

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6453

Chapter 271, Laws of 2004

(partial veto)

58th Legislature
2004 Regular Session

PRIMARY ELECTIONS

EFFECTIVE DATE: 4/1/04 - Except sections 102 through 193, which become effective 6/10/04.

Passed by the Senate March 10, 2004
YEAS 36 NAYS 12

BRAD OWEN

President of the Senate

Passed by the House March 8, 2004
YEAS 51 NAYS 46

FRANK CHOPP

Speaker of the House of Representatives

Approved April 1, 2004, with the exception of sections 1 through 57; 101; and 201, which are vetoed.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6453** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

April 1, 2004 - 10:25 a.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6453

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

Read first time 01/21/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to a qualifying primary; amending RCW 29A.04.085,
2 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150,
3 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080,
4 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160,
5 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060,
6 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200,
7 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020,
8 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080,
9 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and
10 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections
11 to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW;
12 adding new sections to chapter 29A.28 RCW; adding new sections to
13 chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding
14 new sections to chapter 29A.20 RCW; adding new sections to chapter
15 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new
16 sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40
17 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to
18 chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding
19 new sections to chapter 29A.64 RCW; adding a new section to chapter
20 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new
21 sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200,

1 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130,
2 29A.04.903, 29A.04.007, 29A.04.085, 29A.04.127, 29A.04.215, 29A.04.310,
3 29A.04.320, 29A.04.610, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140,
4 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030,
5 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.130, 29A.24.140,
6 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310,
7 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.120, 29A.32.240,
8 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130,
9 29A.36.140, 29A.36.150, 29A.36.160, 29A.36.170, 29A.36.200, 29A.40.060,
10 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.010, 29A.52.110,
11 29A.52.120, 29A.52.230, 29A.52.310, 29A.52.320, 29A.52.350, 29A.60.020,
12 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080,
13 29A.68.010, 29A.80.010, 29A.80.040, 29A.80.050, 29A.80.060, 29A.84.260,
14 29A.84.310, and 29A.84.710; prescribing penalties; providing a
15 contingent effective date; and declaring an emergency.

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

17 **PART 1 - QUALIFYING PRIMARY**

18 ****NEW SECTION. Sec. 1. A new section is added to chapter 29A.52 RCW***
19 ***to read as follows:***

20 ***(1) This act may be known and cited as the Qualifying Primary Act.***

21 ***(2) The purpose of any primary held in this state is to qualify***
22 ***candidates to appear on the general election ballot. Primary elections***
23 ***do not function as a procedure to determine the nominees of political***
24 ***parties. The sole purpose of allowing candidates to identify a***
25 ***political party preference is to provide to voters a brief description***
26 ***of each candidate's political philosophy, which the voters may consider***
27 ***when casting their votes at a primary or general election. In a***
28 ***primary election, each voter, regardless of party affiliation, may vote***
29 ***for any candidate listed on the ballot, and the two candidates who***
30 ***receive the most votes, also known as the top two vote getters, and who***
31 ***receive at least one percent of the total votes cast for that office,***
32 ***advance to the general election. Primary election voters are not***
33 ***choosing a party's nominee. A qualifying primary ensures more choice,***
34 ***greater participation, increased privacy, and a sense of fairness for***
35 ***the voters.***

1 (3) The provisions of this title relating to primaries must be
2 liberally construed to further the following interests:

3 (a) The legislature finds that the process of determining which
4 candidates will appear on the general election ballot or be elected to
5 office is a public process, in which all voters must be permitted to
6 participate. The legislature further finds that it is not in the
7 public interest to expend public funds on an election procedure that
8 limits the rights of voters by restricting their ability to participate
9 based on the party affiliation, if any, of the voters or the
10 candidates, or that requires voters to publicly declare an affiliation
11 with a political party;

12 (b) All qualified registered voters of the state of Washington
13 should be permitted to participate in all meaningful stages of the
14 process for qualifying candidates to appear on the general election
15 ballot by voting for the candidates of their choice in the districts
16 and jurisdictions where they are eligible to vote; and

17 (c) No registered voter of the state of Washington should be
18 required to divulge to any public or private entity his or her party
19 affiliation, if any, as a prerequisite to voting.

*Sec. 1 was vetoed. See message at end of chapter.

20 *NEW SECTION. Sec. 2. The rights of Washington voters are
21 protected by its Constitution and laws and include the following
22 fundamental rights:

23 (1) The right of qualified voters to vote at all elections;

24 (2) The right of absolute secrecy of the vote. No voter may be
25 required to disclose political faith or adherence in order to vote;

26 (3) The right to cast a vote for any candidate for each office
27 without any limitation based on party preference or affiliation, of
28 either the voter or the candidate.

*Sec. 2 was vetoed. See message at end of chapter.

29 *Sec. 3. RCW 29A.04.085 and 2003 c 111 s 115 are each amended to
30 read as follows:

31 "Major political party" means a political party (~~of which at least~~
32 ~~one nominee for president, vice president, United States senator, or a~~
33 ~~statewide office received at least five percent of the total vote cast~~
34 ~~at the last preceding state general election in an even-numbered year.~~
35 ~~A political party qualifying as a major political party under this~~
36 ~~section retains such status until the next even-year election at which~~

1 ~~a candidate of that party does not achieve at least five percent of the~~
2 ~~vote for one of the previously specified offices. If none of these~~
3 ~~offices appear on the ballot in an even-year general election, the~~
4 ~~major party retains its status as a major party through that election))~~
5 identified on the declaration of candidacy of at least one candidate
6 for statewide office who received at least five percent of the total
7 votes cast for that office at the last primary or general election in
8 a year that the office of governor appeared on the ballot. Once
9 qualified, a major political party retains such status until the next
10 primary or general election in a year that the office of governor
11 appears on the ballot.

*Sec. 3 was vetoed. See message at end of chapter.

12 *NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW
13 to read as follows:

14 "Partisan office" means an office for which a candidate may
15 identify a political philosophy under RCW 29A.24.030(3), and is limited
16 to the following offices:

- 17 (1) United States senator and representative;
18 (2) All state offices except (a) judicial offices and (b) the
19 office of superintendent of public instruction;
20 (3) All county offices except (a) judicial offices and (b) those
21 offices where a county home rule charter provides otherwise.

*Sec. 4 was vetoed. See message at end of chapter.

22 *Sec. 5. RCW 29A.04.127 and 2003 c 111 s 122 are each amended to
23 read as follows:

24 "Primary" (~~or "primary election"~~) means a statutory qualifying
25 procedure ((for nominating candidates to public office at the polls))
26 in which each registered voter eligible to vote in the district or
27 jurisdiction is permitted to cast a vote for his or her preferred
28 candidate for each office appearing on the ballot, without any
29 limitation based on party preference or affiliation on the part of the
30 voter or the candidate, with the result that not more than two
31 candidates for each office qualify to appear on the general election
32 ballot.

*Sec. 5 was vetoed. See message at end of chapter.

33 *Sec. 6. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
34 read as follows:

35 ((~~Nominating~~)) Qualifying primaries for general elections to be

1 held in November must be held on the third Tuesday of the preceding
2 September or on the seventh Tuesday immediately preceding such general
3 election, whichever occurs first.

*Sec. 6 was vetoed. See message at end of chapter.

4 *Sec. 7. RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
5 read as follows:

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

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

13 (3) The name of a candidate for an office shall not appear on a
14 ballot for that office unless, except as provided in RCW 3.46.067 and
15 3.50.057, the candidate is, at the time the candidate's declaration of
16 candidacy is filed, properly registered to vote in the geographic area
17 represented by the office. For the purposes of this section, each
18 geographic area in which registered voters may cast ballots for an
19 office is represented by that office. If a person elected to an office
20 must be ~~((nominated))~~ qualified from a district or similar division of
21 the geographic area represented by the office, the name of a candidate
22 for the office shall not appear on a primary ballot for that office
23 unless the candidate is, at the time the candidate's declaration of
24 candidacy is filed, properly registered to vote in that district or
25 division. The officer with whom declarations of candidacy must be
26 filed under this title shall review each such declaration filed
27 regarding compliance with this subsection.

28 (4) ~~((This section does not apply to the office of a member of the
29 United States Congress.))~~ The requirements of voter registration and
30 residence within the geographic area of a district do not apply to
31 candidates for congressional office. Qualifications for United States
32 Congress are specified in the United States Constitution.

*Sec. 7 was vetoed. See message at end of chapter.

33 *Sec. 8. RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
34 read as follows:

35 ~~((1) Any nomination of a candidate for partisan public office by
36 other than a major political party may be made only: (a) In a~~

1 ~~convention held not earlier than the last Saturday in June and not~~
2 ~~later than the first Saturday in July or during any of the seven days~~
3 ~~immediately preceding the first day for filing declarations of~~
4 ~~candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided~~
5 ~~by RCW 29A.60.020; or (c) as otherwise provided in this section.~~

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

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

29 (4) ~~A minor political party may hold more than one convention but~~
30 ~~in no case shall any such party nominate more than one candidate for~~
31 ~~any one partisan public office or position. For the purpose of~~
32 ~~nominating candidates for the offices of president and vice president,~~
33 ~~United States senator, or a statewide office, a minor party or~~
34 ~~independent candidate holding multiple conventions may add together the~~
35 ~~number of signatures of different individuals from each convention~~
36 ~~obtained in support of the candidate or candidates in order to obtain~~
37 ~~the number required by RCW 29A.20.140. For all other offices for which~~

1 ~~nominations are made, signatures of the requisite number of registered~~
2 ~~voters must be obtained at a single convention.))~~

*Sec. 8 was vetoed. See message at end of chapter.

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

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

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

*Sec. 9 was vetoed. See message at end of chapter.

16 *Sec. 10. RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
17 read as follows:

18 A nominating petition submitted under this chapter shall clearly
19 identify the name of the minor party or independent candidate
20 ~~((convention as it appears on the certificate of nomination as required~~
21 ~~by RCW 29A.20.160(3))). The petition shall also contain a statement~~
22 ~~that the person signing the petition is a registered voter of the state~~
23 ~~of Washington and shall have a space for the voter to sign his or her~~
24 ~~name and to print his or her name and address. ((No person may sign~~
25 ~~more than one nominating petition under this chapter for an office for~~
26 ~~a primary or election.)) The nominating petition must be submitted to~~
27 ~~the secretary of state not later than ten days after adjournment of the~~
28 ~~convention.~~

*Sec. 10 was vetoed. See message at end of chapter.

29 *Sec. 11. RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
30 read as follows:

31 A certificate evidencing nominations of candidates for the offices
32 of president and vice president made at a convention must:

33 (1) Be in writing;

34 (2) Contain the name of each person nominated(~~(, his or her~~
35 ~~residence, and the office for which he or she is named, and if the~~

1 ~~nomination is~~) for the offices of president and vice president of the
2 United States, their addresses, and a sworn statement from both
3 nominees giving their consent to the nomination;

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

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

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

10 (6) Contain proof of publication of the notice of calling the
11 convention; and

12 (7) Be submitted to the (~~appropriate filing officer~~) secretary of
13 state not later than one week following the adjournment of the
14 convention at which the nominations were made. (~~If the nominations~~
15 ~~are made only for offices whose jurisdiction is entirely within one~~
16 ~~county, the certificate and nominating petitions must be filed with the~~
17 ~~county auditor. If a minor party or independent candidate convention~~
18 ~~nominates any candidates for offices whose jurisdiction encompasses~~
19 ~~more than one county, all nominating petitions and the convention~~
20 ~~certificates must be filed with the secretary of state.))~~

*Sec. 11 was vetoed. See message at end of chapter.

21 *Sec. 12. RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
22 read as follows:

23 (1) If two or more valid certificates of nomination are filed
24 purporting to nominate different candidates for (~~the same position~~)
25 president and vice president using the same party name, the filing
26 officer must give effect to both certificates. If conflicting claims
27 to the party name are not resolved either by mutual agreement or by a
28 judicial determination of the right to the name, the candidates must be
29 treated as independent candidates. Disputes over the right to the name
30 must not be permitted to delay the printing of either ballots or a
31 voters' pamphlet. (~~Other candidates nominated by the same conventions~~
32 ~~may continue to use the partisan affiliation unless a court of~~
33 ~~competent jurisdiction directs otherwise.))~~

34 (2) A person affected may petition the superior court of the county
35 in which the filing officer is located for a judicial determination of
36 the right to the name of a minor political party, either before or
37 after documents are filed with the filing officer. The court shall

1 resolve the conflict between competing claims to the use of the same
2 party name according to the following principles: (a) The prior
3 established public use of the name during previous elections by a party
4 composed of or led by the same individuals or individuals in documented
5 succession; (b) prior established public use of the name earlier in the
6 same election cycle; (c) ~~((the nomination of a more complete slate of
7 candidates for a number of offices or in a number of different regions
8 of the state; (d)))~~ documented affiliation with a national or statewide
9 party organization with an established use of the name; ~~((e))~~ (d) the
10 first date of filing of a certificate of nomination; and ~~((f))~~ (e)
11 such other indicia of an established right to use of the name as the
12 court may deem relevant. ~~((If more than one filing officer is
13 involved, and one of them is the secretary of state, the petition must
14 be filed in the superior court for Thurston county.))~~ Upon resolving
15 the conflict between competing claims, the court may also address any
16 ballot designation for the candidate who does not prevail.

*Sec. 12 was vetoed. See message at end of chapter.

17 *Sec. 13. RCW 29A.20.180 and 2003 c 111 s 512 are each amended to
18 read as follows:

19 A minor political party or independent candidate convention
20 nominating candidates for the offices of president and vice president
21 of the United States shall, not later than ten days after the
22 adjournment of the convention, submit a list of presidential electors
23 to the office of the secretary of state. The list shall contain the
24 names and the mailing addresses of the persons selected and shall be
25 verified by the ~~((presiding officer of the convention))~~ candidates
26 named on the nominating petition.

*Sec. 13 was vetoed. See message at end of chapter.

27 *Sec. 14. RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
28 read as follows:

29 Upon the receipt of the ~~((certificate of nomination))~~ nominating
30 petition, the ~~((officer with whom it is filed shall check the
31 certificate and))~~ secretary of state shall canvass the signatures ~~((on
32 the accompanying nominating petitions to determine if the requirements
33 of RCW 29A.20.140 have been met)).~~ Once the determination of the
34 sufficiency of the petitions has been made, the filing officer shall
35 notify the ~~((presiding officer of the convention))~~ candidates and any
36 other persons requesting the notification(~~(, of his or her decision~~

1 ~~regarding the sufficiency of the certificate or the nominating~~
2 ~~petitions)). Any appeal regarding the filing officer's determination~~
3 ~~must be filed with the superior court of the county in which the~~
4 ~~certificate or petitions were filed not later than five days from the~~
5 ~~date the determination is made, and shall be heard and finally disposed~~
6 ~~of by the court within five days of the filing. Nominating petitions~~
7 ~~shall not be available for public inspection or copying.~~

*Sec. 14 was vetoed. See message at end of chapter.

8 *Sec. 15. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
9 read as follows:

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

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

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

24 (3) For those offices defined in section 4 of this act only, a
25 place for the candidate to ((indicate a party designation, if
26 applicable)) identify a major or minor political party, if any, the
27 candidate regards as best approximating his or her own political
28 philosophy. No candidate may list more than one political party.
29 Nothing in this indication of political philosophy may be construed as
30 denoting an endorsement or nomination by that party. The sole purpose
31 of allowing candidates to identify a political party preference is to
32 provide to voters a brief description of each candidate's political
33 philosophy, which the voters may consider when casting their votes at
34 a primary or general election;

35 (4) A place for the candidate to indicate the amount of the filing
36 fee accompanying the declaration of candidacy or for the candidate to

1 indicate that he or she is filing a (~~nominating~~) petition in lieu of
2 the filing fee under RCW 29A.24.090;

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

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

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

*Sec. 15 was vetoed. See message at end of chapter.

16 *Sec. 16. RCW 29A.24.080 and 2003 c 111 s 608 are each amended to
17 read as follows:

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

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

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

36 (3) Any declaration of candidacy received by the filing officer

1 after the close of business on the last day for candidates to file for
2 office shall be rejected and returned to the candidate attempting to
3 file it.

*Sec. 16 was vetoed. See message at end of chapter.

4 *Sec. 17. RCW 29A.24.090 and 2003 c 111 s 609 are each amended to
5 read as follows:

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

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

22 When the candidacy is for:

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

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

*Sec. 17 was vetoed. See message at end of chapter.

