If the vacancy occurs less than six months before a state
12 general election and before the second Friday following the close of
13 the filing period for that general election, the special primary and
14 special vacancy elections shall be held in concert with the state
15 primary and state general election in that year.

16 (4) If the vacancy occurs on or after the first day for filing
17 under RCW 29A.24.050 and on or before the second Friday following the
18 close of the filing period, a special filing period of three normal
19 business days shall be fixed by the governor and notice thereof given
20 to all media, including press, radio, and television within the area in
21 which the vacancy election is to be held, to the end that, insofar as
22 possible, all interested persons will be aware of such filing period.
23 The last day of the filing period shall not be later than the third
24 Tuesday before the primary. The names of candidates who have filed
25 valid declarations of candidacy during this three-day period shall
26 appear on the approaching primary ballot.

27 (5) If the vacancy occurs later than the second Friday following
28 the close of the filing period, a special primary and special vacancy
29 election to fill the position shall be held after the next state
30 general election but, in any event, no later than the ninetieth day
31 following the November election.

32 NEW SECTION. **Sec. 229.** After calling a special primary and
33 special vacancy election to fill a vacancy in the United States house
34 of representatives or the United States senate from this state, the
35 governor shall immediately notify the secretary of state who shall, in
36 turn, immediately notify the county auditor of each county wholly or
37 partly within which the vacancy exists.

1 Each county auditor shall publish notices of the special primary
2 and the special vacancy election at least once in any legal newspaper
3 published in the county, as provided by RCW 29A.52.310 and 29A.52.350
4 respectively.

5 NEW SECTION. **Sec. 230.** The general election laws and laws
6 relating to primaries for partisan offices apply to the special
7 primaries and vacancy elections provided for in sections 228 and 229 of
8 this act to the extent that they are not inconsistent with the
9 provisions of these sections. Statutory time deadlines relating to
10 availability of absentee ballots, certification, canvassing, and
11 related procedures that cannot be met in a timely fashion may be
12 modified for the purposes of a specific primary or vacancy election
13 under this chapter by the secretary of state through emergency rules
14 adopted under RCW 29A.04.610.

15 NEW SECTION. **Sec. 231.** The voters' pamphlet must contain:

16 (1) Information about each ballot measure initiated by or referred
17 to the voters for their approval or rejection as required by RCW
18 29A.32.070;

19 (2) In even-numbered years, statements, if submitted, advocating
20 the candidacies of candidates qualified to appear on the ballot for the
21 office of president and vice president of the United States, United
22 States senator, United States representative, governor, lieutenant
23 governor, secretary of state, state treasurer, state auditor, attorney
24 general, commissioner of public lands, superintendent of public
25 instruction, insurance commissioner, state senator, state
26 representative, justice of the supreme court, judge of the court of
27 appeals, or judge of the superior court. Candidates may also submit a
28 campaign mailing address and telephone number and a photograph not more
29 than five years old and of a size and quality that the secretary of
30 state determines to be suitable for reproduction in the voters'
31 pamphlet;

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

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

6 (5) In even-numbered years the name, address, and telephone number
7 of each political party for which a candidate appearing on the ballot
8 has expressed a preference on his or her declaration of candidacy, if
9 the party has provided that information to the secretary of state;

10 (6) In each odd-numbered year immediately before a year in which a
11 president of the United States is to be nominated and elected,
12 information explaining the precinct caucus and convention process used
13 by each major political party to elect delegates to its national
14 presidential candidate nominating convention. The pamphlet must also
15 provide a description of the statutory procedures by which minor
16 political parties are formed and the statutory methods used by the
17 parties to nominate candidates for president;

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

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

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

23 (10) Any additional information pertaining to elections as may be
24 required by law or in the judgment of the secretary of state is deemed
25 informative to the voters.

26 NEW SECTION. **Sec. 232.** (1) The maximum number of words for
27 statements submitted by candidates is as follows: State
28 representative, one hundred words; state senator, judge of the superior
29 court, judge of the court of appeals, justice of the supreme court, and
30 all state offices voted upon throughout the state, except that of
31 governor, two hundred words; president and vice president, United
32 States senator, United States representative, and governor, three
33 hundred words.

34 (2) Arguments written by committees under RCW 29A.32.060 may not
35 exceed two hundred fifty words in length.

