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**SENATE BILL 6048**

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**State of Washington                      60th Legislature                      2007 Regular Session**

**By** Senators Holmquist, Sheldon, Clements and Rasmussen

Read first time 02/15/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to primaries and elections; amending RCW  
2 29A.04.008, 29A.08.161, 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231,  
3 29A.52.111, 29A.52.112, 29A.52.116, 29A.52.141, 29A.52.151, 29A.24.031,  
4 29A.36.011, 29A.36.101, 29A.36.121, 29A.36.161, 29A.36.171, 29A.52.231,  
5 29A.04.008, 29A.04.128, 29A.04.216, 29A.04.311, 29A.08.161, 29A.12.080,  
6 29A.20.021, 29A.24.081, 29A.24.091, 29A.24.101, 29A.24.131, 29A.24.141,  
7 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211,  
8 29A.24.311, 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.131,  
9 29A.36.151, 29A.40.061, 29A.40.091, 29A.44.201, 29A.44.221, 29A.44.231,  
10 29A.44.410, 29A.44.430, 29A.48.020, 29A.48.060, 29A.52.011, 29A.52.210,  
11 29A.52.220, 29A.52.311, 29A.52.351, 29A.60.221, 29A.60.240, 29A.64.011,  
12 29A.64.030, 36.16.110, 36.16.115, 36.32.0558, and 36.32.070; reenacting  
13 and amending RCW 29A.04.611; creating new sections; repealing RCW  
14 29A.32.036, 29A.36.104, 29A.36.106, 29A.52.106, 29A.52.116, 29A.52.141,  
15 29A.52.151, 29A.52.161, 29A.24.210, 29A.28.011, 29A.28.071, 29A.32.036,  
16 29A.36.104, 29A.36.106, 29A.36.191, 29A.52.106, 29A.52.321, 29A.80.011,  
17 29A.80.020, 29A.80.030, 29A.80.041, 29A.80.051, and 29A.80.061; and  
18 providing a contingent effective date.

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

1 **INTENT**

2 NEW SECTION. **Sec. 1.** It is fundamental to our constitutional  
3 system to have checks and balances. Washington state's Constitution  
4 states, "All political power is inherent in the people, and governments  
5 derive their just powers from the consent of the governed, and are  
6 established to protect and maintain individual rights." The people may,  
7 through their representatives of the legislature or through the ballot,  
8 function as another check in government. The legislature intends to  
9 return to the people their voice by structuring this act in such a way  
10 as to preserve, one way or another, the individual's right to vote for  
11 the person and not the party. Therefore, the legislature intends to  
12 reinstitute the blanket primary to honor the rights of the people to  
13 vote for the person instead of the party.

14 Given that the judiciary has ruled in favor of the constitutional  
15 rights of the political parties, the legislature intends to check not  
16 only the judicial branch of the federal government but also check the  
17 political parties.

18 The legislature intends to give the political parties a choice to  
19 either choose to side with the people and voluntarily restrict their  
20 constitutional right or endure an alternative which follows a  
21 suggestion by the United States supreme court in administering a  
22 nonpartisan primary. A nonpartisan primary will also allow the people  
23 to vote for the person instead of the party.

24 The legislature intends to restrict standing to challenge the  
25 constitutionality of this act to a state chair of the different  
26 political parties in Washington state. This will ensure any court  
27 filing would constitute an official act of that state party.

28 **REESTABLISHING A BLANKET PRIMARY**

29 **Sec. 2.** RCW 29A.04.008 and 2005 c 243 s 1 are each amended to read  
30 as follows:

31 As used in this title:

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

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

1 (b) A facsimile of the contents of a particular ballot whether  
2 printed on a paper ballot or ballot card or as part of a voting machine  
3 or voting device;

4 (c) A physical or electronic record of the choices of an individual  
5 voter in a particular primary, general election, or special election;  
6 or

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

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

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

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

21 (5) "Provisional ballot" means a ballot issued at the polling place  
22 on election day by the precinct election board to a voter who would  
23 otherwise be denied an opportunity to vote a regular ballot, for any  
24 reason authorized by the Help America Vote Act, including but not  
25 limited to the following:

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

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

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

32 (d) Any other reason allowed by law(†

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

37 ~~(7) "Nonpartisan ballot" means a primary election ballot that lists~~

1 ~~all nonpartisan races and ballot measures to be voted on at that~~  
2 ~~primary)).~~

3 **Sec. 3.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
4 read as follows:

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

10 **Sec. 4.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
11 read as follows:

12 The county auditor shall send each absentee voter a ballot, a  
13 security envelope in which to seal the ballot after voting, a larger  
14 envelope in which to return the security envelope, and instructions on  
15 how to mark the ballot and how to return it to the county auditor.  
16 (~~The instructions that accompany an absentee ballot for a partisan~~  
17 ~~primary must include instructions for voting the applicable ballot~~  
18 ~~style, as provided in chapter 29A.36 RCW.)) The absentee voter's name  
19 and address must be printed on the larger return envelope, which must  
20 also contain a declaration by the absentee voter reciting his or her  
21 qualifications and stating that he or she has not voted in any other  
22 jurisdiction at this election, together with a summary of the penalties  
23 for any violation of any of the provisions of this chapter. The  
24 declaration must clearly inform the voter that it is illegal to vote if  
25 he or she is not a United States citizen; it is illegal to vote if he  
26 or she has been convicted of a felony and has not had his or her voting  
27 rights restored; and, except as otherwise provided by law, it is  
28 illegal to cast a ballot or sign an absentee envelope on behalf of  
29 another voter. The return envelope must provide space for the voter to  
30 indicate the date on which the ballot was voted and for the voter to  
31 sign the oath. It must also contain a space so that the voter may  
32 include a telephone number. A summary of the applicable penalty  
33 provisions of this chapter must be printed on the return envelope  
34 immediately adjacent to the space for the voter's signature. The  
35 signature of the voter on the return envelope must affirm and attest to  
36 the statements regarding the qualifications of that voter and to the~~

1 validity of the ballot. The return envelope must also have a secrecy  
2 flap that the voter may seal that will cover the voter's signature and  
3 optional telephone number. For out-of-state voters, overseas voters,  
4 and service voters, the signed declaration on the return envelope  
5 constitutes the equivalent of a voter registration for the election or  
6 primary for which the ballot has been issued. The voter must be  
7 instructed to either return the ballot to the county auditor by whom it  
8 was issued or attach sufficient first class postage, if applicable, and  
9 mail the ballot to the appropriate county auditor no later than the day  
10 of the election or primary for which the ballot was issued.

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

20 **Sec. 5.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
21 read as follows:

22 A voter desiring to vote shall give his or her name to the precinct  
23 election officer who has the precinct list of registered voters. This  
24 officer shall announce the name to the precinct election officer who  
25 has the copy of the inspector's poll book for that precinct. If the  
26 right of this voter to participate in the primary or election is not  
27 challenged, the voter must be issued a ballot or permitted to enter a  
28 voting booth or to operate a voting device. ~~((For a partisan primary  
29 in a jurisdiction using the physically separate ballot format, the  
30 voter must be issued a nonpartisan ballot and each party ballot.))~~ The  
31 number of the ballot or the voter must be recorded by the precinct  
32 election officers. If the right of the voter to participate is  
33 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

34 **Sec. 6.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
35 read as follows:

36 On signing the precinct list of registered voters or being issued

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

17 **Sec. 7.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to  
18 read as follows:

19 As each voter casts his or her vote, the precinct election officers  
20 shall insert in the poll books or precinct list of registered voters  
21 opposite that voter's name, a notation to credit the voter with having  
22 participated in that primary or election. (~~No record may be made of~~  
23 ~~a voter's party affiliation in a partisan primary.)) The precinct  
24 election officers shall record the voter's name so that a separate  
25 record is kept.~~

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

28 (1) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s  
29 122;

30 (2) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2004 c  
31 271 s 126;

32 (3) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
33 and 2004 c 271 s 127;

34 (4) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;

35 (5) RCW 29A.52.116 (Application of chapter--Exceptions) and 2004 c  
36 271 s 139;

- 1 (6) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141;
- 2 (7) RCW 29A.52.151 (Ballot format--Procedures) and 2004 c 271 s
- 3 142; and
- 4 (8) RCW 29A.52.161 (One vote) and 2004 c 271 s 144.