30 *Sec. 18. RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
31 read as follows:

32 The (~~nominating~~) filing petition authorized by RCW 29A.24.090
33 shall be printed on sheets of uniform color and size, shall contain no
34 more than twenty numbered lines, and must be in substantially the
35 following form:

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

1 We, the undersigned registered voters of . . .(the state of
2 Washington or the political subdivision for which the ((~~nomination~~))
3 filing is made). . ., hereby petition that the name of
4 . . .(candidate's name). . . be printed on the official primary ballot
5 for the office of . . .(insert name of office). . .

6 If the candidate listed a political party on the declaration of
7 candidacy, then the name of that party must appear on the filing
8 petition.

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

*Sec. 18 was vetoed. See message at end of chapter.

12 *Sec. 19. RCW 29A.24.110 and 2003 c 111 s 611 are each amended to
13 read as follows:

14 ((~~Nominating~~)) Petitions may be rejected for the following reasons:

15 (1) The petition is not in the proper form;

16 (2) The petition clearly bears insufficient signatures;

17 (3) The petition is not accompanied by a declaration of candidacy;

18 (4) The time within which the petition and the declaration of
19 candidacy could have been filed has expired.

20 If the petition is accepted, the officer with whom it is filed
21 shall canvass the signatures contained on it and shall reject the
22 signatures of those persons who are not registered voters and the
23 signatures of those persons who are not registered to vote within the
24 jurisdiction of the office for which the ((~~nominating~~)) petition is
25 filed. He or she shall additionally reject any signature that appears
26 on the ((~~nominating~~)) petitions of two or more candidates for the same
27 office and shall also reject, each time it appears, the name of any
28 person who signs the same petition more than once.

29 If the officer with whom the petition is filed refuses to accept
30 the petition or refuses to certify the petition as bearing sufficient
31 valid signatures, the person filing the petition may appeal that action
32 to the superior court. The application for judicial review shall take
33 precedence over other cases and matters and shall be speedily heard and
34 determined.

*Sec. 19 was vetoed. See message at end of chapter.

35 *Sec. 20. RCW 29A.24.140 and 2003 c 111 s 614 are each amended to
36 read as follows:

1 A void in candidacy for ((a-nonpartisan)) an office occurs when an
2 election for such office, except for the short term, has been scheduled
3 and no valid declaration of candidacy has been filed for the position
4 or all persons filing such valid declarations of candidacy have died or
5 been disqualified.

*Sec. 20 was vetoed. See message at end of chapter.

6 *Sec. 21. RCW 29A.24.150 and 2003 c 111 s 615 are each amended to
7 read as follows:

8 The election officer with whom declarations of candidacy are filed
9 shall give notice of a void in candidacy for ((a-nonpartisan)) an
10 office((7)) by notifying press, radio, and television in the county or
11 counties involved and by such other means as may now or hereafter be
12 provided by law. The notice shall state the office, and the time and
13 place for filing declarations of candidacy.

*Sec. 21 was vetoed. See message at end of chapter.

14 *Sec. 22. RCW 29A.24.160 and 2003 c 111 s 616 are each amended to
15 read as follows:

16 Filings to fill a void in candidacy for ((nonpartisan)) an office
17 must be made in the same manner and with the same official as required
18 during the regular filing period for such office((, except that
19 nominating signature petitions that may be required of candidates
20 filing for certain district offices during the normal filing period may
21 not be required of candidates filing during the special three-day
22 filing period))).

*Sec. 22 was vetoed. See message at end of chapter.

23 *Sec. 23. RCW 29A.24.170 and 2003 c 111 s 617 are each amended to
24 read as follows:

25 Filings for ((a-nonpartisan)) an office shall be reopened for a
26 period of three normal business days, such three day period to be fixed
27 by the election officer with whom such declarations of candidacy are
28 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 ((any-nonpartisan)) an office leaving an
34 unexpired term to be filled by an election for which filings have not
35 been held; or

1 (3) A ((nominee)) candidate for judge of the superior court
2 entitled to a certificate of election pursuant to Article 4, section
3 29, Amendment 41 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.

*Sec. 23 was vetoed. See message at end of chapter.

6 *Sec. 24. RCW 29A.24.180 and 2003 c 111 s 618 are each amended to
7 read as follows:

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

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

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

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

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

*Sec. 24 was vetoed. See message at end of chapter.

29 *Sec. 25. RCW 29A.24.190 and 2003 c 111 s 619 are each amended to
30 read as follows:

31 A scheduled election ((shall be lapsed)) lapses, the office is
32 deemed stricken from the ballot, no purported write-in votes may be
33 counted, and no candidate may be certified as elected, when:

34 (1) In an election for judge of the supreme court ((or)),
35 superintendent of public instruction, or a partisan office, a void in

1 candidacy occurs on or after the sixth Tuesday prior to a primary,
2 public filings and the primary being an indispensable phase of the
3 election process for such offices;

4 (2) Except as otherwise specified in RCW 29A.24.180, a ((nominee))
5 candidate for judge of the superior court entitled to a certificate of
6 election pursuant to Article 4, section 29, Amendment 41 of the state
7 Constitution dies or is disqualified on or after the sixth Tuesday
8 prior to a primary;

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

*Sec. 25 was vetoed. See message at end of chapter.

12 *Sec. 26. RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
13 read as follows:

14 Any person who desires to be a write-in candidate and have such
15 votes counted at a primary or election may file a declaration of
16 candidacy with the officer designated in RCW 29A.24.070 not later than
17 the day before the primary or election. Declarations of candidacy for
18 write-in candidates must be accompanied by a filing fee in the same
19 manner as required of other candidates filing for the office as
20 provided in RCW 29A.24.090.

21 Votes cast for write-in candidates who have filed such declarations
22 of candidacy (~~and write-in votes for persons appointed by political~~
23 ~~parties pursuant to RCW 29A.28.020~~) need only specify the name of the
24 candidate in the appropriate location on the ballot in order to be
25 counted. Write-in votes cast for any other candidate, in order to be
26 counted, must designate the office sought and position number (~~or~~
27 ~~political party~~), if the manner in which the write-in is done does not
28 make the office or position clear. In order for write-in votes to be
29 valid in jurisdictions employing optical-scan mark sense ballot systems
30 the voter must complete the proper mark next to the write-in line for
31 that office.

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

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

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

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

8 The declaration of candidacy shall be similar to that required by
9 RCW 29A.24.030. No write-in candidate filing under this section may be
10 included in any voter's pamphlet produced under chapter 29A.32 RCW
11 unless that candidate qualifies to have his or her name printed on the
12 general election ballot. The legislative authority of any jurisdiction
13 producing a local voter's pamphlet under chapter 29A.32 RCW may
14 provide, by ordinance, for the inclusion of write-in candidates in such
15 pamphlets.

*Sec. 26 was vetoed. See message at end of chapter.

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

18 If the death or disqualification of a candidate for a partisan or
19 nonpartisan office does not give rise to the opening of a new filing
20 period under RCW 29A.24.170, then the following will occur:

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

25 (2) If the candidate dies or becomes disqualified after the close
26 of the filing period but before the day of the primary, then his or her
27 name will appear on the primary ballot and all otherwise valid votes
28 for that candidate will be tabulated. The candidate's name will not
29 appear on the general election ballot even if he or she otherwise would
30 have qualified to do so, but no other candidate will advance, or be
31 substituted, in the place of that candidate. If the candidate was the
32 only candidate to qualify to advance to the general election, then the
33 general election for that office lapses, and the office will be
34 regarded as vacant as of the time the newly elected official would have
35 otherwise taken office;

36 (3) If the candidate dies or becomes disqualified on or after the
37 day of the primary, and he or she would have otherwise qualified to

1 appear on the general election ballot, then his or her name will appear
2 on the general election ballot and all otherwise valid votes for that
3 candidate will be tabulated. If the candidate received a number of
4 votes sufficient to be elected to office, but for his or her death or
5 disqualification, then the office will be regarded as vacant as of the
6 time the newly elected official would have otherwise taken office.

*Sec. 27 was vetoed. See message at end of chapter.

7 *Sec. 28. RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
8 read as follows:

9 (1) Whenever a vacancy occurs in the United States house of
10 representatives or the United States senate from this state, the
11 governor shall order a special election to fill the vacancy.

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

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

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

1 during this three-day period shall appear on the approaching primary
2 ballot.

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

*Sec. 28 was vetoed. See message at end of chapter.

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

10 The general election laws and laws relating to (~~partisan~~)
11 primaries (~~shall~~) for partisan offices apply to the special primaries
12 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050
13 to the extent that they are not inconsistent with the provisions of
14 these sections. Statutory time deadlines relating to availability of
15 absentee ballots, certification, canvassing, and related procedures
16 that cannot be met in a timely fashion may be modified for the purposes
17 of a specific primary or vacancy election under this chapter by the
18 secretary of state through emergency rules adopted under RCW
19 29A.04.610.

*Sec. 29 was vetoed. See message at end of chapter.

20 *Sec. 30. RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
21 read as follows:

22 The voters' pamphlet must contain:

23 (1) Information about each ballot measure initiated by or referred
24 to the voters for their approval or rejection as required by RCW
25 29A.32.070;

26 (2) In even-numbered years, statements, if submitted, advocating
27 the candidacies of (~~nominees~~) candidates qualified to appear on the
28 ballot for the office of president and vice president of the United
29 States, United States senator, United States representative, governor,
30 lieutenant governor, secretary of state, state treasurer, state
31 auditor, attorney general, commissioner of public lands, superintendent
32 of public instruction, insurance commissioner, state senator, state
33 representative, justice of the supreme court, judge of the court of
34 appeals, or judge of the superior court. Candidates may also submit a
35 campaign mailing address and telephone number and a photograph not more

1 than five years old and of a size and quality that the secretary of
2 state determines to be suitable for reproduction in the voters'
3 pamphlet;

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

8 (4) In even-numbered years, a section explaining how voters may
9 participate in the election campaign process; the address and telephone
10 number of the public disclosure commission established under RCW
11 42.17.350; and a summary of the disclosure requirements that apply when
12 contributions are made to candidates and political committees;

13 (5) In even-numbered years the name, address, and telephone number
14 of each political party (~~with nominees listed in the pamphlet, if~~
15 ~~filed with the secretary of state by the state committee of a major~~
16 ~~political party or the presiding officer of the convention of a minor~~
17 ~~political party)) for which a candidate appearing on the ballot has
18 expressed a preference on his or her declaration of candidacy, if the
19 party has provided that information to the secretary of state;~~

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

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

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

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

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

**Sec. 30 was vetoed. See message at end of chapter.*

36 *Sec. 31. RCW 29A.32.120 and 2003 c 254 s 6 and 2003 c 111 s 812
37 are each reenacted and amended to read as follows:

1 (1) The maximum number of words for statements submitted by
2 candidates is as follows: State representative, one hundred words;
3 state senator, judge of the superior court, judge of the court of
4 appeals, justice of the supreme court, and all state offices voted upon
5 throughout the state, except that of governor, two hundred words;
6 president and vice president, United States senator, United States
7 representative, and governor, three hundred words.

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

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

12 (4) The secretary of state shall allocate space in the pamphlet
13 based on the number of candidates (~~(or nominees)~~) for each office.

**Sec. 31 was vetoed. See message at end of chapter.*

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

16 On or before the day following the last day allowed for (~~((political~~
17 ~~parties to fill vacancies in the ticket as provided by RCW 29A.28.010))~~
18 candidates to withdraw under RCW 29A.24.130, the secretary of state
19 shall certify to each county auditor a list of the candidates who have
20 filed declarations of candidacy in his or her office for the primary.
21 For each office, the certificate shall include the name of each
22 candidate, his or her address, and his or her party (~~((designation))~~)
23 preference, if any.

**Sec. 32 was vetoed. See message at end of chapter.*

24 *Sec. 33. RCW 29A.36.070 and 2003 c 111 s 907 are each amended to
25 read as follows:

26 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,
27 or 82.80.090, the ballot title of any referendum filed on an enactment
28 or portion of an enactment of a local government and any other question
29 submitted to the voters of a local government consists of three
30 elements: (a) An identification of the enacting legislative body and
31 a statement of the subject matter; (b) a concise description of the
32 measure; and (c) a question. The ballot title must conform with the
33 requirements and be displayed substantially as provided under RCW
34 29A.72.050, except that the concise description must not exceed
35 seventy-five words. If the local governmental unit is a city or a
36 town, the concise statement shall be prepared by the city or town

1 attorney. If the local governmental unit is a county, the concise
2 statement shall be prepared by the prosecuting attorney of the county.
3 If the unit is a unit of local government other than a city, town, or
4 county, the concise statement shall be prepared by the prosecuting
5 attorney of the county within which the majority area of the unit is
6 located.

7 (2) A referendum measure on the enactment of a unit of local
8 government shall be advertised in the manner provided for ((~~nominees~~))
9 candidates for elective office.

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

*Sec. 33 was vetoed. See message at end of chapter.

13 *Sec. 34. RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
14 read as follows:

15 Except for the candidates for the positions of president and vice
16 president or for a partisan or nonpartisan office for which no primary
17 is required, the names of all candidates who, under this title, filed
18 a declaration of candidacy(~~(, were certified as a candidate to fill a~~
19 ~~vacancy on a major party ticket, or were nominated as an independent or~~
20 ~~minor party candidate)) will appear on the appropriate ballot at the
21 primary throughout the jurisdiction ~~((in which they are to be~~
22 nominated)) of the office for which they are a candidate.~~

*Sec. 34 was vetoed. See message at end of chapter.

23 *Sec. 35. RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
24 read as follows:

25 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
26 this section, on the ballot at the general election for ((~~a~~
27 ~~nonpartisan~~)) an office for which a primary was held, only the names of
28 the candidate who received the greatest number of votes and the
29 candidate who received the next greatest number of votes for that
30 office shall appear under the title of that office, and the names shall
31 appear in that order. If a primary was conducted, no candidate's name
32 may be printed on the subsequent general election ballot unless he or
33 she receives at least one percent of the total votes cast for that
34 office at the preceding primary. On the ballot at the general election
35 for ~~((any other nonpartisan))~~ an office for which no primary was held,

1 the names of the candidates shall be listed in the order determined
2 under RCW 29A.36.130.

3 (2) On the ballot at the general election for the office of justice
4 of the supreme court, judge of the court of appeals, judge of the
5 superior court, or state superintendent of public instruction, if a
6 candidate in a contested primary receives a majority of all the votes
7 cast for that office or position, only the name of that candidate may
8 be printed under the title of the office for that position.

**Sec. 35 was vetoed. See message at end of chapter.*

9 *Sec. 36. RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
10 read as follows:

11 The names of the persons certified (~~(as nominees)~~) by the secretary
12 of state or the county canvassing board as having qualified to appear
13 on the general election ballot shall be printed on the ballot at the
14 ensuing election.

15 No name of any candidate (~~(whose nomination at a primary is~~
16 ~~required by law shall)~~) for an office for which a primary is conducted
17 may be placed upon the ballot at a general or special election unless
18 it appears upon the certificate of either (1) the secretary of
19 state(~~(7)~~) or (2) the county canvassing board(~~(7 or (3) a minor party~~
20 ~~convention or the state or county central committee of a major~~
21 ~~political party to fill a vacancy on its ticket under RCW 29A.28.020))~~).

22 Excluding the office of precinct committee officer or a temporary
23 elected position such as a charter review board member or freeholder,
24 a candidate's name shall not appear more than once upon a ballot for a
25 position regularly (~~(nominated or)~~) elected at the same election.

**Sec. 36 was vetoed. See message at end of chapter.*

26 *Sec. 37. RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to
27 read as follows:

28 Whenever it shall be necessary to hold a special election in an
29 odd-numbered year to fill an unexpired term of any office which is
30 scheduled to be voted upon for a full term in an even-numbered year, no
31 (~~(September)~~) primary election shall be held in the odd-numbered year
32 if, after the last day allowed for candidates to withdraw(~~(7 either of~~
33 ~~the following circumstances exist:~~

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

1 ~~(2))~~ no more than two candidates have filed a declaration of
2 candidacy for a single ~~((nonpartisan))~~ office to be filled.

3 In ~~((either))~~ this event, the officer with whom the declarations of
4 candidacy were filed shall immediately notify all candidates concerned
5 and the names of the candidates that would have been printed upon the
6 ~~((September))~~ primary ballot, but for the provisions of this section,
7 shall be printed as ~~((nominees))~~ candidates for the positions sought
8 upon the ~~((November))~~ general election ballot.

*Sec. 37 was vetoed. See message at end of chapter.