36 (3) Rebuttal arguments written by committees may not exceed
37 seventy-five words in length.

1 (4) The secretary of state shall allocate space in the pamphlet
2 based on the number of candidates for each office.

3 NEW SECTION. **Sec. 233.** On or before the day following the last
4 day allowed for candidates to withdraw under RCW 29A.24.130, the
5 secretary of state shall certify to each county auditor a list of the
6 candidates who have filed declarations of candidacy in his or her
7 office for the primary. For each office, the certificate shall include
8 the name of each candidate, his or her address, and his or her party
9 preference, if any.

10 NEW SECTION. **Sec. 234.** (1) Except as provided to the contrary in
11 RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any
12 referendum filed on an enactment or portion of an enactment of a local
13 government and any other question submitted to the voters of a local
14 government consists of three elements: (a) An identification of the
15 enacting legislative body and a statement of the subject matter; (b) a
16 concise description of the measure; and (c) a question. The ballot
17 title must conform with the requirements and be displayed substantially
18 as provided under RCW 29A.72.050, except that the concise description
19 must not exceed seventy-five words. If the local governmental unit is
20 a city or a town, the concise statement shall be prepared by the city
21 or town attorney. If the local governmental unit is a county, the
22 concise statement shall be prepared by the prosecuting attorney of the
23 county. If the unit is a unit of local government other than a city,
24 town, or county, the concise statement shall be prepared by the
25 prosecuting attorney of the county within which the majority area of
26 the unit is located.

27 (2) A referendum measure on the enactment of a unit of local
28 government shall be advertised in the manner provided for candidates
29 for elective office.

30 (3) Subsection (1) of this section does not apply if another
31 provision of law specifies the ballot title for a specific type of
32 ballot question or proposition.

33 NEW SECTION. **Sec. 235.** Except for the candidates for the
34 positions of president and vice president or for a partisan or
35 nonpartisan office for which no primary is required, the names of all

1 candidates who, under this title, filed a declaration of candidacy will
2 appear on the appropriate ballot at the primary throughout the
3 jurisdiction of the office for which they are a candidate.

4 NEW SECTION. **Sec. 236.** (1) Except as provided in RCW 29A.36.180
5 and in subsection (2) of this section, on the ballot at the general
6 election for an office for which a primary was held, only the names of
7 the candidate who received the greatest number of votes and the
8 candidate who received the next greatest number of votes for that
9 office shall appear under the title of that office, and the names shall
10 appear in that order. If a primary was conducted, no candidate's name
11 may be printed on the subsequent general election ballot unless he or
12 she receives at least one percent of the total votes cast for that
13 office at the preceding primary. On the ballot at the general election
14 for an office for which no primary was held, the names of the
15 candidates shall be listed in the order determined under RCW
16 29A.36.130.

17 (2) On the ballot at the general election for the office of justice
18 of the supreme court, judge of the court of appeals, judge of the
19 superior court, or state superintendent of public instruction, if a
20 candidate in a contested primary receives a majority of all the votes
21 cast for that office or position, only the name of that candidate may
22 be printed under the title of the office for that position.

23 NEW SECTION. **Sec. 237.** The names of the persons certified by the
24 secretary of state or the county canvassing board as having qualified
25 to appear on the general election ballot shall be printed on the ballot
26 at the ensuing election.

27 No name of any candidate for an office for which a primary is
28 conducted may be placed upon the ballot at a general or special
29 election unless it appears upon the certificate of either (1) the
30 secretary of state or (2) the county canvassing board.

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

1 NEW SECTION. **Sec. 238.** Whenever it shall be necessary to hold a
2 special election in an odd-numbered year to fill an unexpired term of
3 any office which is scheduled to be voted upon for a full term in an
4 even-numbered year, no primary election shall be held in the odd-
5 numbered year if, after the last day allowed for candidates to withdraw
6 no more than two candidates have filed a declaration of candidacy for
7 a single office to be filled.

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

13 NEW SECTION. **Sec. 239.** Candidates for partisan offices will
14 appear on the ballot at primaries held under this chapter.