5 **ESTABLISHING A TRUE NONPARTISAN PRIMARY**

6 **Sec. 9.** RCW 29A.52.111 and 2004 c 271 s 173 are each amended to  
7 read as follows:

8 Candidates for the following offices shall be nominated at  
9 primaries for partisan (~~((primaries))~~) offices held pursuant to the  
10 provisions of this chapter:

- 11 (1) Congressional offices;
- 12 (2) All state offices except (a) judicial offices and (b) the
- 13 office of superintendent of public instruction;
- 14 (3) All county offices except (a) judicial offices and (b) those
- 15 offices where a county home rule charter provides otherwise.

16 **Sec. 10.** RCW 29A.52.112 and 2005 c 2 s 7 are each amended to read  
17 as follows:

18 (1) A primary is a first stage in the public process by which  
19 voters elect candidates to public office.

20 (2) Whenever candidates for a partisan office are to be elected,  
21 the general election must be preceded by a primary conducted under this  
22 chapter. Based upon votes cast at the primary, the top two candidates  
23 will be certified as qualified to appear on the general election  
24 ballot, unless only one candidate qualifies as provided in RCW  
25 (~~((29A.36.170))~~) 29A.36.171.

26 (3) For partisan office, (~~((if a candidate has expressed a party or  
27 independent preference on the declaration of candidacy, then that  
28 preference will be shown after the name of the candidate on the primary  
29 and general election ballots by appropriate abbreviation as set forth  
30 in rules of the secretary of state. A candidate may express no party  
31 or independent preference. Any party or independent preferences are  
32 shown for the information of voters only and may in no way limit the  
33 options available to voters))~~) no expression of a party or independent  
34 preference on the declaration of candidacy will be shown after the name  
35 of the candidate on the primary ballot.

1       (4) The political party or independent candidacy of each candidate  
2 for partisan office shall be indicated next to the name of the  
3 candidate on the general election ballot. A candidate who is certified  
4 to appear on the general election ballot shall file a written notice  
5 with the filing officer designating the political party or independent  
6 status to be indicated next to the candidate's name on the general  
7 election ballot.

8       **Sec. 11.** RCW 29A.52.116 and 2004 c 271 s 139 are each amended to  
9 read as follows:

10       (~~Major political party~~) Candidates for all partisan elected  
11 offices, except for president and vice president(~~(, precinct committee~~  
12 ~~officer,~~) and offices exempted from the primary under RCW  
13 (~~29A.52.011~~) 29A.52.111, must be (~~(nominated)~~) selected at primaries  
14 held under this chapter.

15       **Sec. 12.** RCW 29A.52.141 and 2004 c 271 s 141 are each amended to  
16 read as follows:

17       Instructions for voting a consolidated ballot or a physically  
18 separate ballot, whichever is applicable, must appear, at the very  
19 least, in:

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

22       (2) Instructions that accompany any (~~(partisan)~~) primary ballot for  
23 partisan offices;

24       (3) Any notice of a (~~(partisan)~~) primary for partisan offices  
25 published in compliance with RCW 29A.52.311;

26       (4) A sample ballot prepared by a county auditor under RCW  
27 29A.36.151 for a (~~(partisan)~~) primary for partisan offices;

28       (5) The web site of the office of the secretary of state and any  
29 existing web site of a county auditor's office; and

30       (6) Every polling place.

31       **Sec. 13.** RCW 29A.52.151 and 2004 c 271 s 142 are each amended to  
32 read as follows:

33       (1) Under a consolidated ballot format(~~(+~~

34 ~~(a) Votes for a major political party candidate will only be~~



1 ~~tabulated and reported if cast by voters who choose to affiliate with~~  
2 ~~that same major political party;~~

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

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

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

12 ~~(e) Votes properly cast may not be affected by votes improperly~~  
13 ~~cast for other races)), votes for any candidate for a partisan race~~  
14 ~~will be tabulated and reported if cast by voters, regardless of the~~  
15 ~~voter's or the candidate's political party affiliation or preference.~~

16 (2) Under a physically separate ballot format:

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

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

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

24 (d) ~~Every eligible registered voter may vote a nonpartisan~~  
25 ~~ballot.)) Only one ballot for partisan offices and one ballot for~~  
26 ~~nonpartisan offices may be voted; and~~

27 (b) Every eligible registered voter may vote one ballot for  
28 partisan offices and one ballot for nonpartisan offices, regardless of  
29 the voter's or the candidate's political party affiliation or  
30 preference.

### 31 REMOVING PARTY DESIGNATIONS FROM THE BALLOT

32 **Sec. 14.** RCW 29A.24.031 and 2004 c 271 s 158 are each amended to  
33 read as follows:

34 A candidate who desires to have his or her name printed on the  
35 ballot for election to an office other than president of the United  
36 States, vice president of the United States, or an office for which

1 ownership of property is a prerequisite to voting shall complete and  
2 file a declaration of candidacy. The secretary of state shall adopt,  
3 by rule, a standard declaration of candidacy form for (~~the office of~~  
4 ~~precinct committee officer and a separate standard form for~~)  
5 candidates for all (~~other~~) offices filing under this chapter.  
6 Included on the standard form shall be:

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

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

12 (~~(3) (A place for the candidate to indicate a party designation, if~~  
13 ~~applicable;~~

14 ~~(4))~~) A place for the candidate to indicate the amount of the  
15 filing fee accompanying the declaration of candidacy or for the  
16 candidate to indicate that he or she is filing a nominating petition in  
17 lieu of the filing fee under RCW 29A.24.091;

18 (~~(5))~~) (4) A place for the candidate to sign the declaration of  
19 candidacy, stating that the information provided on the form is true  
20 and swearing or affirming that he or she will support the Constitution  
21 and laws of the United States and the Constitution and laws of the  
22 state of Washington.

23 In the case of a declaration of candidacy filed electronically,  
24 submission of the form constitutes agreement that the information  
25 provided with the filing is true, that he or she will support the  
26 Constitutions and laws of the United States and the state of  
27 Washington, and that he or she agrees to electronic payment of the  
28 filing fee established in RCW 29A.24.091.

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

31 **Sec. 15.** RCW 29A.36.011 and 2004 c 271 s 124 are each amended to  
32 read as follows:

33 On (~~or before~~) the day following the last day for (~~major~~  
34 ~~political parties to fill vacancies in the ticket as provided by RCW~~  
35 ~~29A.28.011~~) candidates to withdraw under RCW 29A.24.131, the secretary  
36 of state shall certify to each county auditor a list of the candidates  
37 who have filed declarations of candidacy in his or her office for the

1 primary. For each office, the certificate shall include the name of  
2 each candidate(~~(,)~~) and his or her address(~~(, and his or her party~~  
3 ~~designation, if any. Minor political party and independent candidates~~  
4 ~~may appear only on the general election ballot)~~)).

5 **Sec. 16.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to  
6 read as follows:

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

15 **Sec. 17.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
16 read as follows:

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

29 (~~(b)(i)~~) ~~The positions or offices on a primary party ballot must be~~  
30 ~~arranged in substantially the following order: United States senator;~~  
31 ~~United States representative; governor; lieutenant governor; secretary~~  
32 ~~of state; state treasurer; state auditor; attorney general;~~  
33 ~~commissioner of public lands; insurance commissioner; state senator;~~  
34 ~~state representative; and partisan county officers. For all other~~  
35 ~~jurisdictions on the primary party ballot, the offices in each~~

1 jurisdiction must be grouped together and be in the order of the  
2 position numbers assigned to those offices, if any.