9 *Sec. 38. RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to
10 read as follows:

11 Candidates for ~~((the following offices shall be nominated at))~~
12 partisan offices will appear on the ballot at primaries held ~~((pursuant~~
13 ~~to the provisions of))~~ under this chapter~~((:~~

14 ~~(1) Congressional offices;~~

15 ~~(2) All state offices except (a) judicial offices and (b) the~~
16 ~~office of superintendent of public instruction;~~

17 ~~(3) All county offices except (a) judicial offices and (b) those~~
18 ~~offices where a county home rule charter provides otherwise)).~~

*Sec. 38 was vetoed. See message at end of chapter.

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

21 (1) Whenever candidates for partisan office are to be elected, the
22 general election must be preceded by a primary conducted under this
23 chapter, except as otherwise provided in law. Based upon votes cast at
24 the primary, two candidates must be certified as qualified to appear on
25 the general election ballot, under RCW 29A.52.320 and 29A.36.170.

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

29 (3) If a candidate indicates a political philosophy as provided by
30 RCW 29A.24.030(3) on his or her declaration of candidacy, then the
31 philosophy will be listed for the candidate on the primary and general
32 election ballots. Each candidate who does not express a philosophy
33 will be listed as an independent candidate on the primary and general
34 election ballots. Political philosophy will be listed for the
35 information of the voters only, and may not be used for any purpose

1 relating to the conduct, canvassing, or certification of the primary,
2 and may in no way limit the options available to voters in deciding for
3 whom to cast a vote.

**Sec. 39 was vetoed. See message at end of chapter.*

4 *Sec. 40. RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
5 read as follows:

6 The offices of superintendent of public instruction, justice of the
7 supreme court, judge of the court of appeals, judge of the superior
8 court, and judge of the district court shall be nonpartisan and the
9 candidates therefor shall be (~~nominated~~) qualified and elected as
10 such.

11 All city, town, and special purpose district elective offices shall
12 be nonpartisan and the candidates therefor shall be (~~nominated~~)
13 qualified and elected as such.

**Sec. 40 was vetoed. See message at end of chapter.*

14 *Sec. 41. RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
15 read as follows:

16 No later than the day following the certification of the returns of
17 any primary, the secretary of state shall certify to the appropriate
18 county auditors, the names of all persons (~~nominated~~) qualified to
19 appear on the general election ballot as candidates for offices, the
20 returns of which have been canvassed by the secretary of state.

**Sec. 41 was vetoed. See message at end of chapter.*

21 *Sec. 42. RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to
22 read as follows:

23 Except as provided in RCW 29A.32.260, notice for any state,
24 county, district, or municipal election, whether special or general,
25 must be given by at least one publication not more than ten nor less
26 than three days before the election by the county auditor or the
27 officer conducting the election as the case may be, in one or more
28 newspapers of general circulation within the county. The legal notice
29 must contain the title of each office under the proper party
30 (~~designation~~) preference, the names and addresses of all (~~officers~~)
31 candidates who have been (~~nominated~~) qualified to appear on the
32 ballot for an office to be voted upon at that election, together with
33 the ballot titles of all measures, the hours during which the polls
34 will be open, and the polling places for each precinct, giving the
35 address of each polling place. The names of all candidates for

1 nonpartisan offices must be published separately with designation of
2 the offices for which they are candidates but without party
3 designation. This is the only notice required for a state, county,
4 district, or municipal general or special election and supersedes the
5 provisions of any and all other statutes, whether general or special in
6 nature, having different requirements for the giving of notice of any
7 general or special elections.

*Sec. 42 was vetoed. See message at end of chapter.

8 *Sec. 43. RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
9 read as follows:

10 (1) For any office at any election or primary, any voter may write
11 in on the ballot the name of any person for an office who has filed as
12 a write-in candidate for the office in the manner provided by RCW
13 29A.24.310 and such vote shall be counted the same as if the name had
14 been printed on the ballot and marked by the voter. No write-in vote
15 made for any person who has not filed a declaration of candidacy
16 pursuant to RCW 29A.24.310 is valid if that person filed for the same
17 office, either as a regular candidate or a write-in candidate, at the
18 preceding primary. Any abbreviation used to designate office,
19 position, or political party shall be accepted if the canvassing board
20 can determine, to their satisfaction, the voter's intent.

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

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

35 (4) In the case of statewide offices or jurisdictions that
36 encompass more than one county, if the total number of write-in votes
37 cast for an office within a county is greater than the number of votes

1 cast for a candidate apparently (~~nominated~~) qualified to appear on
2 the general election ballot or elected in a primary or election, the
3 auditor shall tally all write-in votes for individual candidates for
4 that office and notify the office of the secretary of state and the
5 auditors of the other counties within the jurisdiction, that the write-
6 in votes for individual candidates should be tallied.

**Sec. 43 was vetoed. See message at end of chapter.*

7 *Sec. 44. RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to
8 read as follows:

9 (1) If the requisite number of any federal, state, county, city, or
10 district offices have not (~~been nominated~~) qualified to appear on the
11 general election ballot in a primary by reason of two or more persons
12 having an equal and requisite number of votes for being placed on the
13 general election ballot, the official empowered by state law to certify
14 candidates for the general election ballot shall give notice to the
15 several persons so having the equal and requisite number of votes to
16 attend at the appropriate office at the time designated by that
17 official, who shall then and there proceed publicly to decide by lot
18 which of those persons will be declared (~~nominated~~) qualified and
19 placed on the general election ballot.

20 (2) If the requisite number of any federal, state, county, city,
21 district, or precinct officers have not been elected by reason of two
22 or more persons having an equal and highest number of votes for one and
23 the same office, the official empowered by state law to issue the
24 original certificate of election shall give notice to the several
25 persons so having the highest and equal number of votes to attend at
26 the appropriate office at the time to be appointed by that official,
27 who shall then and there proceed publicly to decide by lot which of
28 those persons will be declared duly elected, and the official shall
29 make out and deliver to the person thus duly declared elected a
30 certificate of election.

**Sec. 44 was vetoed. See message at end of chapter.*

31 *Sec. 45. RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to
32 read as follows:

33 An officer of a political party or any person for whom votes were
34 cast in a primary who was not declared (~~nominated~~) qualified to
35 appear on the general election ballot may file a written application

1 for a recount of the votes or a portion of the votes cast at that
2 primary for all persons for whom votes were cast for (~~(nomination to)~~)
3 that office.

4 An officer of a political party or any person for whom votes were
5 cast at any election may file a written application for a recount of
6 the votes or a portion of the votes cast at that election for all
7 candidates for election to that office.

8 Any group of five or more registered voters may file a written
9 application for a recount of the votes or a portion of the votes cast
10 upon any question or issue. They shall designate one of the members of
11 the group as chair and shall indicate the voting residence of each
12 member of the group.

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

16 An application for a recount must specify whether the recount will
17 be done manually or by the vote tally system. A recount done by the
18 vote tally system must use programming that recounts and reports only
19 the office or ballot measure in question. The county shall also
20 provide for a test of the logic and accuracy of that program.

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

25 This chapter applies to the recounting of votes cast by paper
26 ballots and to the recounting of votes recorded on ballots counted by
27 a vote tally system.

*Sec. 45 was vetoed. See message at end of chapter.

28 *Sec. 46. RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to
29 read as follows:

30 (1) If the official canvass of all of the returns for any office at
31 any primary or election reveals that the difference in the number of
32 votes cast for a candidate apparently (~~(nominated)~~) qualified to appear
33 on the general election ballot or elected to any office and the number
34 of votes cast for the closest apparently defeated opponent is less than
35 two thousand votes and also less than one-half of one percent of the
36 total number of votes cast for both candidates, the county canvassing
37 board shall conduct a recount of all votes cast on that position.

1 (a) Whenever such a difference occurs in the number of votes cast
2 for candidates for a position the declaration of candidacy for which
3 was filed with the secretary of state, the secretary of state shall,
4 within three business days of the day that the returns of the primary
5 or election are first certified by the canvassing boards of those
6 counties, direct those boards to recount all votes cast on the
7 position.

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

13 (2) A mandatory recount shall be conducted in the manner provided
14 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory
15 recount may be charged to any candidate.

16 (3) The apparent winner and closest apparently defeated opponent
17 for an office for which a manual recount is required under subsection
18 (1)(b) of this section may select an alternative method of conducting
19 the recount. To select such an alternative, the two candidates shall
20 agree to the alternative in a signed, written statement filed with the
21 election official for the office. The recount shall be conducted using
22 the alternative method if: It is suited to the balloting system that
23 was used for casting the votes for the office; it involves the use of
24 a vote tallying system that is approved for use in this state by the
25 secretary of state; and the vote tallying system is readily available
26 in each county required to conduct the recount. If more than one
27 balloting system was used in casting votes for the office, an
28 alternative to a manual recount may be selected for each system.

*Sec. 46 was vetoed. See message at end of chapter.

29 *Sec. 47. RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to
30 read as follows:

31 (1) At the time and place established for a recount, the canvassing
32 board or its duly authorized representatives, in the presence of all
33 witnesses who may be in attendance, shall open the sealed containers
34 containing the ballots to be recounted, and shall recount the votes for
35 the offices or issues for which the recount has been ordered. Ballots
36 shall be handled only by the members of the canvassing board or their
37 duly authorized representatives.

1 Witnesses shall be permitted to observe the ballots and the process
2 of tabulating the votes, but they shall not be permitted to handle the
3 ballots. The canvassing board shall not permit the tabulation of votes
4 for any (~~(nomination, election)~~) office or issue other than the ones
5 for which a recount was applied for or required.

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

9 (3) The recount may be observed by persons representing the
10 candidates affected by the recount or the persons representing both
11 sides of an issue that is being recounted. The observers may not make
12 a record of the names, addresses, or other information on the ballots,
13 poll books, or applications for absentee ballots unless authorized by
14 the superior court. The secretary of state or county auditor may limit
15 the number of observers to not less than two on each side if, in his or
16 her opinion, a greater number would cause undue delay or disruption of
17 the recount process.

**Sec. 47 was vetoed. See message at end of chapter.*

18 *Sec. 48. RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to
19 read as follows:

20 Upon completion of the canvass of a recount, the canvassing board
21 shall prepare and certify an amended abstract showing the votes cast in
22 each precinct for which the recount was conducted. Copies of the
23 amended abstracts must be transmitted to the same officers who received
24 the abstract on which the recount was based.

25 If the (~~(nomination, election)~~) office or issue for which the
26 recount was conducted was submitted only to the voters of a county, the
27 canvassing board shall file the amended abstract with the original
28 results of that election or primary.

29 If the (~~(nomination, election)~~) office or issue for which a
30 recount was conducted was submitted to the voters of more than one
31 county, the secretary of state shall canvass the amended abstracts and
32 shall file an amended abstract with the original results of that
33 election. An amended abstract certified under this section supersedes
34 any prior abstract of the results for the same offices or issues at the
35 same primary or election.

**Sec. 48 was vetoed. See message at end of chapter.*

1 *Sec. 49. RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to
2 read as follows:

3 The canvassing board shall determine the expenses for conducting a
4 recount of votes.

5 The cost of the recount shall be deducted from the amount deposited
6 by the applicant for the recount at the time of filing the request for
7 the recount, and the balance shall be returned to the applicant. If
8 the costs of the recount exceed the deposit, the applicant shall pay
9 the difference. No charges may be deducted by the canvassing board
10 from the deposit for a recount if the recount changes the result of the
11 (~~nomination~~) primary or election for which the recount was ordered.

*Sec. 49 was vetoed. See message at end of chapter.

12 *Sec. 50. RCW 29A.68.010 and 2003 c 111 s 1701 are each amended to
13 read as follows:

14 Any justice of the supreme court, judge of the court of appeals, or
15 judge of the superior court in the proper county shall, by order,
16 require any person charged with error, wrongful act, or neglect to
17 forthwith correct the error, desist from the wrongful act, or perform
18 the duty and to do as the court orders or to show cause forthwith why
19 the error should not be corrected, the wrongful act desisted from, or
20 the duty or order not performed, whenever it is made to appear to such
21 justice or judge by affidavit of an elector that:

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

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

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

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

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

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

1 An affidavit of an elector under subsections (1) and (3) above when
2 relating to a primary election must be filed with the appropriate court
3 no later than the second Friday following the closing of the filing
4 period (~~((for nominations))~~) for such office and shall be heard and
5 finally disposed of by the court not later than five days after the
6 filing thereof. An affidavit of an elector under subsections (1) and
7 (3) of this section when relating to a general election must be filed
8 with the appropriate court no later than three days following the
9 official certification of the primary election returns and shall be
10 heard and finally disposed of by the court not later than five days
11 after the filing thereof. An affidavit of an elector under subsection
12 (6) of this section shall be filed with the appropriate court no later
13 than ten days following the issuance of a certificate of election.

*Sec. 50 was vetoed. See message at end of chapter.

14 *Sec. 51. RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to
15 read as follows:

16 ~~((1))~~ Each political party organization may(~~(:~~
17 ~~(a) Make its own~~) adopt rules (~~(and regulations; and~~
18 ~~(b) Perform all functions inherent in such an organization.~~
19 ~~(2) Only major political parties may designate candidates to appear~~
20 ~~on the state primary ballot as provided in RCW 29A.28.010)) governing
21 its own organization and the nonstatutory functions of that
22 organization.~~

*Sec. 51 was vetoed. See message at end of chapter.

23 *Sec. 52. RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to
24 read as follows:

25 The following apply to persons signing (~~(nominating))~~ petitions
26 prescribed by RCW 29A.20.150 and 29A.24.100:

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

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

*Sec. 52 was vetoed. See message at end of chapter.

33 *Sec. 53. RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to
34 read as follows:

35 Every person who:

1 (1) Knowingly provides false information on his or her declaration
2 of candidacy (~~(of)~~), filing petition (~~(of nomination)~~), or nominating
3 petition; or

4 (2) Conceals or fraudulently defaces or destroys a certificate that
5 has been filed with an elections officer under RCW (~~(29A.20.110 through~~
6 ~~29A.20.200)~~) 29A.20.120 through 29A.20.180 or a declaration of
7 candidacy or petition of nomination that has been filed with an
8 elections officer, or any part of such a certificate, declaration, or
9 petition, is guilty of a class C felony punishable under RCW 9A.20.021.
*Sec. 53 was vetoed. See message at end of chapter.

10 *Sec. 54. RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to
11 read as follows:

12 Every person who:

13 (1) Knowingly and falsely issues a certificate of (~~(nomination)~~)
14 qualification or election; or

15 (2) Knowingly provides false information on a certificate which
16 must be filed with an elections officer under RCW (~~(29A.20.110 through~~
17 ~~29A.20.200)~~) 29A.20.120 through 29A.20.180, is guilty of a class C
18 felony punishable under RCW 9A.20.021.
*Sec. 54 was vetoed. See message at end of chapter.

19 *Sec. 55. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
20 as follows:

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

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

32 (3) "Ballot proposition" means any "measure" as defined by RCW
33 (~~(29.01.110)~~) 29A.04.091, or any initiative, recall, or referendum
34 proposition proposed to be submitted to the voters of the state or any
35 municipal corporation, political subdivision, or other voting

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

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

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

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

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

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

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

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

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

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

28 (b) Announces publicly or files for office;

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

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

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

1 (10) "Commercial advertiser" means any person who sells the service
2 of communicating messages or producing printed material for broadcast
3 or distribution to the general public or segments of the general public
4 whether through the use of newspapers, magazines, television and radio
5 stations, billboard companies, direct mail advertising companies,
6 printing companies, or otherwise.

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

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

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

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

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

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

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

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

33 (b) "Contribution" does not include:

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

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political committee

1 that is returned to the contributor within five business days of the
2 date on which it is received by the candidate or political committee;

3 (iv) A news item, feature, commentary, or editorial in a regularly
4 scheduled news medium that is of primary interest to the general
5 public, that is in a news medium controlled by a person whose business
6 is that news medium, and that is not controlled by a candidate or a
7 political committee;

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

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

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

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

26 (A) A political party or caucus political committee if the person
27 paying for the services is the regular employer of the person rendering
28 such services; or

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

33 (c) Contributions other than money or its equivalent are deemed to
34 have a monetary value equivalent to the fair market value of the
35 contribution. Services or property or rights furnished at less than
36 their fair market value for the purpose of assisting any candidate or
37 political committee are deemed a contribution. Such a contribution

1 must be reported as an in-kind contribution at its fair market value
2 and counts towards any applicable contribution limit of the provider.

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

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

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

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

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

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

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

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

5 (23) "Immediate family" includes the spouse, dependent children,
6 and other dependent relatives, if living in the household. For the
7 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
8 an individual's spouse, and child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half sister
10 of the individual and the spouse of any such person and a child,
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half
12 brother, sister, or half sister of the individual's spouse and the
13 spouse of any such person.