15 NEW SECTION. **Sec. 240.** (1) Whenever candidates for partisan
16 office are to be elected, the general election must be preceded by a
17 primary conducted under this chapter, except as otherwise provided in
18 law. Based upon votes cast at the primary, two candidates must be
19 certified as qualified to appear on the general election ballot, under
20 sections 236 and 242 of this act.

21 (2) A primary may not be used to select the nominees of a political
22 party. A primary is a critical stage in the public process by which
23 voters elect candidates to public office.

24 (3) If a candidate indicates a political philosophy as provided by
25 section 214(3) or 215 of this act on his or her declaration of
26 candidacy, then the philosophy will be listed for the candidate on the
27 primary and general election ballots. Each candidate who does not
28 express a philosophy will be listed as an independent candidate on the
29 primary and general election ballots. Political philosophy will be
30 listed for the information of the voters only, and may not be used for
31 any purpose relating to the conduct, canvassing, or certification of
32 the primary, and may in no way limit the options available to voters in
33 deciding for whom to cast a vote.

34 NEW SECTION. **Sec. 241.** The offices of superintendent of public
35 instruction, justice of the supreme court, judge of the court of

1 appeals, judge of the superior court, and judge of the district court
2 shall be nonpartisan and the candidates therefor shall be qualified and
3 elected as such.

4 All city, town, and special purpose district elective offices shall
5 be nonpartisan and the candidates therefor shall be qualified and
6 elected as such.

7 NEW SECTION. **Sec. 242.** No later than the day following the
8 certification of the returns of any primary, the secretary of state
9 shall certify to the appropriate county auditors, the names of all
10 persons qualified to appear on the general election ballot as
11 candidates for offices, the returns of which have been canvassed by the
12 secretary of state.

13 NEW SECTION. **Sec. 243.** Except as provided in RCW 29A.32.260,
14 notice for any state, county, district, or municipal election, whether
15 special or general, must be given by at least one publication not more
16 than ten nor less than three days before the election by the county
17 auditor or the officer conducting the election as the case may be, in
18 one or more newspapers of general circulation within the county. The
19 legal notice must contain the title of each office under the proper
20 party preference, the names and addresses of all candidates who have
21 been qualified to appear on the ballot for an office to be voted upon
22 at that election, together with the ballot titles of all measures, the
23 hours during which the polls will be open, and the polling places for
24 each precinct, giving the address of each polling place. The names of
25 all candidates for nonpartisan offices must be published separately
26 with designation of the offices for which they are candidates but
27 without party designation. This is the only notice required for a
28 state, county, district, or municipal general or special election and
29 supersedes the provisions of any and all other statutes, whether
30 general or special in nature, having different requirements for the
31 giving of notice of any general or special elections.

32 NEW SECTION. **Sec. 244.** (1) For any office at any election or
33 primary, any voter may write in on the ballot the name of any person
34 for an office who has filed as a write-in candidate for the office in
35 the manner provided by section 226 of this act and such vote shall be

1 counted the same as if the name had been printed on the ballot and
2 marked by the voter. No write-in vote made for any person who has not
3 filed a declaration of candidacy pursuant to section 226 of this act is
4 valid if that person filed for the same office, either as a regular
5 candidate or a write-in candidate, at the preceding primary. Any
6 abbreviation used to designate office, position, or political party
7 shall be accepted if the canvassing board can determine, to their
8 satisfaction, the voter's intent.

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

11 (3) Write-in votes cast for an individual candidate for an office
12 need not be tallied if the total number of write-in votes cast for the
13 office is not greater than the number of votes cast for the candidate
14 apparently qualified to appear on the general election ballot or
15 elected, and the write-in votes could not have altered the outcome of
16 the primary or election. In the case of write-in votes for statewide
17 office or for any office whose jurisdiction encompasses more than one
18 county, write-in votes for an individual candidate must be tallied
19 whenever the county auditor is notified by either the office of the
20 secretary of state or another auditor in a multicounty jurisdiction
21 that it appears that the write-in votes could alter the outcome of the
22 primary or election.

23 (4) In the case of statewide offices or jurisdictions that
24 encompass more than one county, if the total number of write-in votes
25 cast for an office within a county is greater than the number of votes
26 cast for a candidate apparently qualified to appear on the general
27 election ballot or elected in a primary or election, the auditor shall
28 tally all write-in votes for individual candidates for that office and
29 notify the office of the secretary of state and the auditors of the
30 other counties within the jurisdiction, that the write-in votes for
31 individual candidates should be tallied.