3 ~~(ii) The positions or offices on a primary nonpartisan ballot must  
4 be arranged in substantially the following order: Superintendent of  
5 public instruction; justices of the supreme court; judges of the court  
6 of appeals; judges of the superior court; and judges of the district  
7 court. For all other jurisdictions on the primary nonpartisan ballot,  
8 the offices in each jurisdiction must be grouped together and be in the  
9 order of the position numbers assigned to those offices, if any.)~~

10 (2) The order of the positions or offices on an election ballot  
11 shall be substantially the same as on a primary consolidated ballot  
12 except that state ballot issues must be placed before all offices. The  
13 offices of president and vice president of the United States shall  
14 precede all other offices on a presidential election ballot. The  
15 positions on a ballot ~~((to be assigned to))~~ of ballot measures  
16 regarding local units of government shall be established by the  
17 secretary of state by rule.

18 ~~((3) The political party or independent candidacy of each  
19 candidate for partisan office shall be indicated next to the name of  
20 the candidate on the primary and election ballot. A candidate shall  
21 file a written notice with the filing officer within three business  
22 days after the close of the filing period designating the political  
23 party to be indicated next to the candidate's name on the ballot if  
24 either: (a) The candidate has been nominated by two or more minor  
25 political parties or independent conventions; or (b) the candidate has  
26 both filed a declaration of candidacy declaring an affiliation with a  
27 major political party and been nominated by a minor political party or  
28 independent convention. If no written notice is filed the filing  
29 officer shall give effect to the party designation shown upon the first  
30 document filed. A candidate may be deemed nominated by a minor party  
31 or independent convention only if all documentation required by chapter  
32 29A.20 RCW has been timely filed.))~~

33 **Sec. 18.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to  
34 read as follows:

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

1 write-in votes. (~~On the top of each primary ballot must be printed~~  
2 ~~the 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 **Sec. 19.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
25 read as follows:

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

1 names of the candidates shall be listed in the order determined under  
2 RCW 29A.36.131.

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, judge of the district court, or state superintendent of  
6 public instruction, if a candidate in a contested primary receives a  
7 majority of all the votes cast for that office or position, only the  
8 name of that candidate may be printed under the title of the office for  
9 that position.

10 **Sec. 20.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
11 read as follows:

12 ((The)) All offices ((of superintendent of public instruction,  
13 justice of the supreme court, judge of the court of appeals, judge of  
14 the superior court, and judge of the district court)) other than  
15 president and vice president of the United States shall be nonpartisan  
16 ((and the candidates therefor shall be nominated and elected as such)).

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

20 **CONFORMING AMENDMENTS**

21 **Sec. 21.** RCW 29A.04.008 and 2005 c 243 s 1 are each amended to  
22 read as follows:

23 As used in this title:

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

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

28 (b) A facsimile of the contents of a particular ballot whether  
29 printed on a paper ballot or ballot card or as part of a voting machine  
30 or voting device;

31 (c) A physical or electronic record of the choices of an individual  
32 voter in a particular primary, general election, or special election;  
33 or

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

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

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

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

13 (5) "Provisional ballot" means a ballot issued at the polling place  
14 on election day by the precinct election board to a voter who would  
15 otherwise be denied an opportunity to vote a regular ballot, for any  
16 reason authorized by the Help America Vote Act, including but not  
17 limited to the following:

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

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

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

24 (d) Any other reason allowed by law((+)

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

29 ~~(7) "Nonpartisan ballot" means a primary election ballot that lists~~  
30 ~~all nonpartisan races and ballot measures to be voted on at that~~  
31 ~~primary)).~~

32 **Sec. 22.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to  
33 read as follows:

34 "Primary" or "primary election" means a statutory procedure  
35 conducted prior to a general election for ((nominating)) the purpose of  
36 determining which of the candidates ((to)) for a public office ((at the

1 ~~polls~~) will appear on the subsequent general election ballot for that  
2 office.

3 **Sec. 23.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
4 read as follows:

5 The county auditor of each county shall be ex officio the  
6 supervisor of all primaries and elections, general or special, and it  
7 shall be the county auditor's duty to provide places for holding such  
8 primaries and elections; to appoint the precinct election officers and  
9 to provide for their compensation; to provide the supplies and  
10 materials necessary for the conduct of elections to the precinct  
11 election officers; and to publish and post notices of calling such  
12 primaries and elections in the manner provided by law. (~~The notice of~~  
13 ~~a primary held in an even numbered year must indicate that the office~~  
14 ~~of precinct committee officer will be on the ballot.~~) The auditor  
15 shall also apportion to each city, town, or district, and to the state  
16 of Washington in the odd-numbered year, its share of the expense of  
17 such primaries and elections. This section does not apply to general  
18 or special elections for any city, town, or district that is not  
19 subject to RCW 29A.04.321 and 29A.04.330, but all such elections must  
20 be held and conducted at the time, in the manner, and by the officials  
21 (with such notice, requirements for filing for office, and  
22 certifications by local officers) as provided and required by the laws  
23 governing such elections.

24 **Sec. 24.** RCW 29A.04.311 and 2006 c 344 s 1 are each amended to  
25 read as follows:

26 (~~Nominating primaries~~) Primaries for general elections to be held  
27 in November(~~, and the election of precinct committee officers,~~) must  
28 be held on the third Tuesday of the preceding August.

29 **Sec. 25.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are  
30 each reenacted and amended to read as follows:

31 The secretary of state as chief election officer shall make  
32 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
33 with the federal and state election laws to effectuate any provision of  
34 this title and to facilitate the execution of its provisions in an  
35 orderly, timely, and uniform manner relating to any federal, state,



1 county, city, town, and district elections. To that end the secretary  
2 shall assist local election officers by devising uniform forms and  
3 procedures.

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

7 (1) The maintenance of voter registration records;

8 (2) The preparation, maintenance, distribution, review, and filing  
9 of precinct maps;

10 (3) Standards for the design, layout, and production of ballots;

11 (4) The examination and testing of voting systems for  
12 certification;

13 (5) The source and scope of independent evaluations of voting  
14 systems that may be relied upon in certifying voting systems for use in  
15 this state;

16 (6) Standards and procedures for the acceptance testing of voting  
17 systems by counties;

18 (7) Standards and procedures for testing the programming of vote  
19 tallying software for specific primaries and elections;

20 (8) Standards and procedures for the preparation and use of each  
21 type of certified voting system including procedures for the operation  
22 of counting centers where vote tallying systems are used;

23 (9) Standards and procedures to ensure the accurate tabulation and  
24 canvassing of ballots;

25 (10) Consistency among the counties of the state in the preparation  
26 of ballots, the operation of vote tallying systems, and the canvassing  
27 of primaries and elections;

28 (11) Procedures to ensure the secrecy of a voter's ballot when a  
29 small number of ballots are counted at the polls or at a counting  
30 center;

31 (12) The use of substitute devices or means of voting when a voting  
32 device at the polling place is found to be defective, the counting of  
33 votes cast on the defective device, the counting of votes cast on the  
34 substitute device, and the documentation that must be submitted to the  
35 county auditor regarding such circumstances;

36 (13) Procedures for the transportation of sealed containers of  
37 voted ballots or sealed voting devices;

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

1 ballots, including standards for the approval and implementation of  
2 hardware and software for automated signature verification systems;  
3 (34) Standards and procedures to guarantee the secrecy of absentee  
4 ballots and mail ballots;  
5 (35) Uniformity among the counties of the state in the conduct of  
6 absentee voting and mail ballot elections;  
7 (36) Standards and procedures to accommodate out-of-state voters,  
8 overseas voters, and service voters;  
9 (37) The tabulation of paper ballots before the close of the polls;  
10 (38) The accessibility of polling places and registration  
11 facilities that are accessible to elderly people and (~~disabled~~  
12 ~~persons~~) people with a disability;  
13 (39) The aggregation of precinct results if reporting the results  
14 of a single precinct could jeopardize the secrecy of a person's ballot;  
15 (40) Procedures for conducting a statutory recount;  
16 (41) Procedures for filling vacancies in congressional offices if  
17 the general statutory time requirements for availability of absentee  
18 ballots, certification, canvassing, and related procedures cannot be  
19 met;  
20 (42) Procedures for the statistical sampling of signatures for  
21 purposes of verifying and canvassing signatures on initiative,  
22 referendum, and recall election petitions;  
23 (43) Standards and deadlines for submitting material to the office  
24 of the secretary of state for the voters' pamphlet;  
25 (44) Deadlines for the filing of ballot titles for referendum bills  
26 and constitutional amendments if none have been provided by the  
27 legislature;  
28 (45) Procedures for the publication of a state voters' pamphlet;  
29 (46) Procedures for conducting special elections regarding nuclear  
30 waste sites if the general statutory time requirements for availability  
31 of absentee ballots, certification, canvassing, and related procedures  
32 cannot be met;  
33 (47) Procedures for conducting (~~partisan primary elections~~)  
34 primaries;  
35 (48) Standards and procedures for the proper conduct of voting  
36 during the early voting period to provide (~~accessability~~)  
37 accessibility for the blind or visually impaired;

1 (49) Standards for voting technology and systems used by the state  
2 or any political subdivision to be accessible for individuals with  
3 disabilities, including nonvisual accessibility for the blind and  
4 visually impaired, in a manner that provides the same opportunity for  
5 access and participation, including privacy and independence, as other  
6 voters;

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

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

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

18 (53) Facilitating the payment of local government grants to local  
19 government election officers or vendors; and

20 (54) Standards for the verification of signatures on absentee,  
21 mail, and provisional ballot envelopes.