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

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

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

31 (c) The expenditure, alone or in conjunction with another
32 expenditure or other expenditures of the same person in support of or
33 opposition to that candidate, has a value of five hundred dollars or
34 more. A series of expenditures, each of which is under five hundred
35 dollars, constitutes one independent expenditure if their cumulative
36 value is five hundred dollars or more.

37 (25)(a) "Intermediary" means an individual who transmits a
38 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an
3 association to which the individual belongs.

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

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

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

11 (26) "Legislation" means bills, resolutions, motions, amendments,
12 nominations, and other matters pending or proposed in either house of
13 the state legislature, and includes any other matter that may be the
14 subject of action by either house or any committee of the legislature
15 and all bills and resolutions that, having passed both houses, are
16 pending approval by the governor.

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

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

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

29 (30) "Person" includes an individual, partnership, joint venture,
30 public or private corporation, association, federal, state, or local
31 governmental entity or agency however constituted, candidate,
32 committee, political committee, political party, executive committee
33 thereof, or any other organization or group of persons, however
34 organized.

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

1 (32) "Political advertising" includes any advertising displays,
2 newspaper ads, billboards, signs, brochures, articles, tabloids,
3 flyers, letters, radio or television presentations, or other means of
4 mass communication, used for the purpose of appealing, directly or
5 indirectly, for votes or for financial or other support in any election
6 campaign.

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

11 (34) "Primary" for the purposes of RCW 42.17.640 means the
12 procedure for ~~((nominating))~~ qualifying a candidate to state office
13 under chapter ~~((29.18 or 29.21 RCW or any other primary for an election
14 that uses, in large measure, the procedures established in chapter
15 29.18 or 29.21))~~ 29A.52 RCW.

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

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

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

34 (38) "State legislative office" means the office of a member of the
35 state house of representatives or the office of a member of the state
36 senate.

37 (39) "State office" means state legislative office or the office of

1 governor, lieutenant governor, secretary of state, attorney general,
2 commissioner of public lands, insurance commissioner, superintendent of
3 public instruction, state auditor, or state treasurer.

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

5 (41) "Surplus funds" mean, in the case of a political committee or
6 candidate, the balance of contributions that remain in the possession
7 or control of that committee or candidate subsequent to the election
8 for which the contributions were received, and that are in excess of
9 the amount necessary to pay remaining debts incurred by the committee
10 or candidate prior to that election. In the case of a continuing
11 political committee, "surplus funds" mean those contributions remaining
12 in the possession or control of the committee that are in excess of the
13 amount necessary to pay all remaining debts when it makes its final
14 report under RCW 42.17.065.

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

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

*Sec. 55 was vetoed. See message at end of chapter.

26 *NEW SECTION. Sec. 56. (1) The subheadings in chapter 29A.52 RCW
27 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under
28 one subheading "PRIMARIES."

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

32 (3) The code reviser shall recaption RCW 29A.24.100 as "Filing
33 petition--Form."

34 (4) The code reviser shall recaption RCW 29A.36.170 as "Candidates
35 qualified for the general election."

36 (5) The code reviser shall recaption RCW 29A.52.320 as

1 "Certification of candidates qualified to appear on the general
2 election ballot."

3 (6) The code reviser shall recaption RCW 29A.84.310 as "Candidacy
4 declarations, filing petitions, nominating petitions."

5 (7) The code reviser shall recaption RCW 29A.84.710 as "Documents
6 regarding qualification, election, candidacy--Frauds and falsehoods."
*Sec. 56 was vetoed. See message at end of chapter.

7 *NEW SECTION. Sec. 57. The following acts or parts of acts are
8 each repealed:

9 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

10 (2) RCW 29A.20.110 (Definitions--"Convention" and "election
11 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9
12 s 29.24.010;

13 (3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

14 (4) RCW 29A.20.200 (Declarations of candidacy required,
15 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,
16 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

17 (5) RCW 29A.24.200 (Lapse of election when no filing for single
18 positions--Effect) and 2003 c 111 s 620;

19 (6) RCW 29A.24.210 (Vacancy in partisan elective office--Special
20 filing period) and 2003 c 111 s 621;

21 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990
22 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

23 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--
24 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &
25 1977 ex.s. c 329 s 13;

26 (9) RCW 29A.36.190 (Partisan candidates qualified for general
27 election) and 2003 c 111 s 919;

28 (10) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
29 1304; and

30 (11) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
31 2405.

*Sec. 57 was vetoed. See message at end of chapter.

32 PART 2 - NOMINATING PRIMARY

33 *NEW SECTION. Sec. 101. A new section is added to chapter 29A.52
34 RCW to read as follows:

35 If a court of competent jurisdiction holds that a candidate may not

1 *identify a major or minor political party as best approximating his or*
2 *her political philosophy, as provided in RCW 29A.24.030(3), and all*
3 *appeals of that court order have been exhausted or waived, the*
4 *secretary of state shall notify the governor, the majority and minority*
5 *leaders of the two largest caucuses in the senate and the house of*
6 *representatives, the code reviser, and all county auditors that the*
7 *state can no longer conduct a qualifying primary and instead will*
8 *conduct a nominating primary. Upon issuance of such a notification by*
9 *the secretary of state, no qualifying primary may be held in*
10 **Washington.**

**Sec. 101 was vetoed. See message at end of chapter.*

11 NEW SECTION. **Sec. 102.** A new section is added to chapter 29A.04
12 RCW to read as follows:

13 As used in this title:

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

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

18 (b) A facsimile of the contents of a particular ballot whether
19 printed on a paper ballot or ballot card or as part of a voting machine
20 or voting device;

21 (c) A physical or electronic record of the choices of an individual
22 voter in a particular primary, general election, or special election;
23 or

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

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

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

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

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

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

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

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

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

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

17 NEW SECTION. **Sec. 103.** A new section is added to chapter 29A.04
18 RCW to read as follows:

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

35 NEW SECTION. **Sec. 104.** A new section is added to chapter 29A.04
36 RCW to read as follows:

1 The county auditor of each county shall be ex officio the
2 supervisor of all primaries and elections, general or special, and it
3 shall be the county auditor's duty to provide places for holding such
4 primaries and elections; to appoint the precinct election officers and
5 to provide for their compensation; to provide the supplies and
6 materials necessary for the conduct of elections to the precinct
7 election officers; and to publish and post notices of calling such
8 primaries and elections in the manner provided by law. The notice of
9 a primary held in an even-numbered year must indicate that the office
10 of precinct committee officer will be on the ballot. The auditor shall
11 also apportion to each city, town, or district, and to the state of
12 Washington in the odd-numbered year, its share of the expense of such
13 primaries and elections. This section does not apply to general or
14 special elections for any city, town, or district that is not subject
15 to section 106 of this act and RCW 29A.04.330, but all such elections
16 must be held and conducted at the time, in the manner, and by the
17 officials (with such notice, requirements for filing for office, and
18 certifications by local officers) as provided and required by the laws
19 governing such elections.

20 NEW SECTION. **Sec. 105.** A new section is added to chapter 29A.04
21 RCW to read as follows:

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

26 NEW SECTION. **Sec. 106.** A new section is added to chapter 29A.04
27 RCW to read as follows:

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

1 to (a) city, town, and district general elections as provided for in
2 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
3 federal officers for the remainder of any unexpired terms in the
4 membership of either branch of the Congress of the United States; (c)
5 the election of state and county officers for the remainder of any
6 unexpired terms of offices created by or whose duties are described in
7 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
8 and 23, and Article IV, sections 3 and 5 of the state Constitution and
9 RCW 2.06.080; (d) the election of county officers in any county
10 governed by a charter containing provisions calling for general county
11 elections at this time; and (e) the approval or rejection of state
12 measures, including proposed constitutional amendments, matters
13 pertaining to any proposed constitutional convention, initiative
14 measures and referendum measures proposed by the electorate, referendum
15 bills, and any other matter provided by the legislature for submission
16 to the electorate.

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

- 23 (a) The first Tuesday after the first Monday in February;
24 (b) The second Tuesday in March;
25 (c) The fourth Tuesday in April;
26 (d) The third Tuesday in May;
27 (e) The day of the primary as specified by section 105 of this act;

28 or

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

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

35 (4) In a presidential election year, if a presidential preference
36 primary is conducted in February, March, April, or May under chapter
37 29A.56 RCW, the date on which a special election may be called by the

1 county legislative authority under subsection (2) of this section
2 during the month of that primary is the date of the presidential
3 primary.

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

12 NEW SECTION. **Sec. 107.** A new section is added to chapter 29A.08
13 RCW to read as follows:

14 No record may be created or maintained by a state or local
15 governmental agency or a political organization that identifies a voter
16 with the information marked on the voter's ballot, including the choice
17 that a voter makes on a partisan primary ballot regarding political
18 party affiliation.

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

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

24 NEW SECTION. **Sec. 109.** A new section is added to chapter 29A.12
25 RCW to read as follows:

26 The secretary of state shall not approve a vote tallying system
27 unless it:

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

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

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

1 (4) Produces precinct and cumulative totals in printed form; and
2 (5) Except for functions or capabilities unique to this state, has
3 been tested, certified, and used in at least one other state or
4 election jurisdiction.

5 NEW SECTION. **Sec. 110.** A new section is added to chapter 29A.20
6 RCW to read as follows:

7 (1) Any nomination of a candidate for partisan public office by
8 other than a major political party may be made only: (a) In a
9 convention held not earlier than the last Saturday in June and not
10 later than the first Saturday in July or during any of the seven days
11 immediately preceding the first day for filing declarations of
12 candidacy as fixed in accordance with section 118 of this act; (b) as
13 provided by section 147 of this act; or (c) as otherwise provided in
14 this section. Minor political party and independent candidates may
15 appear only on the general election ballot.

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

25 (3) If a special filing period for a partisan office is opened
26 under section 116 of this act, candidates of minor political parties
27 and independent candidates may file for office during that special
28 filing period. The names of those candidates may not appear on the
29 general election ballot unless they are nominated by convention held no
30 later than five days after the close of the special filing period and
31 a certificate of nomination is filed with the filing officer no later
32 than three days after the convention. The requirements of section 189
33 of this act do not apply to such a convention.

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

1 United States senator, United States representative, or a statewide
2 office, a minor party or independent candidate holding multiple
3 conventions may add together the number of signatures of different
4 individuals from each convention obtained in support of the candidate
5 or candidates in order to obtain the number required by section 111 of
6 this act. For all other offices for which nominations are made,
7 signatures of the requisite number of registered voters must be
8 obtained at a single convention.

9 NEW SECTION. **Sec. 111.** A new section is added to chapter 29A.20
10 RCW to read as follows:

11 (1) To be valid, a convention must be attended by at least one
12 hundred 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, United
15 States representative, or any statewide office, a nominating convention
16 shall obtain and submit to the filing officer the signatures of at
17 least one thousand registered voters of the state of Washington. In
18 order to nominate candidates for any other office, a nominating
19 convention shall obtain and submit to the filing officer the signatures
20 of one hundred persons who are registered to vote in the jurisdiction
21 of the office for which the nominations are made.

22 NEW SECTION. **Sec. 112.** A new section is added to chapter 29A.20
23 RCW to read as follows:

24 A nominating petition submitted under this chapter shall clearly
25 identify the name of the minor party or independent candidate
26 convention as it appears on the certificate of nomination as required
27 by section 154(3) of this act. The petition shall also contain a
28 statement that the person signing the petition is a registered voter of
29 the state of Washington and shall have a space for the voter to sign
30 his or her name and to print his or her name and address. No person
31 may sign more than one nominating petition under this chapter for an
32 office for an election.

33 NEW SECTION. **Sec. 113.** A new section is added to chapter 29A.20
34 RCW to read as follows:

35 Not later than the Friday immediately preceding the first day for

1 candidates to file, the secretary of state shall notify the county
2 auditors of the names and designations of all minor party and
3 independent candidates who have filed valid convention certificates and
4 nominating petitions with that office. Except for the offices of
5 president and vice president, persons nominated under this chapter
6 shall file declarations of candidacy as provided by section 158 of this
7 act and RCW 29A.24.070. The name of a candidate nominated at a
8 convention shall not be printed upon the general election ballot unless
9 he or she pays the fee required by law to be paid by candidates for the
10 same office to be nominated at a primary.

11 NEW SECTION. **Sec. 114.** A new section is added to chapter 29A.24
12 RCW to read as follows:

13 (1) The nominating petition authorized by section 160 of this act
14 must be printed on sheets of uniform color and size, must include a
15 place for each individual to sign and print his or her name and the
16 address, city, and county at which he or she is registered to vote, and
17 must contain no more than twenty numbered lines.

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

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

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

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

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

31 We, the undersigned registered voters of (the state of
32 Washington or the political subdivision for which the nomination is
33 made), hereby petition that the name of (candidate's name) be
34 printed on the official general election ballot for the office of
35 (insert name of office).

1 NEW SECTION. **Sec. 115.** A new section is added to chapter 29A.24
2 RCW to read as follows:

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

21 NEW SECTION. **Sec. 116.** A new section is added to chapter 29A.24
22 RCW to read as follows:

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

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

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

1 NEW SECTION. **Sec. 117.** A new section is added to chapter 29A.24
2 RCW to 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 section 160 of this act.

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 section 192 of this act need only specify
13 the name of the candidate in the appropriate location on the ballot in
14 order to be counted. Write-in votes cast for any other candidate, in
15 order to be counted, must designate the office sought and position
16 number or political party, if the manner in which the write-in is done
17 does not make the office or position clear.

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

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

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

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

30 The declaration of candidacy shall be similar to that required by
31 section 158 of this act. No write-in candidate filing under this
32 section may be included in any voter's pamphlet produced under chapter
33 29A.32 RCW unless that candidate qualifies to have his or her name
34 printed on the general election ballot. The legislative authority of
35 any jurisdiction producing a local voter's pamphlet under chapter
36 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
37 candidates in such pamphlets.

1 NEW SECTION. **Sec. 118.** A new section is added to chapter 29A.28

2 RCW to read as follows:

3 (1) Whenever a vacancy occurs in the United States house of
4 representatives or the United States senate from this state, the
5 governor shall order a special election to fill the vacancy. Minor
6 political party candidates and independent candidates may be nominated
7 through the convention procedures provided in chapter 29A.20 RCW.

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

18 (3) If the vacancy occurs less than six months before a state
19 general election and before the second Friday following the close of
20 the filing period for that general election, the special primary,
21 special vacancy election, and minor party and independent candidate
22 nominating conventions must be held in concert with the state primary
23 and state general election in that year.

24 (4) If the vacancy occurs on or after the first day for filing
25 under RCW 29A.24.050 and on or before the second Friday following the
26 close of the filing period, a special filing period of three normal
27 business days shall be fixed by the governor and notice thereof given
28 to all media, including press, radio, and television within the area in
29 which the vacancy election is to be held, to the end that, insofar as
30 possible, all interested persons will be aware of such filing period.
31 The last day of the filing period shall not be later than the third
32 Tuesday before the primary at which major political party candidates
33 are to be nominated. The names of major political party candidates who
34 have filed valid declarations of candidacy during this three-day period
35 shall appear on the approaching primary ballot. The requirements of
36 section 189 of this act do not apply to a minor political party or
37 independent candidate convention held under this subsection.

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

7 NEW SECTION. **Sec. 119.** A new section is added to chapter 29A.28
8 RCW to read as follows:

9 The general election laws and laws relating to partisan primaries
10 shall apply to the special primaries and vacancy elections provided for
11 in chapter 29A.28 RCW to the extent that they are not inconsistent with
12 the provisions of these sections. Minor political party and
13 independent candidates may appear only on the general election ballot.
14 Statutory time deadlines relating to availability of absentee ballots,
15 certification, canvassing, and related procedures that cannot be met in
16 a timely fashion may be modified for the purposes of a specific primary
17 or vacancy election under this chapter by the secretary of state
18 through emergency rules adopted under section 151 of this act.

19 NEW SECTION. **Sec. 120.** A new section is added to chapter 29A.28
20 RCW to read as follows:

21 If a vacancy occurs in the office of precinct committee officer by
22 reason of death, resignation, or disqualification of the incumbent, or
23 because of failure to elect, the respective county chair of the county
24 central committee shall fill the vacancy by appointment. However, in
25 a legislative district having a majority of its precincts in a county
26 with a population of one million or more, the appointment may be made
27 only upon the recommendation of the legislative district chair. The
28 person so appointed must have the same qualifications as candidates
29 when filing for election to the office for that precinct. When a
30 vacancy in the office of precinct committee officer exists because of
31 failure to elect at a state primary, the vacancy may not be filled
32 until after the organization meeting of the county central committee
33 and the new county chair has been selected as provided by RCW
34 29A.80.030.