32 NEW SECTION. **Sec. 245.** (1) If the requisite number of any
33 federal, state, county, city, or district offices have not qualified to
34 appear on the general election ballot in a primary by reason of two or
35 more persons having an equal and requisite number of votes for being
36 placed on the general election ballot, the official empowered by state
37 law to certify candidates for the general election ballot shall give

1 notice to the several persons so having the equal and requisite number
2 of votes to attend at the appropriate office at the time designated by
3 that official, who shall then and there proceed publicly to decide by
4 lot which of those persons will be declared qualified and placed on the
5 general election ballot.

6 (2) If the requisite number of any federal, state, county, city,
7 district, or precinct officers have not been elected by reason of two
8 or more persons having an equal and highest number of votes for one and
9 the same office, the official empowered by state law to issue the
10 original certificate of election shall give notice to the several
11 persons so having the highest and equal number of votes to attend at
12 the appropriate office at the time to be appointed by that official,
13 who shall then and there proceed publicly to decide by lot which of
14 those persons will be declared duly elected, and the official shall
15 make out and deliver to the person thus duly declared elected a
16 certificate of election.

17 NEW SECTION. **Sec. 246.** An officer of a political party or any
18 person for whom votes were cast in a primary who was not declared
19 qualified to appear on the general election ballot may file a written
20 application for a recount of the votes or a portion of the votes cast
21 at that primary for all persons for whom votes were cast for that
22 office.

23 An officer of a political party or any person for whom votes were
24 cast at any election may file a written application for a recount of
25 the votes or a portion of the votes cast at that election for all
26 candidates for election to that office.

27 Any group of five or more registered voters may file a written
28 application for a recount of the votes or a portion of the votes cast
29 upon any question or issue. They shall designate one of the members of
30 the group as chair and shall indicate the voting residence of each
31 member of the group.

32 An application for a recount of the votes cast for an office or on
33 a ballot measure must be filed with the officer with whom filings are
34 made for the jurisdiction.

35 An application for a recount must specify whether the recount will
36 be done manually or by the vote tally system. A recount done by the

1 vote tally system must use programming that recounts and reports only
2 the office or ballot measure in question. The county shall also
3 provide for a test of the logic and accuracy of that program.

4 An application for a recount must be filed within three business
5 days after the county canvassing board or secretary of state has
6 declared the official results of the primary or election for the office
7 or issue for which the recount is requested.

8 This chapter applies to the recounting of votes cast by paper
9 ballots and to the recounting of votes recorded on ballots counted by
10 a vote tally system.

11 NEW SECTION. **Sec. 247.** (1) If the official canvass of all of the
12 returns for any office at any primary or election reveals that the
13 difference in the number of votes cast for a candidate apparently
14 qualified to appear on the general election ballot or elected to any
15 office and the number of votes cast for the closest apparently defeated
16 opponent is less than two thousand votes and also less than one-half of
17 one percent of the total number of votes cast for both candidates, the
18 county canvassing board shall conduct a recount of all votes cast on
19 that position.

20 (a) Whenever such a difference occurs in the number of votes cast
21 for candidates for a position the declaration of candidacy for which
22 was filed with the secretary of state, the secretary of state shall,
23 within three business days of the day that the returns of the primary
24 or election are first certified by the canvassing boards of those
25 counties, direct those boards to recount all votes cast on the
26 position.

27 (b) If the difference in the number of votes cast for the apparent
28 winner and the closest apparently defeated opponent is less than one
29 hundred fifty votes and also less than one-fourth of one percent of the
30 total number of votes cast for both candidates, the votes shall be
31 recounted manually or as provided in subsection (3) of this section.

32 (2) A mandatory recount shall be conducted in the manner provided
33 by sections 248, 249, and 250 of this act. No cost of a mandatory
34 recount may be charged to any candidate.

35 (3) The apparent winner and closest apparently defeated opponent
36 for an office for which a manual recount is required under subsection
37 (1)(b) of this section may select an alternative method of conducting

1 the recount. To select such an alternative, the two candidates shall
2 agree to the alternative in a signed, written statement filed with the
3 election official for the office. The recount shall be conducted using
4 the alternative method if: It is suited to the balloting system that
5 was used for casting the votes for the office; it involves the use of
6 a vote tallying system that is approved for use in this state by the
7 secretary of state; and the vote tallying system is readily available
8 in each county required to conduct the recount. If more than one
9 balloting system was used in casting votes for the office, an
10 alternative to a manual recount may be selected for each system.