22 **Sec. 26.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
23 read as follows:

24 No (~~record may be created or maintained by a~~) state or local  
25 (~~governmental~~) agency, individual, or (~~a political~~) organization  
26 may create or maintain any record that identifies a voter with the  
27 information marked on the voter's ballot(~~(, including the choice that~~  
28 ~~a voter makes on a partisan primary ballot regarding political party~~  
29 ~~affiliation)~~)).

30 **Sec. 27.** RCW 29A.12.080 and 2006 c 207 s 2 are each amended to  
31 read as follows:

32 No voting device shall be approved by the secretary of state unless  
33 it:

34 (1) Secures to the voter secrecy in the act of voting;

35 (2) Permits the voter to vote for any person for any office and  
36 upon any measure that he or she has the right to vote for;

1           (3) (~~Permits the voter to vote for all the candidates of one~~  
2 ~~party;~~  
3           ~~(4)~~) Correctly registers all votes cast for any and all persons  
4 and for or against any and all measures;  
5           (~~(5)~~) (4) Provides that a vote for more than one candidate cannot  
6 be cast by one single operation of the voting device or vote tally  
7 system except when voting for president and vice president of the  
8 United States; and  
9           (~~(6)~~) (5) Except for functions or capabilities unique to this  
10 state, has been tested and certified by an independent testing  
11 authority designated by the United States election assistance  
12 commission.

13           **Sec. 28.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
14 read as follows:

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

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

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

1 (4) The requirements of voter registration and residence within the  
2 geographic area of a district do not apply to candidates for  
3 congressional office. Qualifications for the United States congress  
4 are specified in the United States Constitution.

5 **Sec. 29.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
6 read as follows:

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

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

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

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

29 **Sec. 30.** RCW 29A.24.091 and 2006 c 206 s 3 are each amended to  
30 read as follows:

31 A filing fee of (~~one dollar shall accompany each declaration of~~  
32 ~~candidacy for precinct committee officer; a filing fee of~~) ten dollars  
33 shall accompany the declaration of candidacy for any office with a  
34 fixed annual salary of one thousand dollars or less; a filing fee equal  
35 to one percent of the annual salary of the office at the time of filing  
36 shall accompany the declaration of candidacy for any office with a

1 fixed annual salary of more than one thousand dollars per annum. No  
2 filing fee need accompany a declaration of candidacy for any office for  
3 which compensation is on a per diem or per meeting attended basis.

4 A candidate who lacks sufficient assets or income at the time of  
5 filing to pay the filing fee required by this section shall submit with  
6 his or her declaration of candidacy a filing fee petition. The  
7 petition shall contain not less than a number of signatures of  
8 registered voters equal to the number of dollars of the filing fee.  
9 The signatures shall be of voters registered to vote within the  
10 jurisdiction of the office for which the candidate is filing.

11 When the candidacy is for:

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

16 (2) A legislative or judicial office that includes territory from  
17 only one county:

18 (a) The fee shall be paid to the county auditor if the candidate  
19 filed his or her declaration of candidacy with the county auditor;

20 (b) The fee shall be paid to the secretary of state if the  
21 candidate filed his or her declaration of candidacy with the secretary  
22 of state. The secretary of state shall then promptly transmit the fee  
23 to the county auditor of the county in which the legislative or  
24 judicial office is located.

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

28 **Sec. 31.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to  
29 read as follows:

30 (1) The filing fee petition authorized by RCW 29A.24.091 must be  
31 printed on sheets of uniform color and size, must include a place for  
32 each individual to sign and print his or her name and the address,  
33 city, and county at which he or she is registered to vote, and must  
34 contain no more than twenty numbered lines.

35 (2) (~~For candidates for nonpartisan office and candidates of a~~  
36 ~~major political party for partisan office,~~) The filing fee petition  
37 must be in substantially the following form:

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

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

7 ~~((3) For independent candidates and candidates of a minor~~  
8 ~~political party for partisan office, the filing fee petition must be in~~  
9 ~~substantially the following form:~~

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

11 ~~We, the undersigned registered voters of  (the state of~~  
12 ~~Washington or the political subdivision for which the nomination is~~  
13 ~~made), hereby petition that the name of  (candidate's name) be~~  
14 ~~printed on the official general election ballot for the office of~~  
15  ~~(insert name of office).~~

16 **Sec. 32.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to  
17 read as follows:

18 A candidate may withdraw his or her declaration of candidacy at any  
19 time before the close of business on the Thursday following the last  
20 day for candidates to file under RCW 29A.24.050 by filing, with the  
21 officer with whom the declaration of candidacy was filed, a signed  
22 request that his or her name not be printed on the ballot. There shall  
23 be no withdrawal period for declarations of candidacy filed during  
24 special filing periods held under this title. ~~((The filing officer may~~  
25 ~~permit the withdrawal of a filing for the office of precinct committee~~  
26 ~~officer at the request of the candidate at any time if no absentee~~  
27 ~~ballots have been issued for that office and the ballots for that~~  
28 ~~precinct have not been printed.)) The filing officer may permit the~~  
29 withdrawal of a filing for any elected office of a city, town, or  
30 special district at the request of the candidate at any time before a  
31 primary if the primary ballots for that city, town, or special district  
32 have not been ordered. No filing fee may be refunded to any candidate  
33 who withdraws under this section. Notice of the deadline for  
34 withdrawal of candidacy and that the filing fee is not refundable shall  
35 be given to each candidate at the time he or she files.



1       **Sec. 33.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
2 read as follows:

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

8       **Sec. 34.** RCW 29A.24.151 and 2004 c 271 s 163 are each amended to  
9 read as follows:

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

16       **Sec. 35.** RCW 29A.24.161 and 2004 c 271 s 164 are each amended to  
17 read as follows:

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

25       **Sec. 36.** RCW 29A.24.171 and 2006 c 344 s 7 are each amended to  
26 read as follows:

27       Filings for ((~~a nonpartisan~~)) an office shall be reopened for a  
28 period of three normal business days, such three-day period to be fixed  
29 by the election officer with whom such declarations of candidacy are  
30 filed and notice thereof given by notifying press, radio, and  
31 television in the county and by such other means as may now or  
32 hereafter be provided by law whenever before the eleventh Tuesday prior  
33 to a primary:

- 34       (1) ((~~A void in candidacy occurs:~~

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

4       ~~((3))~~ (2) A nominee for judge of the superior court entitled to  
5 a certificate of election pursuant to Article 4, section 29, Amendment  
6 41 of the state Constitution, dies or is disqualified.