1 NEW SECTION. **Sec. 121.** A new section is added to chapter 29A.32
2 RCW to read as follows:

3 The voters' pamphlet must contain:

4 (1) Information about each ballot measure initiated by or referred
5 to the voters for their approval or rejection as required by RCW
6 29A.32.070;

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

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

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

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

33 (6) In each odd-numbered year immediately before a year in which a
34 president of the United States is to be nominated and elected,
35 information explaining the precinct caucus and convention process used
36 by each major political party to elect delegates to its national
37 presidential candidate nominating convention. The pamphlet must also

1 provide a description of the statutory procedures by which minor
2 political parties are formed and the statutory methods used by the
3 parties to nominate candidates for president;

4 (7) An application form for an absentee ballot;

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

7 (9) Any additional information pertaining to elections as may be
8 required by law or in the judgment of the secretary of state is deemed
9 informative to the voters.

10 NEW SECTION. **Sec. 122.** A new section is added to chapter 29A.32
11 RCW to read as follows:

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

14 (1) A description of the office of precinct committee officer and
15 its duties;

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

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

22 NEW SECTION. **Sec. 123.** A new section is added to chapter 29A.32
23 RCW to read as follows:

24 The local voters' pamphlet shall include but not be limited to the
25 following:

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

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

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

33 (4) The text of each measure accompanied by an explanatory
34 statement prepared by the prosecuting attorney for any county measure
35 or by the attorney for the jurisdiction submitting the measure if other
36 than a county measure. All explanatory statements for city, town, or

1 district measures not approved by the attorney for the jurisdiction
2 submitting the measure shall be reviewed and approved by the county
3 prosecuting attorney or city attorney, when applicable, before
4 inclusion in the pamphlet;

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

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

11 NEW SECTION. **Sec. 124.** A new section is added to chapter 29A.36
12 RCW to read as follows:

13 On or before the day following the last day for major political
14 parties to fill vacancies in the ticket as provided by section 191 of
15 this act, the secretary of state shall certify to each county auditor
16 a list of the candidates who have filed declarations of candidacy in
17 his or her office for the primary. For each office, the certificate
18 shall include the name of each candidate, his or her address, and his
19 or her party designation, if any. Minor political party and
20 independent candidates may appear only on the general election ballot.

21 NEW SECTION. **Sec. 125.** A new section is added to chapter 29A.36
22 RCW to read as follows:

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

30 NEW SECTION. **Sec. 126.** A new section is added to chapter 29A.36
31 RCW to read as follows:

32 Partisan primaries must be conducted using either:
33 (1) A consolidated ballot format that includes a major political
34 party identification check-off box that allows a voter to select from
35 a list of the major political parties the major political party with

1 which the voter chooses to affiliate. The consolidated ballot must
2 include all partisan races, nonpartisan races, and ballot measures to
3 be voted on at that primary; or

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

12 NEW SECTION. **Sec. 127.** A new section is added to chapter 29A.36
13 RCW to read as follows:

14 (1) If the consolidated ballot format is used, the major political
15 party identification check-off box must appear on the primary ballot
16 before all offices and ballot measures. Clear and concise instructions
17 to the voter must be prominently displayed immediately before the list
18 of major political parties, and must include:

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

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

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

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

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

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

36 (2) If the physically separate ballot format is used, clear and

1 concise instructions to the voter must be prominently displayed, and
2 must include:

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

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

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

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

13 NEW SECTION. **Sec. 128.** A new section is added to chapter 29A.36
14 RCW to read as follows:

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

26 NEW SECTION. **Sec. 129.** A new section is added to chapter 29A.36
27 RCW to read as follows:

28 (1)(a) The positions or offices on a primary consolidated ballot
29 shall be arranged in substantially the following order: United States
30 senator; United States representative; governor; lieutenant governor;
31 secretary of state; state treasurer; state auditor; attorney general;
32 commissioner of public lands; superintendent of public instruction;
33 insurance commissioner; state senator; state representative; county
34 officers; justices of the supreme court; judges of the court of
35 appeals; judges of the superior court; and judges of the district

1 court. For all other jurisdictions on the primary consolidated ballot,
2 the offices in each jurisdiction shall be grouped together and be in
3 the order of the position numbers assigned to those offices, if any.

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

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

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

28 (3) The political party or independent candidacy of each candidate
29 for partisan office shall be indicated next to the name of the
30 candidate on the primary and election ballot. A candidate shall file
31 a written notice with the filing officer within three business days
32 after the close of the filing period designating the political party to
33 be indicated next to the candidate's name on the ballot if either: (a)
34 The candidate has been nominated by two or more minor political parties
35 or independent conventions; or (b) the candidate has both filed a
36 declaration of candidacy declaring an affiliation with a major
37 political party and been nominated by a minor political party or
38 independent convention. If no written notice is filed the filing

1 officer shall give effect to the party designation shown upon the first
2 document filed. A candidate may be deemed nominated by a minor party
3 or independent convention only if all documentation required by chapter
4 29A.20 RCW has been timely filed.

5 NEW SECTION. **Sec. 130.** A new section is added to chapter 29A.36
6 RCW to read as follows:

7 After the close of business on the last day for candidates to file
8 for office, the filing officer shall, from among those filings made in
9 person and by mail, determine by lot the order in which the names of
10 those candidates will appear on all primary, sample, and absentee
11 ballots. The determination shall be done publicly and may be witnessed
12 by the media and by any candidate. If no primary is required for any
13 nonpartisan office under section 172 of this act or RCW 29A.52.220, or
14 if any independent or minor party candidate files a declaration of
15 candidacy, the names shall appear on the general election ballot in the
16 order determined by lot.

17 NEW SECTION. **Sec. 131.** A new section is added to chapter 29A.36
18 RCW to read as follows:

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

31 NEW SECTION. **Sec. 132.** A new section is added to chapter 29A.36
32 RCW to read as follows:

33 (1) On the top of each ballot must be printed clear and concise
34 instructions directing the voter how to mark the ballot, including

1 write-in votes. On the top of each primary ballot must be printed the
2 instructions required by this chapter.

3 (2) The questions of adopting constitutional amendments or any
4 other state measure authorized by law to be submitted to the voters at
5 that election must appear after the instructions and before any
6 offices.

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

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

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

24 NEW SECTION. **Sec. 133.** A new section is added to chapter 29A.36
25 RCW to read as follows:

26 The name of a candidate for a partisan office for which a primary
27 was conducted shall not be printed on the ballot for that office at the
28 subsequent general election unless, at the preceding primary, the
29 candidate receives a number of votes equal to at least one percent of
30 the total number of votes cast for all candidates for that office and
31 a plurality of the votes cast by voters affiliated with that party for
32 candidates for that office affiliated with that party.

33 NEW SECTION. **Sec. 134.** A new section is added to chapter 29A.40
34 RCW to read as follows:

35 (1) The county auditor shall issue an absentee ballot for the
36 primary or election for which it was requested, or for the next

1 occurring primary or election when ongoing absentee status has been
2 requested if the information contained in a request for an absentee
3 ballot or ongoing absentee status received by the county auditor is
4 complete and correct and the applicant is qualified to vote under
5 federal or state law. Otherwise, the county auditor shall notify the
6 applicant of the reason or reasons why the request cannot be accepted.
7 Whenever two or more candidates have filed for the position of precinct
8 committee officer for the same party in the same precinct, the contest
9 for that position must be presented to absentee voters from that
10 precinct by either including the contest on the regular absentee ballot
11 or a separate absentee ballot. The ballot must provide space
12 designated for writing in the name of additional candidates.

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

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

26 NEW SECTION. **Sec. 135.** A new section is added to chapter 29A.40
27 RCW to read as follows:

28 The county auditor shall send each absentee voter a ballot, a
29 security envelope in which to seal the ballot after voting, a larger
30 envelope in which to return the security envelope, and instructions on
31 how to mark the ballot and how to return it to the county auditor. The
32 instructions that accompany an absentee ballot for a partisan primary
33 must include instructions for voting the applicable ballot style, as
34 provided in chapter 29A.36 RCW. The larger return envelope must
35 contain a declaration by the absentee voter reciting his or her
36 qualifications and stating that he or she has not voted in any other
37 jurisdiction at this election, together with a summary of the penalties

1 for any violation of any of the provisions of this chapter. The return
2 envelope must provide space for the voter to indicate the date on which
3 the ballot was voted and for the voter to sign the oath. A summary of
4 the applicable penalty provisions of this chapter must be printed on
5 the return envelope immediately adjacent to the space for the voter's
6 signature. The signature of the voter on the return envelope must
7 affirm and attest to the statements regarding the qualifications of
8 that voter and to the validity of the ballot. For out-of-state voters,
9 overseas voters, and service voters, the signed declaration on the
10 return envelope constitutes the equivalent of a voter registration for
11 the election or primary for which the ballot has been issued. The
12 voter must be instructed to either return the ballot to the county
13 auditor by whom it was issued or attach sufficient first class postage,
14 if applicable, and mail the ballot to the appropriate county auditor no
15 later than the day of the election or primary for which the ballot was
16 issued.

17 If the county auditor chooses to forward absentee ballots, he or
18 she must include with the ballot a clear explanation of the
19 qualifications necessary to vote in that election and must also advise
20 a voter with questions about his or her eligibility to contact the
21 county auditor. This explanation may be provided on the ballot
22 envelope, on an enclosed insert, or printed directly on the ballot
23 itself. If the information is not included, the envelope must clearly
24 indicate that the ballot is not to be forwarded and that return postage
25 is guaranteed.

26 NEW SECTION. **Sec. 136.** A new section is added to chapter 29A.44
27 RCW to read as follows:

28 A voter desiring to vote shall give his or her name to the precinct
29 election officer who has the precinct list of registered voters. This
30 officer shall announce the name to the precinct election officer who
31 has the copy of the inspector's poll book for that precinct. If the
32 right of this voter to participate in the primary or election is not
33 challenged, the voter must be issued a ballot or permitted to enter a
34 voting booth or to operate a voting device. For a partisan primary in
35 a jurisdiction using the physically separate ballot format, the voter
36 must be issued a nonpartisan ballot and each party ballot. The number

1 of the ballot or the voter must be recorded by the precinct election
2 officers. If the right of the voter to participate is challenged, RCW
3 29A.08.810 and 29A.08.820 apply to that voter.

4 NEW SECTION. **Sec. 137.** A new section is added to chapter 29A.44
5 RCW to read as follows:

6 On signing the precinct list of registered voters or being issued
7 a ballot, the voter shall, without leaving the polling place or
8 disability access location, proceed to one of the voting booths or
9 voting devices to cast his or her vote. When county election
10 procedures so provide, the election officers may tear off and retain
11 the numbered stub from the ballot before delivering it to the voter.
12 If an election officer has not already done so, when the voter has
13 finished, he or she shall either (1) remove the numbered stub from the
14 ballot, place the ballot in the ballot box, and return the number to
15 the election officers, or (2) deliver the entire ballot to the election
16 officers, who shall remove the numbered stub from the ballot and place
17 the ballot in the ballot box. For a partisan primary in a jurisdiction
18 using the physically separate ballot format, the voter shall also
19 return unvoted party ballots to the precinct election officers, who
20 shall void the unvoted party ballots and return them to the county
21 auditor. If poll-site ballot counting devices are used, the voter
22 shall put the ballot in the device.

23 NEW SECTION. **Sec. 138.** A new section is added to chapter 29A.44
24 RCW to read as follows:

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

32 NEW SECTION. **Sec. 139.** A new section is added to chapter 29A.52
33 RCW to read as follows:

34 Major political party candidates for all partisan elected offices,

1 except for president and vice president, precinct committee officer,
2 and offices exempted from the primary under section 172 of this act,
3 must be nominated at primaries held under this chapter.

4 NEW SECTION. **Sec. 140.** A new section is added to chapter 29A.52
5 RCW to read as follows:

6 It is the intent of the legislature to create a primary for all
7 partisan elected offices, except for president and vice president,
8 precinct committee officer, and offices exempted from the primary under
9 section 172 of this act, that:

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

19 NEW SECTION. **Sec. 141.** A new section is added to chapter 29A.52
20 RCW to read as follows:

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

- 24 (1) Any primary voters' pamphlet prepared by the secretary of state
25 or a local government if a partisan office will appear on the ballot;
- 26 (2) Instructions that accompany any partisan primary ballot;
- 27 (3) Any notice of a partisan primary published in compliance with
28 section 145 of this act;
- 29 (4) A sample ballot prepared by a county auditor under section 131
30 of this act for a partisan primary;
- 31 (5) The web site of the office of the secretary of state and any
32 existing web site of a county auditor's office; and
- 33 (6) Every polling place.

34 NEW SECTION. **Sec. 142.** A new section is added to chapter 29A.52
35 RCW to read as follows:

1 (1) Under a consolidated ballot format:

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

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

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

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

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

16 (2) Under a physically separate ballot format:

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

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

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

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

24 NEW SECTION. **Sec. 143.** A new section is added to chapter 29A.52
25 RCW to read as follows:

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

28 NEW SECTION. **Sec. 144.** A new section is added to chapter 29A.52
29 RCW to read as follows:

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

32 NEW SECTION. **Sec. 145.** A new section is added to chapter 29A.52
33 RCW to read as follows:

34 Not more than ten nor less than three days before the primary the
35 county auditor shall publish notice of such primary in one or more

1 newspapers of general circulation within the county. The notice must
2 contain the proper party designations, the names and addresses of all
3 persons who have filed a declaration of candidacy to be voted upon at
4 that primary, instructions for voting the applicable ballot, as
5 provided in chapter 29A.36 RCW, the hours during which the polls will
6 be open, and the polling places for each precinct, giving the address
7 of each polling place. The names of all candidates for nonpartisan
8 offices must be published separately with designation of the offices
9 for which they are candidates but without party designation. This is
10 the only notice required for the holding of any primary.

11 NEW SECTION. **Sec. 146.** A new section is added to chapter 29A.52
12 RCW to read as follows:

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

17 NEW SECTION. **Sec. 147.** A new section is added to chapter 29A.60
18 RCW to read as follows:

19 (1) For any office at any election or primary, any voter may write
20 in on the ballot the name of any person for an office who has filed as
21 a write-in candidate for the office in the manner provided by section
22 117 of this act and such vote shall be counted the same as if the name
23 had been printed on the ballot and marked by the voter. For a partisan
24 primary in a jurisdiction using the physically separate ballot format,
25 a voter may write in on a party ballot only the names of write-in
26 candidates who affiliate with that major political party. No write-in
27 vote made for any person who has not filed a declaration of candidacy
28 pursuant to section 117 of this act is valid if that person filed for
29 the same office, either as a regular candidate or a write-in candidate,
30 at the preceding primary. Any abbreviation used to designate office,
31 position, or political party shall be accepted if the canvassing board
32 can determine, to their satisfaction, the voter's intent.

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

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

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

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

20 NEW SECTION. **Sec. 148.** A new section is added to chapter 29A.80
21 RCW to read as follows:

22 Any member of a major political party who is a registered voter in
23 the precinct may upon payment of a fee of one dollar file his or her
24 declaration of candidacy as prescribed under section 158 of this act
25 with the county auditor for the office of precinct committee officer of
26 his or her party in that precinct. When elected at the primary, the
27 precinct committee officer shall serve so long as the committee officer
28 remains an eligible voter in that precinct.

29 NEW SECTION. **Sec. 149.** A new section is added to chapter 29A.80
30 RCW to read as follows:

31 The statutory requirements for filing as a candidate at the
32 primaries apply to candidates for precinct committee officer. The
33 office must be voted upon at the primaries, and the names of all
34 candidates must appear under the proper party and office designations
35 on the ballot for the primary for each even-numbered year, and the one
36 receiving the highest number of votes will be declared elected.

1 However, to be declared elected, a candidate must receive at least ten
2 percent of the number of votes cast for the candidate of the
3 candidate's party receiving the greatest number of votes in the
4 precinct. The term of office of precinct committee officer is two
5 years, commencing the first day of December following the primary.

6 NEW SECTION. **Sec. 150.** A new section is added to chapter 29A.80
7 RCW to read as follows:

8 Within forty-five days after the statewide general election in
9 even-numbered years, the county chair of each major political party
10 shall call separate meetings of all elected precinct committee officers
11 in each legislative district for the purpose of electing a legislative
12 district chair in such district. The district chair shall hold office
13 until the next legislative district reorganizational meeting two years
14 later, or until a successor is elected.

15 The legislative district chair may be removed only by the majority
16 vote of the elected precinct committee officers in the chair's
17 district.