11 NEW SECTION. **Sec. 248.** An application for a recount shall state
12 the office for which a recount is requested and whether the request is
13 for all or only a portion of the votes cast in that jurisdiction of
14 that office. The person filing an application for a manual recount
15 shall, at the same time, deposit with the county canvassing board or
16 secretary of state, in cash or by certified check, a sum equal to
17 twenty-five cents for each ballot cast in the jurisdiction or portion
18 of the jurisdiction for which the recount is requested as security for
19 the payment of any costs of conducting the recount. If the application
20 is for a machine recount, the deposit must be equal to fifteen cents
21 for each ballot. These charges shall be determined by the county
22 canvassing board or boards under RCW 29A.64.080.

23 The county canvassing board shall determine a time and a place or
24 places at which the recount will be conducted. This time shall be less
25 than three business days after the day upon which: The application was
26 filed with the board; the request for a recount or directive ordering
27 a recount was received by the board from the secretary of state; or the
28 returns are certified which indicate that a recount is required under
29 RCW 29A.64.020 for an issue or office voted upon only within the
30 county. Not less than two days before the date of the recount, the
31 county auditor shall mail a notice of the time and place of the recount
32 to the applicant or affected parties and, if the recount involves an
33 office, to any person for whom votes were cast for that office. The
34 county auditor shall also notify the affected parties by either
35 telephone, fax, e-mail, or other electronic means at the time of
36 mailing. At least three attempts must be made over a two-day period to
37 notify the affected parties or until the affected parties have received

1 the notification. Each attempt to notify affected parties must request
2 a return response indicating that the notice has been received. Each
3 person entitled to receive notice of the recount may attend, witness
4 the recount, and be accompanied by counsel.

5 Proceedings of the canvassing board are public under chapter 42.30
6 RCW. Subject to reasonable and equitable guidelines adopted by the
7 canvassing board, all interested persons may attend and witness a
8 recount.

9 NEW SECTION. **Sec. 249.** (1) At the time and place established for
10 a recount, the canvassing board or its duly authorized representatives,
11 in the presence of all witnesses who may be in attendance, shall open
12 the sealed containers containing the ballots to be recounted, and shall
13 recount the votes for the offices or issues for which the recount has
14 been ordered. Ballots shall be handled only by the members of the
15 canvassing board or their duly authorized representatives.

16 Witnesses shall be permitted to observe the ballots and the process
17 of tabulating the votes, but they shall not be permitted to handle the
18 ballots. The canvassing board shall not permit the tabulation of votes
19 for any office or issue other than the ones for which a recount was
20 applied for or required.

21 (2) At any time before the ballots from all of the precincts listed
22 in the application for the recount have been recounted, the applicant
23 may file with the board a written request to stop the recount.

24 (3) The recount may be observed by persons representing the
25 candidates affected by the recount or the persons representing both
26 sides of an issue that is being recounted. The observers may not make
27 a record of the names, addresses, or other information on the ballots,
28 poll books, or applications for absentee ballots unless authorized by
29 the superior court. The secretary of state or county auditor may limit
30 the number of observers to not less than two on each side if, in his or
31 her opinion, a greater number would cause undue delay or disruption of
32 the recount process.

33 NEW SECTION. **Sec. 250.** Upon completion of the canvass of a
34 recount, the canvassing board shall prepare and certify an amended
35 abstract showing the votes cast in each precinct for which the recount

1 was conducted. Copies of the amended abstracts must be transmitted to
2 the same officers who received the abstract on which the recount was
3 based.

4 If the office or issue for which the recount was conducted was
5 submitted only to the voters of a county, the canvassing board shall
6 file the amended abstract with the original results of that election or
7 primary.

8 If the office or issue for which a recount was conducted was
9 submitted to the voters of more than one county, the secretary of state
10 shall canvass the amended abstracts and shall file an amended abstract
11 with the original results of that election. An amended abstract
12 certified under this section supersedes any prior abstract of the
13 results for the same offices or issues at the same primary or election.