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

9       **Sec. 37.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to  
10 read as follows:

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

18       (1) A void in candidacy for (~~such nonpartisan~~) the office occurs  
19 on or after the eleventh Tuesday prior to a primary but prior to the  
20 eleventh Tuesday before an election; or

21       (2) A nominee for judge of the superior court eligible after a  
22 contested primary for a certificate of election by Article 4, section  
23 29, Amendment 41 of the state Constitution, dies or is disqualified  
24 within the ten-day period immediately following the last day allotted  
25 for a candidate to withdraw; or

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

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

32       **Sec. 38.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
33 read as follows:

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

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

5 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for  
6 judge of the superior court entitled to a certificate of election  
7 pursuant to Article 4, section 29, Amendment 41 of the state  
8 Constitution dies or is disqualified on or after the eleventh Tuesday  
9 prior to a primary;

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

13 **Sec. 39.** RCW 29A.24.211 and 2006 c 344 s 10 are each amended to  
14 read as follows:

15 Filings for (~~(a partisan elective)~~) an office shall be opened for  
16 a period of three normal business days whenever, on or after the first  
17 day of the regular filing period and before the eleventh Tuesday prior  
18 to a primary, a vacancy occurs in that office, leaving an unexpired  
19 term to be filled by an election for which filings have not been held.

20 Any such special three-day filing period shall be fixed by the  
21 election officer with whom declarations of candidacy for that office  
22 are filed. The election officer shall give notice of the special  
23 three-day filing period by notifying the press, radio, and television  
24 in the county or counties involved, and by such other means as may be  
25 required by law.

26 Candidacies validly filed within the special three-day filing  
27 period shall appear on the ballot as if filed during the regular filing  
28 period.

29 **Sec. 40.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
30 read as follows:

31 Any person who desires to be a write-in candidate and have such  
32 votes counted at a primary or election may file a declaration of  
33 candidacy with the officer designated in RCW 29A.24.070 not later than  
34 the day before the primary or election. Declarations of candidacy for  
35 write-in candidates must be accompanied by a filing fee in the same

1 manner as required of other candidates filing for the office as  
2 provided in RCW 29A.24.091.

3 Votes cast for write-in candidates who have filed such declarations  
4 of candidacy (~~and write in votes for persons appointed by major~~  
5 ~~political parties pursuant to RCW 29A.28.021~~) need only specify the  
6 name of the candidate in the appropriate location on the ballot in  
7 order to be counted. Write-in votes cast for any other candidate, in  
8 order to be counted, must also designate the office sought and position  
9 number (~~or political party,~~) if the manner in which the write-in is  
10 done does not make the office or position clear.

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

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

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

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

24 The declaration of candidacy shall be similar to that required by  
25 RCW 29A.24.031. No write-in candidate filing under this section may be  
26 included in any voter's pamphlet produced under chapter 29A.32 RCW  
27 unless that candidate qualifies to have his or her name printed on the  
28 general election ballot. The legislative authority of any jurisdiction  
29 producing a local voter's pamphlet under chapter 29A.32 RCW may  
30 provide, by ordinance, for the inclusion of write-in candidates in such  
31 pamphlets.

32 **Sec. 41.** RCW 29A.28.041 and 2006 c 344 s 12 are each amended to  
33 read as follows:

34 (1) Whenever a vacancy occurs in the United States house of  
35 representatives or the United States senate from this state, the  
36 governor shall order a special election to fill the vacancy. (~~Minor~~

1 ~~political party candidates and independent candidates may be nominated~~  
2 ~~through the convention procedures provided in chapter 29A.20 RCW.))~~

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

13 (3) If the vacancy occurs less than six months before a state  
14 general election and before the second Friday following the close of  
15 the filing period for that general election, the special primary(~~(7)~~)  
16 and special vacancy election(~~(7 and minor party and independent~~  
17 ~~candidate nominating conventions~~)) must be held in concert with the  
18 state primary and state general election in that year.

19 (4) If the vacancy occurs on or after the first day for filing  
20 under RCW 29A.24.050 and on or before the second Friday following the  
21 close of the filing period, a special filing period of three normal  
22 business days shall be fixed by the governor and notice thereof given  
23 to all media, including press, radio, and television within the area in  
24 which the vacancy election is to be held, to the end that, insofar as  
25 possible, all interested persons will be aware of such filing period.  
26 The last day of the filing period shall not be later than the sixth  
27 Tuesday before the primary (~~at which major political party candidates~~  
28 ~~are to be nominated. The names of major political party candidates who~~  
29 ~~have filed valid declarations of candidacy during this three day period~~  
30 ~~shall appear on the approaching primary ballot. The requirements of~~  
31 ~~RCW 29A.20.131 do not apply to a minor political party or independent~~  
32 ~~candidate convention held under this subsection)).~~

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

1       **Sec. 42.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
2 read as follows:

3       The general election laws and laws relating to (~~partisan~~)  
4 primaries shall apply to the special primaries and vacancy elections  
5 provided for in chapter 29A.28 RCW to the extent that they are not  
6 inconsistent with the provisions of these sections. (~~Minor political~~  
7 ~~party and independent candidates may appear only on the general~~  
8 ~~election ballot.~~) Statutory time deadlines relating to availability  
9 of absentee ballots, certification, canvassing, and related procedures  
10 that cannot be met in a timely fashion may be modified for the purposes  
11 of a specific primary or vacancy election under this chapter by the  
12 secretary of state through emergency rules adopted under RCW  
13 29A.04.611.

14       **Sec. 43.** RCW 29A.32.031 and 2004 c 271 s 121 are each amended to  
15 read as follows:

16       The voters' pamphlet must contain:

17       (1) Information about each ballot measure initiated by or referred  
18 to the voters for their approval or rejection as required by RCW  
19 29A.32.070;

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

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

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

6 ~~(5) ((In even-numbered years the name, address, and telephone  
7 number of each political party with nominees listed in the pamphlet, if  
8 filed with the secretary of state by the state committee of a major  
9 political party or the presiding officer of the convention of a minor  
10 political party;~~

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

19 ~~((7))~~ (6) An application form for an absentee ballot;

20 ~~((8))~~ (7) A brief statement explaining the deletion and addition  
21 of language for proposed measures under RCW 29A.32.080;

22 ~~((9))~~ (8) Any additional information pertaining to elections as  
23 may be required by law or in the judgment of the secretary of state is  
24 deemed informative to the voters.

25 **Sec. 44.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
26 read as follows:

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

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

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

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

36 (4) The text of each measure accompanied by an explanatory  
37 statement prepared by the prosecuting attorney for any county measure

1 or by the attorney for the jurisdiction submitting the measure if other  
2 than a county measure. All explanatory statements for city, town, or  
3 district measures not approved by the attorney for the jurisdiction  
4 submitting the measure shall be reviewed and approved by the county  
5 prosecuting attorney or city attorney, when applicable, before  
6 inclusion in the pamphlet; and

7 (5) The arguments for and against each measure submitted by  
8 committees selected pursuant to RCW 29A.32.280(~~(+and~~

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

13 **Sec. 45.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
14 read as follows:

15 After the close of business on the last day for candidates to file  
16 for office, the filing officer shall, from among those filings made in  
17 person and by mail, determine by lot the order in which the names of  
18 those candidates will appear on all primary, sample, and absentee  
19 ballots. The determination shall be done publicly and may be witnessed  
20 by the media and by any candidate. If no primary is required for any  
21 nonpartisan office under RCW 29A.52.011 or 29A.52.220, (~~or if any  
22 independent or minor party candidate files a declaration of  
23 candidacy,~~) the names shall appear on the general election ballot in  
24 the order determined by lot.