18 NEW SECTION. **Sec. 151.** A new section is added to chapter 29A.04
19 RCW to read as follows:

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

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

- 31 (1) The maintenance of voter registration records;
- 32 (2) The preparation, maintenance, distribution, review, and filing
33 of precinct maps;
- 34 (3) Standards for the design, layout, and production of ballots;
- 35 (4) The examination and testing of voting systems for
36 certification;

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

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

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

5 (42) Procedures for the statistical sampling of signatures for
6 purposes of verifying and canvassing signatures on initiative,
7 referendum, and recall election petitions;

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

10 (44) Deadlines for the filing of ballot titles for referendum bills
11 and constitutional amendments if none have been provided by the
12 legislature;

13 (45) Procedures for the publication of a state voters' pamphlet;

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

18 (47) Procedures for conducting partisan primary elections;

19 (48) Standards and procedures for the proper conduct of voting
20 during the early voting period to provide accessibility for the blind
21 or visually impaired;

22 (49) Standards for voting technology and systems used by the state
23 or any political subdivision to be accessible for individuals with
24 disabilities, including nonvisual accessibility for the blind and
25 visually impaired, in a manner that provides the same opportunity for
26 access and participation, including privacy and independence, as other
27 voters;

28 (50) All data formats for transferring voter registration data on
29 electronic or machine-readable media for the purpose of administering
30 the statewide voter registration list required by the Help America Vote
31 Act (P.L. 107-252);

32 (51) Defining the interaction of electronic voter registration
33 election management systems employed by each county auditor to maintain
34 a local copy of each county's portion of the official state list of
35 registered voters;

36 (52) Provisions and procedures to implement the state-based
37 administrative complaint procedure as required by the Help America Vote
38 Act (P.L. 107-252); and

1 (53) Facilitating the payment of local government grants to local
2 government election officers or vendors.

3 NEW SECTION. **Sec. 152.** A new section is added to chapter 29A.04
4 RCW to read as follows:

5 "Primary" or "primary election" means a statutory procedure for
6 nominating candidates to public office at the polls.

7 NEW SECTION. **Sec. 153.** A new section is added to chapter 29A.20
8 RCW to read as follows:

9 (1) A person filing a declaration of candidacy for an office shall,
10 at the time of filing, be a registered voter and possess the
11 qualifications specified by law for persons who may be elected to the
12 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 nominated 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 the United States congress
34 are specified in the United States Constitution.

1 NEW SECTION. **Sec. 154.** A new section is added to chapter 29A.20
2 RCW to read as follows:
3 A certificate evidencing nominations made at a convention must:
4 (1) Be in writing;
5 (2) Contain the name of each person nominated, his or her
6 residence, and the office for which he or she is named, and if the
7 nomination is for the offices of president and vice president of the
8 United States, a sworn statement from both nominees giving their
9 consent to the nomination;
10 (3) Identify the minor political party or the independent candidate
11 on whose behalf the convention was held;
12 (4) Be verified by the oath of the presiding officer and secretary;
13 (5) Be accompanied by a nominating petition or petitions bearing
14 the signatures and addresses of registered voters equal in number to
15 that required by section 111 of this act;
16 (6) Contain proof of publication of the notice of calling the
17 convention; and
18 (7) Be submitted to the appropriate filing officer not later than
19 one week following the adjournment of the convention at which the
20 nominations were made. If the nominations are made only for offices
21 whose jurisdiction is entirely within one county, the certificate and
22 nominating petitions must be filed with the county auditor. If a minor
23 party or independent candidate convention nominates any candidates for
24 offices whose jurisdiction encompasses more than one county, all
25 nominating petitions and the convention certificates must be filed with
26 the secretary of state.

27 NEW SECTION. **Sec. 155.** A new section is added to chapter 29A.20
28 RCW to read as follows:
29 (1) If two or more valid certificates of nomination are filed
30 purporting to nominate different candidates for the same position using
31 the same party name, the filing officer must give effect to both
32 certificates. If conflicting claims to the party name are not resolved
33 either by mutual agreement or by a judicial determination of the right
34 to the name, the candidates must be treated as independent candidates.
35 Disputes over the right to the name must not be permitted to delay the
36 printing of either ballots or a voters' pamphlet. Other candidates

1 nominated by the same conventions may continue to use the partisan
2 affiliation unless a court of competent jurisdiction directs otherwise.

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

23 NEW SECTION. **Sec. 156.** A new section is added to chapter 29A.20
24 RCW to read as follows:

25 A minor political party or independent candidate convention
26 nominating candidates for the offices of president and vice president
27 of the United States shall, not later than ten days after the
28 adjournment of the convention, submit a list of presidential electors
29 to the office of the secretary of state. The list shall contain the
30 names and the mailing addresses of the persons selected and shall be
31 verified by the presiding officer of the convention.

32 NEW SECTION. **Sec. 157.** A new section is added to chapter 29A.20
33 RCW to read as follows:

34 Upon the receipt of the certificate of nomination, the officer with
35 whom it is filed shall check the certificate and canvass the signatures
36 on the accompanying nominating petitions to determine if the

1 requirements of section 111 of this act have been met. Once the
2 determination has been made, the filing officer shall notify the
3 presiding officer of the convention and any other persons requesting
4 the notification, of his or her decision regarding the sufficiency of
5 the certificate or the nominating petitions. Any appeal regarding the
6 filing officer's determination must be filed with the superior court of
7 the county in which the certificate or petitions were filed not later
8 than five days from the date the determination is made, and shall be
9 heard and finally disposed of by the court within five days of the
10 filing. Nominating petitions shall not be available for public
11 inspection or copying.

12 NEW SECTION. **Sec. 158.** A new section is added to chapter 29A.24
13 RCW to read as follows:

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

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

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

28 (3) A place for the candidate to indicate a party designation, if
29 applicable;

30 (4) A place for the candidate to indicate the amount of the filing
31 fee accompanying the declaration of candidacy or for the candidate to
32 indicate that he or she is filing a nominating petition in lieu of the
33 filing fee under section 160 of this act;

34 (5) A place for the candidate to sign the declaration of candidacy,
35 stating that the information provided on the form is true and swearing
36 or affirming that he or she will support the Constitution and laws of

1 the United States and the Constitution and laws of the state of
2 Washington.

3 In the case of a declaration of candidacy filed electronically,
4 submission of the form constitutes agreement that the information
5 provided with the filing is true, that he or she will support the
6 Constitutions and laws of the United States and the state of
7 Washington, and that he or she agrees to electronic payment of the
8 filing fee established in section 160 of this act.

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

11 NEW SECTION. **Sec. 159.** A new section is added to chapter 29A.24
12 RCW to read as follows:

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

16 (1) Any declaration received by the filing officer by mail before
17 the tenth business day immediately preceding the first day for
18 candidates to file for office shall be returned to the candidate
19 submitting it, together with a notification that the declaration of
20 candidacy was received too early to be processed. The candidate shall
21 then be permitted to resubmit his or her declaration of candidacy
22 during the filing period.

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

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

35 NEW SECTION. **Sec. 160.** A new section is added to chapter 29A.24
36 RCW to read as follows:

1 A filing fee of one dollar shall accompany each declaration of
2 candidacy for precinct committee officer; a filing fee of ten dollars
3 shall accompany the declaration of candidacy for any office with a
4 fixed annual salary of one thousand dollars or less; a filing fee equal
5 to one percent of the annual salary of the office at the time of filing
6 shall accompany the declaration of candidacy for any office with a
7 fixed annual salary of more than one thousand dollars per annum. No
8 filing fee need accompany a declaration of candidacy for any office for
9 which compensation is on a per diem or per meeting attended basis.

10 A candidate who lacks sufficient assets or income at the time of
11 filing to pay the filing fee required by this section shall submit with
12 his or her declaration of candidacy a nominating petition. The
13 petition shall contain not less than a number of signatures of
14 registered voters equal to the number of dollars of the filing fee.
15 The signatures shall be of voters registered to vote within the
16 jurisdiction of the office for which the candidate is filing.

17 When the candidacy is for:

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

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

25 NEW SECTION. **Sec. 161.** A new section is added to chapter 29A.24
26 RCW to read as follows:

27 Nominating petitions may be rejected for the following reasons:

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

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

1 He or she shall additionally reject any signature that appears on the
2 nominating petitions of two or more candidates for the same office and
3 shall also reject, each time it appears, the name of any person who
4 signs the same 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. 162.** A new section is added to chapter 29A.24
12 RCW to read as follows:

13 A void in candidacy for a nonpartisan office occurs when an
14 election for such office, except for the short term, has been scheduled
15 and no valid declaration of candidacy has been filed for the position
16 or all persons filing such valid declarations of candidacy have died or
17 been disqualified.

18 NEW SECTION. **Sec. 163.** A new section is added to chapter 29A.24
19 RCW to read as follows:

20 The election officer with whom declarations of candidacy are filed
21 shall give notice of a void in candidacy for a nonpartisan office, by
22 notifying press, radio, and television in the county and by such other
23 means as may now or hereafter be provided by law. The notice shall
24 state the office, and the time and place for filing declarations of
25 candidacy.

26 NEW SECTION. **Sec. 164.** A new section is added to chapter 29A.24
27 RCW to read as follows:

28 Filings to fill a void in candidacy for nonpartisan office must be
29 made in the same manner and with the same official as required during
30 the regular filing period for such office, except that nominating
31 signature petitions that may be required of candidates filing for
32 certain district offices during the normal filing period may not be
33 required of candidates filing during the special three-day filing
34 period.

1 NEW SECTION. **Sec. 165.** A new section is added to chapter 29A.24
2 RCW to read as follows:

3 Filings for a nonpartisan office shall be reopened for a period of
4 three normal business days, such three day period to be fixed by the
5 election officer with whom such declarations of candidacy are filed and
6 notice thereof given by notifying press, radio, and television in the
7 county and by such other means as may now or hereafter be provided by
8 law whenever before the sixth Tuesday prior to a primary:

9 (1) A void in candidacy occurs;

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

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

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

18 NEW SECTION. **Sec. 166.** A new section is added to chapter 29A.24
19 RCW to read as follows:

20 Filings for a nonpartisan office (other than judge of the supreme
21 court or superintendent of public instruction) shall be reopened for a
22 period of three normal business days, such three day period to be fixed
23 by the election officer with whom such declarations of candidacy are
24 filed and notice thereof given by notifying press, radio, and
25 television in the county and by such other means as may now or
26 hereafter be provided by law, when:

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

30 (2) A nominee for judge of the superior court eligible after a
31 contested primary for a certificate of election by Article 4, section
32 29, Amendment 41 of the state Constitution, dies or is disqualified
33 within the ten day period immediately following the last day allotted
34 for a candidate to withdraw; or

35 (3) A vacancy occurs in any nonpartisan office on or after the
36 sixth Tuesday prior to a primary but prior to the sixth Tuesday before

1 an election leaving an unexpired term to be filled by an election for
2 which filings have not been held.

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

5 NEW SECTION. **Sec. 167.** A new section is added to chapter 29A.24
6 RCW to read as follows:

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

10 (1) In an election for judge of the supreme court or superintendent
11 of public instruction, a void in candidacy occurs on or after the sixth
12 Tuesday prior to a primary, public filings and the primary being an
13 indispensable phase of the election process for such offices;

14 (2) Except as otherwise specified in section 166 of this act, a
15 nominee for judge of the superior court entitled to a certificate of
16 election pursuant to Article 4, section 29, Amendment 41 of the state
17 Constitution dies or is disqualified on or after the sixth Tuesday
18 prior to a primary;

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

22 NEW SECTION. **Sec. 168.** A new section is added to chapter 29A.32
23 RCW to read as follows:

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

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

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

35 (4) The secretary of state shall allocate space in the pamphlet
36 based on the number of candidates or nominees for each office.

1 NEW SECTION. **Sec. 169.** A new section is added to chapter 29A.36
2 RCW to read as follows:

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

20 (2) A referendum measure on the enactment of a unit of local
21 government shall be advertised in the manner provided for nominees for
22 elective office.

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

26 NEW SECTION. **Sec. 170.** A new section is added to chapter 29A.36
27 RCW to read as follows:

28 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
29 this section, on the ballot at the general election for a nonpartisan
30 office for which a primary was held, only the names of the candidate
31 who received the greatest number of votes and the candidate who
32 received the next greatest number of votes for that office shall appear
33 under the title of that office, and the names shall appear in that
34 order. If a primary was conducted, no candidate's name may be printed
35 on the subsequent general election ballot unless he or she receives at
36 least one percent of the total votes cast for that office at the
37 preceding primary. On the ballot at the general election for any other

1 nonpartisan office for which no primary was held, the names of the
2 candidates shall be listed in the order determined under section 130 of
3 this act.

4 (2) On the ballot at the general election for the office of justice
5 of the supreme court, judge of the court of appeals, judge of the
6 superior court, judge of the district court, or state superintendent of
7 public instruction, if a candidate in a contested primary receives a
8 majority of all the votes cast for that office or position, only the
9 name of that candidate may be printed under the title of the office for
10 that position.

11 NEW SECTION. **Sec. 171.** A new section is added to chapter 29A.36
12 RCW to read as follows:

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

16 No name of any candidate whose nomination at a primary is required
17 by law shall be placed upon the ballot at a general or special election
18 unless it appears upon the certificate of either (1) the secretary of
19 state, or (2) the county canvassing board, or (3) a minor party
20 convention or the state or county central committee of a major
21 political party to fill a vacancy on its ticket under section 192 of
22 this act.

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

27 NEW SECTION. **Sec. 172.** A new section is added to chapter 29A.52
28 RCW to read as follows:

29 Whenever it shall be necessary to hold a special election in an
30 odd-numbered year to fill an unexpired term of any office which is
31 scheduled to be voted upon for a full term in an even-numbered year, no
32 September primary election shall be held in the odd-numbered year if,
33 after the last day allowed for candidates to withdraw, either of the
34 following circumstances exist:

35 (1) No more than one candidate of each qualified political party

1 has filed a declaration of candidacy for the same partisan office to be
2 filled; or

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

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

11 NEW SECTION. **Sec. 173.** A new section is added to chapter 29A.52
12 RCW to read as follows:

13 Candidates for the following offices shall be nominated at partisan
14 primaries held pursuant to the provisions of this chapter:

15 (1) Congressional offices;

16 (2) All state offices except (a) judicial offices and (b) the
17 office of superintendent of public instruction;

18 (3) All county offices except (a) judicial offices and (b) those
19 offices where a county home rule charter provides otherwise.

20 NEW SECTION. **Sec. 174.** A new section is added to chapter 29A.52
21 RCW to read as follows:

22 The offices of superintendent of public instruction, justice of the
23 supreme court, judge of the court of appeals, judge of the superior
24 court, and judge of the district court shall be nonpartisan and the
25 candidates therefor shall be nominated and elected as such.

26 All city, town, and special purpose district elective offices shall
27 be nonpartisan and the candidates therefor shall be nominated and
28 elected as such.

29 NEW SECTION. **Sec. 175.** A new section is added to chapter 29A.52
30 RCW to read as follows:

31 Except as provided in RCW 29A.32.260, notice for any state, county,
32 district, or municipal election, whether special or general, must be
33 given by at least one publication not more than ten nor less than three
34 days before the election by the county auditor or the officer
35 conducting the election as the case may be, in one or more newspapers

1 of general circulation within the county. The legal notice must
2 contain the title of each office under the proper party designation,
3 the names and addresses of all officers who have been nominated for an
4 office to be voted upon at that election, together with the ballot
5 titles of all measures, the hours during which the polls will be open,
6 and the polling places for each precinct, giving the address of each
7 polling place. The names of all candidates for nonpartisan offices
8 must be published separately with designation of the offices for which
9 they are candidates but without party designation. This is the only
10 notice required for a state, county, district, or municipal general or
11 special election and supersedes the provisions of any and all other
12 statutes, whether general or special in nature, having different
13 requirements for the giving of notice of any general or special
14 elections.

15 NEW SECTION. **Sec. 176.** A new section is added to chapter 29A.60
16 RCW to read as follows:

17 (1) If the requisite number of any federal, state, county, city, or
18 district offices have not been nominated in a primary by reason of two
19 or more persons having an equal and requisite number of votes for being
20 placed on the general election ballot, the official empowered by state
21 law to certify candidates for the general election ballot shall give
22 notice to the several persons so having the equal and requisite number
23 of votes to attend at the appropriate office at the time designated by
24 that official, who shall then and there proceed publicly to decide by
25 lot which of those persons will be declared nominated and placed on the
26 general election ballot.