14 NEW SECTION. **Sec. 251.** The canvassing board shall determine the
15 expenses for conducting a recount of votes.

16 The cost of the recount shall be deducted from the amount deposited
17 by the applicant for the recount at the time of filing the request for
18 the recount, and the balance shall be returned to the applicant. If
19 the costs of the recount exceed the deposit, the applicant shall pay
20 the difference. No charges may be deducted by the canvassing board
21 from the deposit for a recount if the recount changes the result of the
22 primary or election for which the recount was ordered.

23 NEW SECTION. **Sec. 252.** Any justice of the supreme court, judge of
24 the court of appeals, or judge of the superior court in the proper
25 county shall, by order, require any person charged with error, wrongful
26 act, or neglect to forthwith correct the error, desist from the
27 wrongful act, or perform the duty and to do as the court orders or to
28 show cause forthwith why the error should not be corrected, the
29 wrongful act desisted from, or the duty or order not performed,
30 whenever it is made to appear to such justice or judge by affidavit of
31 an elector that:

32 (1) An error or omission has occurred or is about to occur in
33 printing the name of any candidate on official ballots; or

34 (2) An error other than as provided in subsections (1) and (3) of
35 this section has been committed or is about to be committed in printing
36 the ballots; or

1 (3) The name of any person has been or is about to be wrongfully
2 placed upon the ballots; or

3 (4) A wrongful act other than as provided for in subsections (1)
4 and (3) of this section has been performed or is about to be performed
5 by any election officer; or

6 (5) Any neglect of duty on the part of an election officer other
7 than as provided for in subsections (1) and (3) of this section has
8 occurred or is about to occur; or

9 (6) An error or omission has occurred or is about to occur in the
10 issuance of a certificate of election.

11 An affidavit of an elector under subsections (1) and (3) above when
12 relating to a primary election must be filed with the appropriate court
13 no later than the second Friday following the closing of the filing
14 period for such office and shall be heard and finally disposed of by
15 the court not later than five days after the filing thereof. An
16 affidavit of an elector under subsections (1) and (3) of this section
17 when relating to a general election must be filed with the appropriate
18 court no later than three days following the official certification of
19 the primary election returns and shall be heard and finally disposed of
20 by the court not later than five days after the filing thereof. An
21 affidavit of an elector under subsection (6) of this section shall be
22 filed with the appropriate court no later than ten days following the
23 issuance of a certificate of election.

24 NEW SECTION. **Sec. 253.** The following apply to persons signing
25 petitions prescribed by sections 209 and 218 of this act:

26 (1) A person who signs a petition with any other than his or her
27 name shall be guilty of a misdemeanor.

28 (2) A person shall be guilty of a misdemeanor if the person
29 knowingly: Signs more than one petition for any single candidacy of
30 any single candidate; signs the petition when he or she is not a legal
31 voter; or makes a false statement as to his or her residence.

32 NEW SECTION. **Sec. 254.** Every person who:

33 (1) Knowingly provides false information on his or her declaration
34 of candidacy, filing petition, or nominating petition; or

35 (2) Conceals or fraudulently defaces or destroys a certificate that
36 has been filed with an elections officer under sections 207 through 212

1 of this act or a declaration of candidacy or petition of nomination
2 that has been filed with an elections officer, or any part of such a
3 certificate, declaration, or petition, is guilty of a class C felony
4 punishable under RCW 9A.20.021.

5 NEW SECTION. **Sec. 255.** Every person who:

6 (1) Knowingly and falsely issues a certificate of qualification or
7 election; or

8 (2) Knowingly provides false information on a certificate which
9 must be filed with an elections officer under sections 207 through 212
10 of this act, is guilty of a class C felony punishable under RCW
11 9A.20.021.

12 NEW SECTION. **Sec. 256.** (1) The subheadings in chapter 29A.52 RCW
13 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under
14 one subheading "PRIMARIES."

15 (2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND
16 INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND
17 INDEPENDENT PRESIDENTIAL CANDIDATES."