25 **Sec. 46.** RCW 29A.36.151 and 2004 c 271 s 131 are each amended to  
26 read as follows:

27 Except in each county with a population of one million or more, on  
28 or before the fifteenth day before a primary or election, the county  
29 auditor shall prepare a sample ballot, which shall be made readily  
30 available to members of the public. The secretary of state shall adopt  
31 rules governing the preparation of sample ballots in counties with a  
32 population of one million or more. The rules shall permit, among other  
33 alternatives, the preparation of more than one sample ballot by a  
34 county with a population of one million or more for a primary or  
35 election, each of which lists a portion of the offices and issues to be



1 voted on in that county. (~~The position of precinct committee officer~~  
2 ~~shall be shown on the sample ballot for the primary, but the names of~~  
3 ~~candidates for the individual positions need not be shown.~~)

4 **Sec. 47.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to  
5 read as follows:

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

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

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

33 **Sec. 48.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
34 read as follows:

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

1 envelope in which to return the security envelope, and instructions on  
2 how to mark the ballot and how to return it to the county auditor.  
3 (~~The instructions that accompany an absentee ballot for a partisan~~  
4 ~~primary must include instructions for voting the applicable ballot~~  
5 ~~style, as provided in chapter 29A.36 RCW.~~)) The absentee voter's name  
6 and address must be printed on the larger return envelope, which must  
7 also contain a declaration by the absentee voter reciting his or her  
8 qualifications and stating that he or she has not voted in any other  
9 jurisdiction at this election, together with a summary of the penalties  
10 for any violation of any of the provisions of this chapter. The  
11 declaration must clearly inform the voter that it is illegal to vote if  
12 he or she is not a United States citizen; it is illegal to vote if he  
13 or she has been convicted of a felony and has not had his or her voting  
14 rights restored; and, except as otherwise provided by law, it is  
15 illegal to cast a ballot or sign an absentee envelope on behalf of  
16 another voter. The return envelope must provide space for the voter to  
17 indicate the date on which the ballot was voted and for the voter to  
18 sign the oath. It must also contain a space so that the voter may  
19 include a telephone number. A summary of the applicable penalty  
20 provisions of this chapter must be printed on the return envelope  
21 immediately adjacent to the space for the voter's signature. The  
22 signature of the voter on the return envelope must affirm and attest to  
23 the statements regarding the qualifications of that voter and to the  
24 validity of the ballot. The return envelope must also have a secrecy  
25 flap that the voter may seal that will cover the voter's signature and  
26 optional telephone number. For out-of-state voters, overseas voters,  
27 and service voters, the signed declaration on the return envelope  
28 constitutes the equivalent of a voter registration for the election or  
29 primary for which the ballot has been issued. The voter must be  
30 instructed to either return the ballot to the county auditor by whom it  
31 was issued or attach sufficient first class postage, if applicable, and  
32 mail the ballot to the appropriate county auditor no later than the day  
33 of the election or primary for which the ballot was issued.

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

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

5 **Sec. 49.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
6 read as follows:

7 A voter desiring to vote shall give his or her name to the precinct  
8 election officer who has the precinct list of registered voters. This  
9 officer shall announce the name to the precinct election officer who  
10 has the copy of the inspector's poll book for that precinct. If the  
11 right of this voter to participate in the primary or election is not  
12 challenged, the voter must be issued a ballot or permitted to enter a  
13 voting booth or to operate a voting device. ~~((For a partisan primary  
14 in a jurisdiction using the physically separate ballot format, the  
15 voter must be issued a nonpartisan ballot and each party ballot.))~~ The  
16 number of the ballot or the voter must be recorded by the precinct  
17 election officers. If the right of the voter to participate is  
18 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

19 **Sec. 50.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
20 read as follows:

21 On signing the precinct list of registered voters or being issued  
22 a ballot, the voter shall, without leaving the polling place or  
23 disability access location, proceed to one of the voting booths or  
24 voting devices to cast his or her vote. When county election  
25 procedures so provide, the election officers may tear off and retain  
26 the numbered stub from the ballot before delivering it to the voter.  
27 If an election officer has not already done so, when the voter has  
28 finished, he or she shall either (1) remove the numbered stub from the  
29 ballot, place the ballot in the ballot box, and return the number to  
30 the election officers, or (2) deliver the entire ballot to the election  
31 officers, who shall remove the numbered stub from the ballot and place  
32 the ballot in the ballot box. ~~((For a partisan primary in a  
33 jurisdiction using the physically separate ballot format, the voter  
34 shall also return unvoted party ballots to the precinct election  
35 officers, who shall void the unvoted party ballots and return them to~~

1 ~~the county auditor.))~~ If poll-site ballot counting devices are used,  
2 the voter shall put the ballot in the device.

3 **Sec. 51.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to  
4 read as follows:

5 As each voter casts his or her vote, the precinct election officers  
6 shall insert in the poll books or precinct list of registered voters  
7 opposite that voter's name, a notation to credit the voter with having  
8 participated in that primary or election. ~~((No record may be made of  
9 a voter's party affiliation in a partisan primary.))~~ The precinct  
10 election officers shall record the voter's name so that a separate  
11 record is kept.

12 **Sec. 52.** RCW 29A.44.410 and 2003 c 111 s 1134 are each amended to  
13 read as follows:

14 (1) At least ten days prior to any primary or election, general or  
15 special, the county auditor shall appoint one inspector and two judges  
16 of election for each precinct (or each combination of precincts  
17 temporarily consolidated as a single precinct for that primary or  
18 election), other than those precincts designated as vote-by-mail  
19 precincts pursuant to RCW 29A.48.010. ~~((Except as provided in  
20 subsection (3) of this section, the persons appointed shall be among  
21 those whose names are contained on the lists furnished under RCW  
22 29A.44.430 by the chairpersons of the county central committees of the  
23 political parties entitled to representation thereon.))~~ Such precinct  
24 election officers, whenever possible, should be residents of the  
25 precinct in which they serve.

26 (2) ~~((The county auditor may delete from the lists of names  
27 submitted to the auditor by the chairpersons of the county central  
28 committees under RCW 29A.44.430: (a) The names of those persons who  
29 indicate to the auditor that they cannot or do not wish to serve as  
30 precinct election officers for the primary or election or who otherwise  
31 cannot so serve; and (b) the names of those persons who lack the  
32 ability to conduct properly the duties of an inspector or judge of  
33 election after training in that proper conduct has been made available  
34 to them by the auditor. The lists which are submitted to the auditor  
35 in a timely manner under RCW 29A.44.430, less the deletions authorized~~

1 ~~by this subsection, constitute the official nomination lists for~~  
2 ~~inspectors and judges of election.~~

3 ~~(3) If the number of persons whose names are on the official~~  
4 ~~nomination list for a political party is not sufficient to satisfy the~~  
5 ~~requirements of subsection (4) of this section as it applies to that~~  
6 ~~political party or is otherwise insufficient to provide the number of~~  
7 ~~precinct election officials required from that political party, the~~  
8 ~~auditor shall notify the chair of the party's county central committee~~  
9 ~~regarding the deficiency. The chair may, within five business days of~~  
10 ~~being notified by the auditor, add to the party's nomination list the~~  
11 ~~names of additional persons belonging to that political party who are~~  
12 ~~qualified to serve on the election boards. To the extent that,~~  
13 ~~following this procedure, the number of persons whose names appear on~~  
14 ~~the official nomination lists of the political parties is insufficient~~  
15 ~~to provide the number of election inspectors and judges required for a~~  
16 ~~primary or election, the auditor may appoint a properly trained person~~  
17 ~~whose name does not appear on such a list as an inspector or judge of~~  
18 ~~election for a precinct.~~

19 ~~(4) The county auditor shall designate the inspector and one judge~~  
20 ~~in each precinct from that political party which polled the highest~~  
21 ~~number of votes in the county for its candidate for president at the~~  
22 ~~last preceding presidential election and one judge from that political~~  
23 ~~party polling the next highest number of votes in the county for its~~  
24 ~~candidate for president at the same election. The provisions of this~~  
25 ~~subsection apply only if the number of names on the official nomination~~  
26 ~~list for inspectors and judges of election for a political party is~~  
27 ~~sufficient to satisfy the requirements imposed by this subsection.~~

28 ~~(5)) Except as provided in RCW 29A.44.440 for the filling of~~  
29 ~~vacancies, this shall be the exclusive method for the appointment of~~  
30 ~~inspectors and judges to serve as precinct election officers at any~~  
31 ~~primary or election, general or special, and shall supersede the~~  
32 ~~provisions of any and all other statutes, whether general or special in~~  
33 ~~nature, having different requirements.~~

34 **Sec. 53.** RCW 29A.44.430 and 2003 c 111 s 1136 are each amended to  
35 read as follows:

36 ~~((The precinct committee officer of each major political party~~

1 ~~shall certify to the officer's county chair a list of those persons~~  
2 ~~belonging to the officer's political party qualified to act upon the~~  
3 ~~election board in the officer's precinct.))~~

4 By the first day of June each year, the chair of the county central  
5 committee of ~~((each major))~~ a political party ~~((shall))~~ may certify to  
6 the officer having jurisdiction of the election a list of those persons  
7 ~~((belonging to the county chair's political party in each precinct))~~  
8 who are qualified to ~~((act))~~ serve on the election boards ~~((therein.~~

9 ~~The county chair shall compile this list from the names certified~~  
10 ~~by the various precinct committee officers unless no names or not a~~  
11 ~~sufficient number of names have been certified from a precinct, in~~  
12 ~~which event the county chair may include therein the names of qualified~~  
13 ~~members of the county chair's party selected by the county chair. The~~  
14 ~~county chair shall also have the authority to substitute names of~~  
15 ~~persons recommended by the precinct committee officers if in the~~  
16 ~~judgment of the county chair such persons are not qualified to serve as~~  
17 ~~precinct election officers))~~ of that county.