27 (2) If the requisite number of any federal, state, county, city,
28 district, or precinct officers have not been elected by reason of two
29 or more persons having an equal and highest number of votes for one and
30 the same office, the official empowered by state law to issue the
31 original certificate of election shall give notice to the several
32 persons so having the highest and equal number of votes to attend at
33 the appropriate office at the time to be appointed by that official,
34 who shall then and there proceed publicly to decide by lot which of
35 those persons will be declared duly elected, and the official shall
36 make out and deliver to the person thus duly declared elected a
37 certificate of election.

1 NEW SECTION. **Sec. 177.** A new section is added to chapter 29A.64
2 RCW to read as follows:

3 An officer of a political party or any person for whom votes were
4 cast in a primary who was not declared nominated may file a written
5 application for a recount of the votes or a portion of the votes cast
6 at that primary for all persons for whom votes were cast for nomination
7 to that office.

8 An officer of a political party or any person for whom votes were
9 cast at any election may file a written application for a recount of
10 the votes or a portion of the votes cast at that election for all
11 candidates for election to that office.

12 Any group of five or more registered voters may file a written
13 application for a recount of the votes or a portion of the votes cast
14 upon any question or issue. They shall designate one of the members of
15 the group as chair and shall indicate the voting residence of each
16 member of the group.

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

20 An application for a recount must specify whether the recount will
21 be done manually or by the vote tally system. A recount done by the
22 vote tally system must use programming that recounts and reports only
23 the office or ballot measure in question. The county shall also
24 provide for a test of the logic and accuracy of that program.

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

29 This chapter applies to the recounting of votes cast by paper
30 ballots and to the recounting of votes recorded on ballots counted by
31 a vote tally system.

32 NEW SECTION. **Sec. 178.** A new section is added to chapter 29A.64
33 RCW to read as follows:

34 (1) If the official canvass of all of the returns for any office at
35 any primary or election reveals that the difference in the number of
36 votes cast for a candidate apparently nominated or elected to any
37 office and the number of votes cast for the closest apparently defeated

1 opponent is less than two thousand votes and also less than one-half of
2 one percent of the total number of votes cast for both candidates, the
3 county canvassing board shall conduct a recount of all votes cast on
4 that position.

5 (a) Whenever such a difference occurs in the number of votes cast
6 for candidates for a position the declaration of candidacy for which
7 was filed with the secretary of state, the secretary of state shall,
8 within three business days of the day that the returns of the primary
9 or election are first certified by the canvassing boards of those
10 counties, direct those boards to recount all votes cast on the
11 position.

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

17 (2) A mandatory recount shall be conducted in the manner provided
18 by RCW 29A.64.030, and sections 179 and 180 of this act. No cost of a
19 mandatory recount may be charged to any candidate.

20 (3) The apparent winner and closest apparently defeated opponent
21 for an office for which a manual recount is required under subsection
22 (1)(b) of this section may select an alternative method of conducting
23 the recount. To select such an alternative, the two candidates shall
24 agree to the alternative in a signed, written statement filed with the
25 election official for the office. The recount shall be conducted using
26 the alternative method if: It is suited to the balloting system that
27 was used for casting the votes for the office; it involves the use of
28 a vote tallying system that is approved for use in this state by the
29 secretary of state; and the vote tallying system is readily available
30 in each county required to conduct the recount. If more than one
31 balloting system was used in casting votes for the office, an
32 alternative to a manual recount may be selected for each system.

33 NEW SECTION. **Sec. 179.** A new section is added to chapter 29A.64
34 RCW to read as follows:

35 (1) At the time and place established for a recount, the canvassing
36 board or its duly authorized representatives, in the presence of all
37 witnesses who may be in attendance, shall open the sealed containers

1 containing the ballots to be recounted, and shall recount the votes for
2 the offices or issues for which the recount has been ordered. Ballots
3 shall be handled only by the members of the canvassing board or their
4 duly authorized representatives.

5 Witnesses shall be permitted to observe the ballots and the process
6 of tabulating the votes, but they shall not be permitted to handle the
7 ballots. The canvassing board shall not permit the tabulation of votes
8 for any nomination, election, or issue other than the ones for which a
9 recount was applied for or required.

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

13 (3) The recount may be observed by persons representing the
14 candidates affected by the recount or the persons representing both
15 sides of an issue that is being recounted. The observers may not make
16 a record of the names, addresses, or other information on the ballots,
17 poll books, or applications for absentee ballots unless authorized by
18 the superior court. The secretary of state or county auditor may limit
19 the number of observers to not less than two on each side if, in his or
20 her opinion, a greater number would cause undue delay or disruption of
21 the recount process.

22 NEW SECTION. **Sec. 180.** A new section is added to chapter 29A.64
23 RCW to read as follows:

24 Upon completion of the canvass of a recount, the canvassing board
25 shall prepare and certify an amended abstract showing the votes cast in
26 each precinct for which the recount was conducted. Copies of the
27 amended abstracts must be transmitted to the same officers who received
28 the abstract on which the recount was based.

29 If the nomination, election, or issue for which the recount was
30 conducted was submitted only to the voters of a county, the canvassing
31 board shall file the amended abstract with the original results of that
32 election or primary.

33 If the nomination, election, or issue for which a recount was
34 conducted was submitted to the voters of more than one county, the
35 secretary of state shall canvass the amended abstracts and shall file
36 an amended abstract with the original results of that election. An

1 amended abstract certified under this section supersedes any prior
2 abstract of the results for the same offices or issues at the same
3 primary or election.

4 NEW SECTION. **Sec. 181.** A new section is added to chapter 29A.64
5 RCW to read as follows:

6 The canvassing board shall determine the expenses for conducting a
7 recount of votes.

8 The cost of the recount shall be deducted from the amount deposited
9 by the applicant for the recount at the time of filing the request for
10 the recount, and the balance shall be returned to the applicant. If
11 the costs of the recount exceed the deposit, the applicant shall pay
12 the difference. No charges may be deducted by the canvassing board
13 from the deposit for a recount if the recount changes the result of the
14 nomination or election for which the recount was ordered.

15 NEW SECTION. **Sec. 182.** A new section is added to chapter 29A.68
16 RCW to read as follows:

17 Any justice of the supreme court, judge of the court of appeals, or
18 judge of the superior court in the proper county shall, by order,
19 require any person charged with error, wrongful act, or neglect to
20 forthwith correct the error, desist from the wrongful act, or perform
21 the duty and to do as the court orders or to show cause forthwith why
22 the error should not be corrected, the wrongful act desisted from, or
23 the duty or order not performed, whenever it is made to appear to such
24 justice or judge by affidavit of an elector that:

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

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

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

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

35 (5) Any neglect of duty on the part of an election officer other

1 than as provided for in subsections (1) and (3) of this section has
2 occurred or is about to occur; or

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

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

18 NEW SECTION. **Sec. 183.** A new section is added to chapter 29A.80
19 RCW to read as follows:

- 20 (1) Each political party organization may:
21 (a) Make its own rules and regulations; and
22 (b) Perform all functions inherent in such an organization.
23 (2) Only major political parties may designate candidates to appear
24 on the state primary ballot as provided in section 191 of this act.

25 NEW SECTION. **Sec. 184.** A new section is added to chapter 29A.84
26 RCW to read as follows:

27 The following apply to persons signing nominating petitions
28 prescribed by section 114 of this act:

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

1 NEW SECTION. **Sec. 185.** A new section is added to chapter 29A.84
2 RCW to read as follows:
3 Every person who:
4 (1) Knowingly provides false information on his or her declaration
5 of candidacy or petition of nomination; or
6 (2) Conceals or fraudulently defaces or destroys a certificate that
7 has been filed with an elections officer under chapter 29A.20 RCW or a
8 declaration of candidacy or petition of nomination that has been filed
9 with an elections officer, or any part of such a certificate,
10 declaration, or petition, is guilty of a class C felony punishable
11 under RCW 9A.20.021.

12 NEW SECTION. **Sec. 186.** A new section is added to chapter 29A.84
13 RCW to read as follows:
14 Every person who:
15 (1) Knowingly and falsely issues a certificate of nomination or
16 election; or
17 (2) Knowingly provides false information on a certificate which
18 must be filed with an elections officer under chapter 29A.20 RCW, is
19 guilty of a class C felony punishable under RCW 9A.20.021.

20 NEW SECTION. **Sec. 187.** A new section is added to chapter 29A.04
21 RCW to read as follows:
22 "September primary" means the primary election held in September to
23 nominate candidates to be voted for at the ensuing election.

24 NEW SECTION. **Sec. 188.** A new section is added to chapter 29A.20
25 RCW to read as follows:
26 A "convention" for the purposes of this chapter, is an organized
27 assemblage of registered voters representing an independent candidate
28 or candidates or a new or minor political party, organization, or
29 principle. As used in this chapter, the term "election jurisdiction"
30 shall mean the state or any political subdivision or jurisdiction of
31 the state from which partisan officials are elected. This term shall
32 include county commissioner districts or council districts for members
33 of a county legislative authority, counties for county officials who
34 are nominated and elected on a county-wide basis, legislative districts
35 for members of the legislature, congressional districts for members of

1 Congress, and the state for president and vice president, members of
2 the United States senate, and state officials who are elected on a
3 statewide basis.

4 NEW SECTION. **Sec. 189.** A new section is added to chapter 29A.20
5 RCW to read as follows:

6 Each minor party or independent candidate must publish a notice in
7 a newspaper of general circulation within the county in which the party
8 or the candidate intends to hold a convention. The notice must appear
9 at least ten days before the convention is to be held, and shall state
10 the date, time, and place of the convention. Additionally, it shall
11 include the mailing address of the person or organization sponsoring
12 the convention.

13 NEW SECTION. **Sec. 190.** A new section is added to chapter 29A.24
14 RCW to read as follows:

15 If after both the normal filing period and special three day filing
16 period as provided by sections 165 and 166 of this act have passed, no
17 candidate has filed for any single city, town, or district position to
18 be filled, the election for such position shall be deemed lapsed, the
19 office deemed stricken from the ballot and no write-in votes counted.
20 In such instance, the incumbent occupying such position shall remain in
21 office and continue to serve until a successor is elected at the next
22 election when such positions are voted upon.

23 NEW SECTION. **Sec. 191.** A new section is added to chapter 29A.28
24 RCW to read as follows:

25 If a place on the ticket of a major political party is vacant
26 because no person has filed for nomination as the candidate of that
27 major political party, after the last day allowed for candidates to
28 withdraw as provided by section 115 of this act, and if the vacancy is
29 for a state or county office to be voted on solely by the electors of
30 a single county, the county central committee of the major political
31 party may select and certify a candidate to fill the vacancy. If the
32 vacancy is for any other office the state central committee of the
33 major political party may select and certify a candidate to fill the
34 vacancy. The certificate must set forth the cause of the vacancy, the
35 name of the person nominated, the office for which the person is

1 nominated, and other pertinent information required in an ordinary
2 certificate of nomination and be filed in the proper office no later
3 than the first Friday after the last day allowed for candidates to
4 withdraw, together with the candidate's fee applicable to that office
5 and a declaration of candidacy.

6 NEW SECTION. **Sec. 192.** A new section is added to chapter 29A.28
7 RCW to read as follows:

8 A vacancy caused by the death or disqualification of any candidate
9 or nominee of a major or minor political party may be filled at any
10 time up to and including the day prior to the election for that
11 position. For state partisan offices in any political subdivision
12 voted on solely by electors of a single county, an individual shall be
13 appointed to fill such vacancy by the county central committee in the
14 case of a major political party or by the state central committee or
15 comparable governing body in the case of a minor political party. For
16 other partisan offices, including federal or statewide offices, an
17 individual shall be appointed to fill such vacancy by the state central
18 committee or comparable governing body of the appropriate political
19 party.

20 If the vacancy occurs no later than the sixth Tuesday prior to the
21 state primary or general election concerned and the ballots have been
22 printed, it shall be mandatory that they be corrected by the
23 appropriate election officers. In making such correction, it shall not
24 be necessary to reprint complete ballots if any other less expensive
25 technique can be used and the resulting correction is reasonably clear.

26 If the vacancy occurs after the sixth Tuesday prior to the state
27 primary or general election and time does not exist in which to correct
28 ballots (including absentee ballots), either in total or in part, then
29 the votes cast or recorded for the person who has died or become
30 disqualified shall be counted for the person who has been named to fill
31 such vacancy.

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

36 If the secretary of state has already sent forth the certificate
37 when the appointment to fill a vacancy is filed, the secretary shall

1 forthwith certify to the county auditors of the proper counties the
2 name and place of residence of the person appointed to fill a vacancy,
3 the office for which the person is a candidate or nominee, the party
4 the person represents, and all other pertinent facts pertaining to the
5 vacancy.

6 NEW SECTION. **Sec. 193.** The following acts or parts of acts are
7 each repealed:

8 (1) RCW 29A.04.007 (Ballot and related terms) and 2003 c 111 s 102,
9 1994 c 57 s 2, 1990 c 59 s 2, & 1977 ex.s. c 361 s 1;

10 (2) RCW 29A.04.085 (Major political party) and section 3 of this
11 act, 2003 c 111 s 115, 1977 ex.s. c 329 s 9, & 1965 c 9 s 29.01.090;

12 (3) RCW 29A.04.127 (Primary) and section 5 of this act & 2003 c 111
13 s 122;

14 (4) RCW 29A.04.215 (County auditor--Duties--Exceptions) and 2003 c
15 111 s 134, 1987 c 295 s 1, 1977 ex.s. c 361 s 2, 1971 ex.s. c 202 s 1,
16 1965 c 123 s 1, & 1965 c 9 s 29.04.020;

17 (5) RCW 29A.04.310 (Primaries) and section 6 of this act, 2003 c
18 111 s 143, 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s
19 29.13.070;

20 (6) RCW 29A.04.320 (State and local general elections--Statewide
21 general election--Exceptions--Special county elections) and 2003 c 111
22 s 144, 1994 c 142 s 1, 1992 c 37 s 1, 1989 c 4 s 9 (Initiative Measure
23 No. 99), 1980 c 3 s 1, 1975-'76 2nd ex.s. c 111 s 1, 1975-'76 2nd ex.s.
24 c 3 s 1, 1973 2nd ex.s. c 36 s 1, 1973 c 4 s 1, 1965 c 123 s 2, & 1965
25 c 9 s 29.13.010;

26 (7) RCW 29A.04.610 (Rules by secretary of state) and 2003 c 111 s
27 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;

28 (8) RCW 29A.12.100 (Requirements of tallying systems for approval)
29 and 2003 c 111 s 310;

30 (9) RCW 29A.20.020 (Qualifications for filing, appearance on
31 ballot) and section 7 of this act, 2004 c ... (Senate Bill No. 6417) s
32 11, 2003 c 111 s 502, 1999 c 298 s 9, 1993 c 317 s 10, & 1991 c 178 s
33 1;

34 (10) RCW 29A.20.120 (Nomination by convention or write-in--Dates--
35 Special filing period) and section 8 of this act & 2003 c 111 s 506;

36 (11) RCW 29A.20.140 (Convention--Requirements for validity) and
37 section 9 of this act & 2003 c 111 s 508;

1 (12) RCW 29A.20.150 (Nominating petition--Requirements) and section
2 10 of this act & 2003 c 111 s 509;

3 (13) RCW 29A.20.160 (Certificate of nomination--Requisites) and
4 section 11 of this act, 2003 c 111 s 510, 1989 c 215 s 4, 1977 ex.s. c
5 329 s 4, & 1965 c 9 s 29.24.040;

6 (14) RCW 29A.20.170 (Multiple certificates of nomination) and
7 section 12 of this act & 2003 c 111 s 511;

8 (15) RCW 29A.20.180 (Presidential electors--Selection at
9 convention) and section 13 of this act & 2003 c 111 s 512;

10 (16) RCW 29A.20.190 (Certificate of nomination--Checking
11 signatures--Appeal of determination) and section 14 of this act & 2003
12 c 111 s 513;

13 (17) RCW 29A.24.030 (Declaration of candidacy) and section 15 of
14 this act, 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82.