18 NEW SECTION. **Sec. 257.** Sections 201 through 255 of this act
19 constitute a new chapter in Title 29A RCW.

20 **PART 3 - SELECTION OF PRIMARY PROCEDURES**

21 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.52
22 RCW to read as follows:

23 No political party or person may seek the disclosure of or
24 otherwise obtain information from any state or local governmental unit
25 that could link a particular voter to the votes cast by that voter, or
26 could reveal the choice of party ballot made by any particular
27 unaffiliated voter. Every person who violates this section is guilty
28 of a class C felony, punishable under RCW 9A.20.021.

29 If before March 1st in any election year, a major political party
30 seeks the disclosure of or otherwise obtains information from any state
31 or local governmental unit that could link a particular voter to the
32 votes cast by that voter, or could reveal the choice of party ballot

1 made by any particular unaffiliated voter, the party must nominate its
2 candidates according to section 302 of this act for that election year
3 and the following election year.

4 If after March 1st in any election year, a major political party
5 seeks the disclosure of or otherwise obtains information from any state
6 or local governmental unit that could link a particular voter to the
7 votes cast by that voter, or could reveal the choice of party ballot
8 made by any particular unaffiliated voter, the party must nominate its
9 candidates according to section 302 of this act for the following two
10 election years.

11 For the purposes of this section, an "election year" begins on
12 November 1st and continues until October 31st of the next year.

13 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.52
14 RCW to read as follows:

15 If the state chair of a major political party has provided the
16 secretary of state with a signed statement refusing to consent to the
17 participation of unaffiliated voters in that party's primary as
18 described in section 157(2) of this act, or if section 301 of this act
19 applies, the following provisions apply to that party's procedures for
20 nominating candidates for the general election:

21 (1) The major political party must nominate its candidates for the
22 general election using the processes otherwise applicable to minor
23 political parties and independent candidates contained in RCW
24 29A.20.110 through 29A.20.200.

25 (2) The party shall submit to the secretary of state the names and
26 voter registration addresses of the registered party members of the
27 party who participated in the nomination of a party candidate to the
28 general election ballot. The secretary of state shall: (a) Segregate
29 the names and addresses by county; and (b) transmit the names and
30 addresses of the party members from each county to the county auditor
31 for that county.

32 (3) Any voter who participated in the nomination of a candidate may
33 only vote a nonpartisan ballot in the subsequent primary. The county
34 auditor for the county in which the voter is registered to vote shall
35 provide a nonpartisan ballot for the voter's use at the primary, if
36 nonpartisan races or ballot measures are on the ballot.

1 (4) The expenses incurred to nominate a candidate for inclusion on
2 the general election ballot shall be borne entirely by that party.

3 (5) This section does not apply if the secretary of state has
4 issued notice under section 303 of this act that no partisan primary
5 may be held.

6 NEW SECTION. **Sec. 303.** A new section is added to chapter 29A.52
7 RCW to read as follows:

8 (1) If on March 15th every major political party: (a) Has refused
9 to consent to the participation of unaffiliated voters under section
10 157 of this act; or (b) will not be participating in the forthcoming
11 partisan primary due to a violation of section 301 of this act, no
12 partisan primary may be held.

13 (2) If subsection (1) of this section applies, no later than March
14 15th the secretary of state shall notify the governor, the majority and
15 minority leaders of the two largest caucuses in the senate and the
16 house of representatives, the code reviser, and each county auditor
17 that all major parties are ineligible to participate in the partisan
18 primaries described in this title. Upon issuance of the notification,
19 no partisan primary will be held in that calendar year.

20 (3) The secretary of state shall determine each year thereafter
21 whether subsection (1) of this section continues to apply, and shall
22 notify the governor, the majority and minority leaders of the two
23 largest caucuses in the senate and the house of representatives, the
24 code reviser, and each county auditor accordingly.

25 (4) All eligible electors may only vote a nonpartisan ballot in the
26 primary.

27 (5) Until such time as subsection (1) of this section no longer
28 applies, the state and counties shall conduct qualifying primaries as
29 provided in chapter 29A.-- RCW (sections 201 through 255 of this act).

30 **PART 4 - MISCELLANEOUS PROVISIONS**

31 NEW SECTION. **Sec. 401.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 402.** Part headings used in this act are not any
2 part of the law.

3 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately, except for section 174 of this act which takes effect June
7 30, 2005.

8 NEW SECTION. **Sec. 404.** Section 173 of this act expires June 30,
9 2005.

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