18 **Sec. 54.** RCW 29A.48.020 and 2004 c 266 s 15 are each amended to  
19 read as follows:

20 At any nonpartisan special election not being held in conjunction  
21 with a state primary or general election, the county, city, town, or  
22 district requesting the election pursuant to RCW ~~((29A.04.320))~~  
23 29A.04.321 or 29A.04.330 may also request that the special election be  
24 conducted by mail ballot. The county auditor may honor the request or  
25 may determine that the election is not to be conducted by mail ballot.  
26 The decision of the county auditor in this regard is final.

27 For all special elections not being held in conjunction with a  
28 state primary or state general election where voting is conducted by  
29 mail ballot, the county auditor shall, not less than eighteen days  
30 before the date of such election, mail to each registered voter a mail  
31 ballot. The auditor shall handle inactive voters in the same manner as  
32 inactive voters in mail ballot precincts. The requirements regarding  
33 certification, reporting, and the mailing of overseas and military  
34 ballots in RCW ~~((29.36.270))~~ 29A.40.070 apply to mail ballot elections.

35 **Sec. 55.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to  
36 read as follows:

1 All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or  
2 29A.48.030 must contain the same offices, names of nominees or  
3 candidates, and propositions to be voted upon(~~(, including precinct~~  
4 ~~offices,)~~) as if the ballot had been voted in person at the polling  
5 place. Except as otherwise provided by law, mail ballots must be  
6 treated in the same manner as absentee ballots issued at the request of  
7 the voter. If electronic vote tallying devices are used, political  
8 party observers must be given the opportunity to be present, and a test  
9 of the equipment must be performed as required by RCW 29A.12.130 before  
10 tabulating ballots. Political party observers may select at random  
11 ballots to be counted manually as provided by RCW 29A.60.170.

12 **Sec. 56.** RCW 29A.52.011 and 2006 c 344 s 14 are each amended to  
13 read as follows:

14 Whenever it shall be necessary to hold a special election in an  
15 odd-numbered year to fill an unexpired term of any office which is  
16 scheduled to be voted upon for a full term in an even-numbered year, no  
17 primary (~~(election)~~) shall be held in the odd-numbered year for that  
18 office if, after the last day allowed for candidates to withdraw(~~(~~  
19 ~~either of the following circumstances exist:~~

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

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

25 In either event, the officer with whom the declarations of  
26 candidacy were filed shall immediately notify all candidates concerned  
27 and the names of the candidates that would have been printed upon the  
28 primary ballot, but for the provisions of this section, shall be  
29 printed as (~~(nominees)~~) candidates for the (~~(positions sought upon)~~)  
30 position on the (~~(November)~~) general election ballot.

31 **Sec. 57.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to  
32 read as follows:

33 All city and town primaries shall be nonpartisan. Primaries for  
34 special purpose districts, except those districts that require  
35 ownership of property within the district as a prerequisite to voting,

1 shall be nonpartisan. City, town, and district primaries shall be held  
2 as provided in RCW (~~29A.04.310~~) 29A.04.311.

3 The purpose of this section is to establish the holding of a  
4 primary, subject to the exemptions in RCW 29A.52.220, as a uniform  
5 procedural requirement to the holding of city, town, and district  
6 elections. These provisions supersede any and all other statutes,  
7 whether general or special in nature, having different election  
8 requirements.

9 **Sec. 58.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to  
10 read as follows:

11 (1) No primary may be held for any single position (~~(in any city,~~  
12 ~~town, district, or district court,~~) as required by RCW 29A.52.210(~~(7)~~)  
13 if, after the last day allowed for candidates to withdraw, there are no  
14 more than two candidates filed for the position. The county auditor  
15 shall, as soon as possible, notify all the candidates so affected that  
16 the office for which they filed will not appear on the primary ballot.

17 (2) No primary may be held for nonpartisan offices in any first  
18 class city if the city:

19 (a) Is a qualifying city that has been certified to participate in  
20 the pilot project authorized by RCW 29A.53.020; and

21 (b) Is conducting an election using the instant runoff voting  
22 method for the pilot project authorized by RCW 29A.53.020.

23 (c) This subsection (2) expires July 1, 2013.

24 (3) No primary may be held for the office of commissioner of a park  
25 and recreation district or for the office of cemetery district  
26 commissioner.

27 (4) Names of candidates for offices that do not appear on the  
28 primary ballot shall be printed upon the general election ballot in the  
29 manner specified by RCW 29A.36.131.

30 **Sec. 59.** RCW 29A.52.311 and 2004 c 271 s 145 are each amended to  
31 read as follows:

32 Not more than ten nor less than three days before the primary, the  
33 county auditor shall publish notice of such primary in one or more  
34 newspapers of general circulation within the county. The notice must  
35 contain the (~~proper party designations, the~~) names and addresses of  
36 all persons who have filed a declaration of candidacy to be voted upon



1 at that primary, instructions for voting the applicable ballot, as  
2 provided in chapter 29A.36 RCW, the hours during which the polls will  
3 be open, and the polling places for each precinct, giving the address  
4 of each polling place. (~~The names of all candidates for nonpartisan  
5 offices must be published separately with designation of the offices  
6 for which they are candidates but without party designation.~~) This is  
7 the only notice required for the holding of any primary.

8 **Sec. 60.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to  
9 read as follows:

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

29 **Sec. 61.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
30 read as follows:

31 (1) If the requisite number of candidates for any federal, state,  
32 county, city, or district offices have not (~~been nominated in~~)  
33 qualified at a primary to have their names appear on the general  
34 election ballot by reason of two or more persons having an equal and  
35 requisite number of votes for being placed on the general election  
36 ballot, the official empowered by state law to certify candidates for

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

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

18 **Sec. 62.** RCW 29A.60.240 and 2003 c 111 s 1524 are each amended to  
19 read as follows:

20 The secretary of state shall, as soon as possible but in any event  
21 not later than the third Tuesday following the primary, canvass and  
22 certify the returns ~~((of))~~ for all ~~((primary elections as to))~~  
23 candidates for state offices, United States senators and  
24 representatives in Congress, and all other candidates whose district  
25 extends beyond the limits of a single county.

26 **Sec. 63.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
27 read as follows:

28 ~~((An officer of a political party or any))~~ Any person for whom  
29 votes were cast in a primary who ~~((was not declared nominated))~~ did not  
30 qualify to have his or her name printed on the subsequent general  
31 election ballot may file a written application for a recount of the  
32 votes or a portion of the votes cast at that primary for all persons  
33 for whom votes were cast for ~~((nomination to))~~ that office.

34 ~~((An officer of a political party or any))~~ Any person for whom  
35 votes were cast at any election may file a written application for a

1 recount of the votes or a portion of the votes cast at that election  
2 for all candidates for election to that office.

3 Any group of five or more registered voters may file a written  
4 application for a recount of the votes or a portion of the votes cast  
5 upon any question or issue. They shall designate one of the members of  
6 the group as chair and shall indicate the voting residence of each  
7 member of the group.

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

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

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

20 This chapter applies to the recounting of votes cast by paper  
21 ballots and to the recounting of votes recorded on ballots counted by  
22 a vote tally system.