15 (18) RCW 29A.24.080 (Declaration--Filing by mail) and section 17 of
16 this act & 2003 c 111 s 608;

17 (19) RCW 29A.24.090 (Declaration--Fees and petitions) and section
18 18 of this act & 2003 c 111 s 609;

19 (20) RCW 29A.24.100 (Nominating petition--Form) and section 19 of
20 this act, 2003 c 111 s 610, & 1984 c 142 s 5;

21 (21) RCW 29A.24.110 (Petitions--Rejection--Acceptance, canvass of
22 signatures--Judicial review) and section 20 of this act & 2003 c 111 s
23 611;

24 (22) RCW 29A.24.130 (Withdrawal of candidacy) and 2003 c 111 s 613;

25 (23) RCW 29A.24.140 (Void in candidacy--Exception) and section 21
26 of this act & 2003 c 111 s 614;

27 (24) RCW 29A.24.150 (Notice of void in candidacy) and section 22 of
28 this act & 2003 c 111 s 615;

29 (25) RCW 29A.24.160 (Filings to fill void in candidacy--How made)
30 and section 23 of this act, 2003 c 111 s 616, & 1972 ex.s. c 61 s 6;

31 (26) RCW 29A.24.170 (Reopening of filing--Before sixth Tuesday
32 before primary) and section 24 of this act & 2003 c 111 s 617;

33 (27) RCW 29A.24.180 (Reopening of filing--After sixth Tuesday
34 before primary) and section 25 of this act & 2003 c 111 s 618;

35 (28) RCW 29A.24.190 (Scheduled election lapses, when) and section
36 26 of this act, 2003 c 111 s 619, 2002 c 108 s 1, 1975-'76 2nd ex.s. c
37 120 s 12, & 1972 ex.s. c 61 s 4;

1 (29) RCW 29A.24.310 (Write-in voting--Candidates, declaration) and
2 section 27 of this act, 2003 c 111 s 622, 1999 c 157 s 1, 1995 c 158 s
3 1, 1990 c 59 s 100, & 1988 c 181 s 1;

4 (30) RCW 29A.28.040 (Congress--Special election) and section 29 of
5 this act, 2003 c 111 s 704, 1990 c 59 s 105, 1985 c 45 s 4, 1973 2nd
6 ex.s. c 36 s 3, & 1965 c 9 s 29.68.080;

7 (31) RCW 29A.28.060 (Congress--General, primary election laws to
8 apply--Time deadlines, modifications) and section 30 of this act, 2003
9 c 111 s 706, 1985 c 45 s 7, & 1965 c 9 s 29.68.130;

10 (32) RCW 29A.28.070 (Precinct committee officer) and 2003 c 111 s
11 707;

12 (33) RCW 29A.32.030 (Contents) and section 31 of this act & 2003 c
13 111 s 803;

14 (34) RCW 29A.32.120 (Candidates' statements--Length) and section 32
15 of this act, 2004 c ... (Senate Bill No. 6417) s 12, 2003 c 254 s 6,
16 2003 c 111 s 812, & 1999 c 260 s 11;

17 (35) RCW 29A.32.240 (Contents) and 2003 c 111 s 816 & 1984 c 106 s
18 6;

19 (36) RCW 29A.36.010 (Certifying primary candidates) and section 33
20 of this act & 2003 c 111 s 901;

21 (37) RCW 29A.36.070 (Local measures--Ballot title--Formulation--
22 Advertising) and section 34 of this act & 2003 c 111 s 907;

23 (38) RCW 29A.36.100 (Names on primary ballot) and section 35 of
24 this act, 2003 c 111 s 910, & 1990 c 59 s 93;

25 (39) RCW 29A.36.110 (Uniformity, arrangement, contents required)
26 and 2003 c 111 s 911;

27 (40) RCW 29A.36.120 (Order of offices and issues--Party indication)
28 and 2003 c 111 s 912;

29 (41) RCW 29A.36.130 (Order of candidates on ballots) and 2003 c 111
30 s 913;

31 (42) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
32 2003 c 111 s 914;

33 (43) RCW 29A.36.150 (Sample ballots) and 2003 c 111 s 915;

34 (44) RCW 29A.36.160 (Arrangement of instructions, measures,
35 offices--Order of candidates--Numbering of ballots) and 2003 c 111 s
36 916, 1990 c 59 s 13, 1986 c 167 s 11, 1982 c 121 s 1, & 1977 ex.s. c
37 361 s 60;

1 (45) RCW 29A.36.170 (Nonpartisan candidates qualified for general
2 election) and section 36 of this act, 2004 c ... (Senate Bill No. 6518)
3 s 1, & 2003 c 111 s 917;

4 (46) RCW 29A.36.200 (Names qualified to appear on election ballot)
5 and section 37 of this act & 2003 c 111 s 920;

6 (47) RCW 29A.40.060 (Issuance of ballot and other materials) and
7 2003 c 111 s 1006, 2001 c 241 s 6, & 1991 c 81 s 31;

8 (48) RCW 29A.40.090 (Envelopes and instructions) and 2003 c 111 s
9 1009;

10 (49) RCW 29A.44.200 (Issuing ballot to voter--Challenge) and 2003
11 c 111 s 1119, 1990 c 59 s 40, & 1965 c 9 s 29.51.050;

12 (50) RCW 29A.44.220 (Casting vote) and 2003 c 111 s 1121, 1990 c 59
13 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965 c 9 s 29.51.100;

14 (51) RCW 29A.44.230 (Record of participation) and 2003 c 111 s
15 1122;

16 (52) RCW 29A.52.010 (Elections to fill unexpired term--No primary,
17 when) and section 38 of this act & 2003 c 111 s 1301;

18 (53) RCW 29A.52.110 (Application of chapter) and section 39 of this
19 act & 2003 c 111 s 1302;

20 (54) RCW 29A.52.120 (General election laws govern primaries) and
21 2003 c 111 s 1303;

22 (55) RCW 29A.52.230 (Nonpartisan offices specified) and section 41
23 of this act & 2003 c 111 s 1307;

24 (56) RCW 29A.52.310 (Notice of primary) and 2003 c 111 s 1309 &
25 1965 c 9 s 29.27.030;

26 (57) RCW 29A.52.320 (Certification of nominees) and section 42 of
27 this act & 2003 c 111 s 1310;

28 (58) RCW 29A.52.350 (Election--Certification of measures) and
29 section 43 of this act, 2003 c 111 s 1313, 1999 c 4 s 1, 1984 c 106 s
30 12, 1980 c 35 s 8, & 1965 c 9 s 29.27.080;

31 (59) RCW 29A.60.020 (Write-in voting--Declaration of candidacy--
32 Counting of vote) and section 44 of this act & 2003 c 111 s 1502;

33 (60) RCW 29A.60.220 (Tie in primary or final election) and section
34 45 of this act, 2003 c 111 s 1522, & 1965 c 9 s 29.62.080;

35 (61) RCW 29A.64.010 (Application--Requirements--Application of
36 chapter) and section 46 of this act, 2003 c 111 s 1601, 2001 c 225 s 3,
37 1987 c 54 s 3, 1977 ex.s. c 361 s 98, & 1965 c 9 s 29.64.010;

- 1 (62) RCW 29A.64.020 (Mandatory) and section 47 of this act & 2003
2 c 111 s 1602;
- 3 (63) RCW 29A.64.040 (Procedure--Observers--Request to stop) and
4 section 48 of this act & 2003 c 111 s 1604;
- 5 (64) RCW 29A.64.060 (Amended abstracts) and section 49 of this act
6 & 2003 c 111 s 1606;
- 7 (65) RCW 29A.64.080 (Expenses--Charges) and section 50 of this act
8 & 2003 c 111 s 1608;
- 9 (66) RCW 29A.68.010 (Prevention and correction of election frauds
10 and errors) and section 51 of this act & 2003 c 111 s 1701;
- 11 (67) RCW 29A.80.010 (Authority--Generally) and section 52 of this
12 act, 2003 c 111 s 2001, 1977 ex.s. c 329 s 16, & 1965 c 9 s 29.42.010;
- 13 (68) RCW 29A.80.040 (Precinct committee officer, eligibility) and
14 2003 c 111 s 2004;
- 15 (69) RCW 29A.80.050 (Precinct committee officer--Election--
16 Declaration of candidacy, fee--Term) and 2003 c 111 s 2005, 1991 c 363
17 s 34, 1987 c 295 s 14, 1973 c 4 s 7, 1967 ex.s. c 32 s 2, 1965 ex.s. c
18 103 s 3, & 1965 c 9 s 29.42.050;
- 19 (70) RCW 29A.80.060 (Legislative district chair--Election--Term--
20 Removal) and 2003 c 111 s 2006, 1991 c 363 s 35, 1987 c 295 s 15, &
21 1967 ex.s. c 32 s 1;
- 22 (71) RCW 29A.84.260 (Petitions--Improperly signing) and section 53
23 of this act & 2003 c 111 s 2114;
- 24 (72) RCW 29A.84.310 (Candidacy declarations, nominating petitions)
25 and section 54 of this act & 2003 c 111 s 2117;
- 26 (73) RCW 29A.84.710 (Documents regarding nomination, election,
27 candidacy--Frauds and falsehoods) and section 55 of this act, 2003 c
28 111 s 2137, 1991 c 81 s 8, & 1965 c 9 s 29.85.100;
- 29 (74) Section 1 of this act;
- 30 (75) Section 2 of this act;
- 31 (76) Section 4 of this act;
- 32 (77) Section 28 of this act; and
- 33 (78) Section 40 of this act.

34 **PART 3 - MISCELLANEOUS PROVISIONS**

35 ***NEW SECTION. Sec. 201. Sections 102 through 193 of this act take**

1 **effect the June 1st following the secretary of state issuing a**
2 **notification that no qualifying primary may be held in this state.**

**Sec. 201 was vetoed. See message at end of chapter.*

3 NEW SECTION. **Sec. 202.** The code reviser shall correct any
4 internal references accordingly if sections 102 through 193 of this act
5 take effect.

6 NEW SECTION. **Sec. 203.** Part headings used in this act are not any
7 part of the law.

8 NEW SECTION. **Sec. 204.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

12 NEW SECTION. **Sec. 205.** Except for sections 102 through 193 of
13 this act, this act is necessary for the immediate preservation of the
14 public peace, health, or safety, or support of the state government and
15 its existing public institutions, and takes effect immediately.

Passed by the Senate March 10, 2004.

Passed by the House March 8, 2004.

Approved by the Governor April 1, 2004, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 1, 2004.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to sections 1
through 57, section 101 and section 201, Engrossed Senate Bill No.
6453 entitled:

"AN ACT Relating to a qualifying primary;"

This bill would create a so-called "modified blanket primary" in
which each candidate would self-designate a political party of that
candidate's choosing to appear with his or her name on the ballot,
each voter could vote for any candidate listed on the resulting
ballot, and the top two candidates receiving the most votes would
advance to the general election with their political party self-
designation. The bill would also provide as an alternative the "open
primary/private choice" system, where voters choose among candidates
of one political party in the primary, and where those choices are
private.

At the outset, I must reiterate my extreme frustration and
disappointment with the State Republican and Democratic parties for
challenging the constitutionality of our blanket primary. The
blanket primary has served our state well for almost seventy years.
Nonetheless, as a result of the parties' action, the United States
Court of Appeals for the Ninth Circuit has ruled that the blanket
primary violates the First Amendment rights of the political parties,
and the Supreme Court of the United States has chosen to let that

decision stand as law. As Governor, I must respect both the letter and the spirit of the federal courts' rulings while ensuring that the state of Washington has an effective and constitutional replacement to the invalidated blanket primary in time for the September 14, 2004 primary election. As demonstrated by their actions and reflected in their deliberations, I know the Legislature and Secretary of State share my goal of ensuring we have a viable replacement for the blanket primary in time for the 2004 primary election.

The Legislature, in passing ESB 6453, knowingly forwarded to me two alternatives to the blanket primary system. Both alternatives are less than ideal, but for the reasons set forth below I am choosing the open primary/private choice system, which I believe better preserves voter choice in the general election, provides more certainty with regard to the state's authority to conduct the primary election, and presents less likelihood that our state's new primary system will be challenged in, or delayed or rewritten by, the federal courts.

During the legislative session, I consistently raised concerns about the "modified blanket primary," which would advance to the general election only the two candidates, regardless of party, who receive the most votes in the primary. I believe this option would frustrate many voters' expectations by removing from the general election the ability to choose from a list of candidates representing a broad political spectrum. The level of participation is almost twice as high in the general election than in the primary. In 1996, 1,043,000 more citizens participated in the general election than in the primary. In 2000, 1,197,000 more citizens participated in the general election than in the primary. In 2002, a year with no statewide races on the ballot other than judicial elections, 700,000 more citizens participated in the general election than in the primary. The scope of these voters' disenfranchisement in the general election would be enormous if they were forced to select from a ballot with no candidate representing either their preferred party or their general political views.

The modified blanket primary would also hurt the ability of minority and independent candidates to engage the electorate by effectively denying them access to the general election ballot. In 2000, for example, no fewer than eight political parties were represented on the general election ballot for statewide and legislative races, not including independent candidates. Minority parties bring diverse perspectives to political debate and additional choice to voters. They should not be foreclosed from meaningful participation in the democratic process.

Moreover, I believe that adoption of the modified blanket primary would almost certainly result in major parties nominating their candidates through caucuses and embroiling the state in lengthy litigation over the use of party labels by candidates who have not been nominated according to party rules. The legislation as passed acknowledges doubts about the constitutionality of the modified blanket primary system by providing that if a court finds that candidates cannot use party labels unless nominated by the parties, then the state shall move to an open primary/private choice system, similar to that used in Montana. However, for a variety of reasons, including a requirement that all appeals be exhausted before this alternative may go into effect, the provision for triggering that contingency is fundamentally flawed.

Finally, there is a distinct likelihood that the political parties would promptly block the modified blanket primary in federal court. This year, next year, and until final judicial resolution, we would have a primary system written and imposed by the federal courts, and which does not respect our voters' desire for privacy. Our state deserves to have in place immediately a system that is one of the two alternative primary systems written and enacted by the Washington Legislature - not one written and imposed by the federal courts at the urging of the major political parties.

Because of these concerns, I am persuaded that the open primary/private choice alternative in the bill presented to me by the Legislature is the better -- and more legally viable -- alternative, and the one that we should implement without delay. Under this option, candidates qualify for the general election through a process in which voters are not required to register with a party, but choose among candidates of a single party, with their choice of ballot neither public information nor a public record. I believe this alternative protects voter privacy, offers voter choice consistent with the federal court ruling, and provides county auditors with a system that can be administered without undue complexity.

Section 205 expresses the intent of the Legislature that the adoption of a new primary system is necessary for the immediate preservation of the public peace, health, or safety, and the support of the state government and its existing public institutions; that enactment should take effect immediately, and that the new system should not be subject to being put on hold by referendum. I wholeheartedly concur. The integrity and smooth operation of our electoral processes are at the core of our democratic form of government. Indeed, men and women in uniform risk their lives daily to protect our democracy, and the public institutions that support that democracy.

Many public officials and concerned citizens have suggested that if no new primary system were put in place this legislative session, confusion as to election processes would occur in the fall. The Secretary of State has suggested that he would cancel the primary if a replacement law was not enacted or if the law was suspended because of referral to the general election ballot. In the September 2000 primary, more than 1.3 million voters expressed their preference as to which candidate should represent each party in the general election. With open seats for Governor, Attorney General and Congress, the primary election to determine which candidates appear on the general election ballot will likely draw even more voters. No elected official has any intention of creating a risk that more than a million voters will be denied the opportunity to have a public primary to determine the general election candidates. To the contrary, everyone involved in the legislative process for this bill has recognized the urgency of having a constitutional primary system in place for the September 14, 2004 primary, and the emergency nature of this legislation. Moreover, I am aware that county auditors need to know by early summer the laws they must implement so that they can prepare for the primary election this September. For these reasons, I agree with the Legislature that this bill should go into effect immediately and not be subject to being put on hold by referendum.

The emergency declaration in section 205 applies in these circumstances to the entire bill as I have signed it into law. Any other reading would thwart the manifest purpose of the Legislature and lead to an absurd result. Obviously, the reference to sections 102 through 193 was intended only to apply if the bill signed into

law had multiple inconsistent primary systems. With my veto actions, however, this is not the case.

Some have urged me to veto section 205 to remove what they see as an ambiguous reference to sections 102 through 193, but doing so might create an unintended but more significant ambiguity with respect to whether an emergency need for a primary system exists. I have not done that because, as all of us involved in the legislative process for this bill recognize, assuring that the primary system established by this bill takes effect for the upcoming September 14, 2004 primary is of utmost urgency to the public and democratic self-governance in our state.

Accordingly, I have left section 205 in the bill because the existing text and the circumstances in which this bill was enacted make it clear beyond reasonable dispute that the intent of all concerned was to have this bill's new primary system in place for the voters this September without risk of cancellation of this bill's primary due to any hold or delays caused by referendum.

For these reasons, I have vetoed sections 1 through 57, section 101 and section 201 of Engrossed Senate Bill No. 6453.

With the exception of sections 1 through 57, section 101, and section 201, Engrossed Senate Bill No. 6453 is approved."