23 **Sec. 64.** RCW 29A.64.030 and 2005 c 243 s 20 are each amended to  
24 read as follows:

25 An application for a recount shall state the office for which a  
26 recount is requested and whether the request is for all or only a  
27 portion of the votes cast in that jurisdiction of that office. The  
28 person filing an application for a manual recount shall, at the same  
29 time, deposit with the county canvassing board or secretary of state,  
30 in cash or by certified check, a sum equal to twenty-five cents for  
31 each ballot cast in the jurisdiction or portion of the jurisdiction for  
32 which the recount is requested as security for the payment of any costs  
33 of conducting the recount. If the application is for a machine  
34 recount, the deposit must be equal to fifteen cents for each ballot.  
35 These charges shall be determined by the county canvassing board or  
36 boards under RCW 29A.64.081.

1       The county canvassing board shall determine the date, time, and  
2 place or places at which the recount will be conducted. Not less than  
3 two days before the date of the recount, the county auditor shall mail  
4 a notice of the time and place of the recount to the applicant (~~or~~  
5 ~~affected parties~~) and, if the recount involves an office, to any  
6 person for whom votes were cast for that office. The county auditor  
7 shall also notify the (~~affected parties~~) applicant and other persons  
8 by either telephone, fax, e-mail, or other electronic means at the time  
9 of mailing. At least three attempts must be made over a two-day period  
10 to notify the (~~affected parties~~) applicant and other persons or until  
11 the (~~affected parties~~) applicant and other persons have received the  
12 notification. Each attempt to notify (~~affected parties~~) the  
13 applicant and other persons must request a return response indicating  
14 that the notice has been received. Each person entitled to receive  
15 notice of the recount may attend, witness the recount, and be  
16 accompanied by counsel.

17       Proceedings of the canvassing board are public under chapter 42.30  
18 RCW. Subject to reasonable and equitable guidelines adopted by the  
19 canvassing board, all interested persons may attend and witness a  
20 recount.

21       **Sec. 65.** RCW 36.16.110 and 2003 c 238 s 1 are each amended to read  
22 as follows:

23       The county legislative authority in each county shall, at its next  
24 regular or special meeting after being appraised of any vacancy in any  
25 county, township, precinct, or road district office of the county, fill  
26 the vacancy by the appointment of some person qualified to hold such  
27 office, and the officers thus appointed shall hold office until the  
28 next general election, and until their successors are elected and  
29 qualified.

30       If a vacancy occurs in a partisan county office after the general  
31 election in a year that the position appears on the ballot and before  
32 the start of the next term, the term of the successor who is of the  
33 same party as the incumbent may commence once he or she has qualified  
34 as defined in RCW (~~29.01.135~~) 29A.04.133 and shall continue through  
35 the term for which he or she was elected.

1       **Sec. 66.** RCW 36.16.115 and 1981 c 180 s 3 are each amended to read  
2 as follows:

3       Where a vacancy occurs in any (~~(partisan)~~) county elective office,  
4 other than a member of the county legislative authority, the county  
5 legislative authority may appoint an employee that was serving as a  
6 deputy or assistant in such office at the time the vacancy occurred as  
7 an acting official to perform all necessary duties to continue normal  
8 office operations. The acting official will serve until a successor is  
9 either elected or appointed as required by law. This section does not  
10 apply to any vacancy occurring in a charter county (~~(which)~~) that has  
11 charter provisions inconsistent with this section.

12       **Sec. 67.** RCW 36.32.0558 and 2003 c 238 s 2 are each amended to  
13 read as follows:

14       Vacancies on a board of county commissioners consisting of five  
15 members shall be filled as provided in RCW 36.32.070, except that:

16       (1) Whenever there are three or more vacancies, the governor shall  
17 appoint one or more commissioners until there are a total of three  
18 commissioners;

19       (2) Whenever there are two vacancies, the three commissioners shall  
20 fill one of the vacancies;

21       (3) Whenever there is one vacancy, the four commissioners shall  
22 fill the single vacancy; and

23       (4) Whenever there is a vacancy after the general election in a  
24 year that the position appears on the ballot and before the start of  
25 the next term, the term of the successor who is of the same party as  
26 the incumbent may commence once he or she has qualified as defined in  
27 RCW (~~(29.01.135)~~) 29A.04.133 and shall continue through the term for  
28 which he or she was elected.

29       **Sec. 68.** RCW 36.32.070 and 2003 c 238 s 3 are each amended to read  
30 as follows:

31       Whenever there is a vacancy in the board of county commissioners,  
32 except as provided in RCW 36.32.0558, it shall be filled as follows:

33       (1) If there are three vacancies, the governor of the state shall  
34 appoint two of the officers. The two commissioners thus appointed  
35 shall then meet and select the third commissioner. If the two

1 appointed commissioners fail to agree upon selection of the third after  
2 the expiration of five days from the day they were appointed, the  
3 governor shall appoint the remaining commissioner.

4 (2) Whenever there are two vacancies in the office of county  
5 commissioner, the governor shall appoint one commissioner, and the two  
6 commissioners then in office shall appoint the third commissioner. If  
7 they fail to agree upon a selection after the expiration of five days  
8 from the day of the governor's appointment, the governor shall appoint  
9 the third commissioner.

10 (3) Whenever there is one vacancy in the office of county  
11 commissioner, the two remaining commissioners shall fill the vacancy.  
12 If the two commissioners fail to agree upon a selection after the  
13 expiration of five days from the day the vacancy occurred, the governor  
14 shall appoint the third commissioner.

15 (4) Whenever there is a vacancy in the office of county  
16 commissioner after the general election in a year that the position  
17 appears on the ballot and before the start of the next term, the term  
18 of the successor who is of the same party as the incumbent may commence  
19 once he or she has qualified as defined in RCW (~~(29.01.135)~~) 29A.04.133  
20 and shall continue through the term for which he or she was elected.

21 **REPEALERS**

22 NEW SECTION. **Sec. 69.** The following acts or parts of acts are  
23 each repealed:

24 (1) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
25 filing period) and 2003 c 111 s 621;

26 (2) RCW 29A.28.011 (Major party ticket) and 2004 c 271 s 191;

27 (3) RCW 29A.28.071 (Precinct committee officer) and 2004 c 271 s  
28 120;

29 (4) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s  
30 122;

31 (5) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2004 c  
32 271 s 126;

33 (6) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
34 and 2004 c 271 s 127;

35 (7) RCW 29A.36.191 (Partisan candidates qualified for general  
36 election) and 2004 c 271 s 133;

- 1 (8) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;  
2 (9) RCW 29A.52.321 (Certification of nominees) and 2004 c 271 s  
3 146;  
4 (10) RCW 29A.80.011 (Authority--Generally) and 2004 c 271 s 183;  
5 (11) RCW 29A.80.020 (State committee) and 2003 c 111 s 2002, 1987  
6 c 295 s 11, 1972 ex.s. c 45 s 1, & 1965 c 9 s 29.42.020;  
7 (12) RCW 29A.80.030 (County central committee--Organization  
8 meetings) and 2003 c 111 s 2003, 1987 c 295 s 12, 1973 c 85 s 1, 1973  
9 c 4 s 5, & 1965 c 9 s 29.42.030;  
10 (13) RCW 29A.80.041 (Precinct committee officer, eligibility) and  
11 2004 c 271 s 148;  
12 (14) RCW 29A.80.051 (Precinct committee officer--Election--Term)  
13 and 2004 c 271 s 149; and  
14 (15) RCW 29A.80.061 (Legislative district chair--Election--Term--  
15 Removal) and 2004 c 271 s 150.

16 NEW SECTION. **Sec. 70.** Standing to challenge the constitutionality  
17 of this act in a court of law shall be limited to the statewide party  
18 chairs of political parties in the state of Washington. If the  
19 statewide chair of a political party in the state of Washington  
20 challenges any part of sections 1 through 8 of this act in a court of  
21 law, sections 9 through 69 of this act take effect immediately upon  
22 such challenge being filed.

23 **MISCELLANEOUS**

24 NEW SECTION. **Sec. 71.** Subheadings used in this act are not any  
25 part of the law.

26 NEW SECTION. **Sec. 72.** If any provision of this act or its  
27 application to any person or circumstance is held invalid, the  
28 remainder of the act or the application of the provision to other  
29 persons or circumstances is not affected.

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