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**SENATE BILL 6924**

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**State of Washington                      60th Legislature                      2008 Regular Session**

**By** Senators Fairley, Hargrove, Hatfield, Sheldon, and McCaslin

Read first time 02/06/08.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to the adoption of a primary election system in  
2 which the two candidates with the most votes qualify for the general  
3 election; amending RCW 29A.04.008, 29A.04.086, 29A.04.128, 29A.04.133,  
4 29A.08.161, 29A.20.021, 29A.20.121, 29A.20.131, 29A.20.141, 29A.24.081,  
5 29A.24.101, 29A.24.141, 29A.24.151, 29A.24.161, 29A.24.171, 29A.24.181,  
6 29A.24.191, 29A.24.311, 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.036,  
7 29A.32.121, 29A.32.241, 29A.36.011, 29A.36.071, 29A.36.101, 29A.36.121,  
8 29A.36.131, 29A.36.161, 29A.36.171, 29A.36.180, 29A.36.201, 29A.40.091,  
9 29A.44.201, 29A.44.221, 29A.48.020, 29A.52.106, 29A.52.116, 29A.52.231,  
10 29A.52.321, 29A.52.351, 29A.56.040, 29A.60.021, 29A.60.221, 29A.64.011,  
11 29A.64.021, 29A.64.041, 29A.64.061, 29A.64.081, 29A.68.011, 29A.80.011,  
12 29A.80.020, 29A.84.261, 29A.84.311, 42.12.040, and 29A.84.711;  
13 reenacting and amending RCW 29A.04.310, 29A.24.030, 42.12.040, and  
14 42.17.020; adding a new section to chapter 29A.24 RCW; adding a new  
15 section to chapter 29A.52 RCW; repealing RCW 29A.20.201, 29A.24.210,  
16 29A.24.211, 29A.28.011, 29A.28.021, 29A.36.104, 29A.36.106, 29A.36.191,  
17 29A.52.011, 29A.52.141, and 29A.52.151; and providing a contingent  
18 effective date.

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

1       **Sec. 1.** RCW 29A.04.008 and 2007 c 38 s 1 are each amended to read  
2 as follows:

3       As used in this title:

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

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

8       (b) A facsimile of the contents of a particular ballot whether  
9 printed on a paper ballot or ballot card or as part of a voting machine  
10 or voting device;

11       (c) A physical or electronic record of the choices of an individual  
12 voter in a particular primary, general election, or special election;  
13 or

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

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

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

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

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

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

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

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

1 (d) Any other reason allowed by law;

2 (6) (~~("Party ballot")~~) "Primary ballot" means a primary election  
3 ballot (~~(specific to a particular major political party)~~) that lists  
4 all candidates for partisan office (~~(who affiliate with that same major~~  
5 ~~political party)~~) for each race, as well as the nonpartisan races and  
6 ballot measures to be voted on at that primary(~~(+~~

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

10 **Sec. 2.** RCW 29A.04.086 and 2004 c 271 s 103 are each amended to  
11 read as follows:

12 "Major political party" means a political party of which at least  
13 one (~~(nominee)~~) candidate for president, vice president, United States  
14 senator, or a statewide office received at least five percent of the  
15 total vote cast at the last preceding state general election in an  
16 even-numbered year. A political party qualifying as a major political  
17 party under this section retains such status until the next even-year  
18 election at which a candidate of that party does not achieve at least  
19 five percent of the vote for one of the previously specified offices.  
20 If none of these offices appear on the ballot in an even-year general  
21 election, the major party retains its status as a major party through  
22 that election. However, a political party of which no nominee received  
23 at least ten percent of the total vote cast may forgo its status as a  
24 major political party by filing with the secretary of state an  
25 appropriate party rule within sixty days of attaining major party  
26 status under this section(~~(, or within fifteen days of June 10, 2004,~~  
27 ~~whichever is later)~~).

28 **Sec. 3.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to  
29 read as follows:

30 "Primary" or "primary election" means a statutory procedure for  
31 (~~(nominating candidates to public office at the polls)~~) qualifying  
32 candidates for public office to appear on the general election ballot.

33 **Sec. 4.** RCW 29A.04.133 and 2007 c 374 s 1 are each amended to read  
34 as follows:

1 "Qualified" when pertaining to a winner of ~~((an))~~ a general  
2 election means that for such election:

3 (1) The results have been certified;

4 (2) Any required bond has been posted; and

5 (3) The winner has taken and subscribed an oath or affirmation in  
6 compliance with the appropriate statute, or if none is specified, that  
7 he or she will faithfully and impartially discharge the duties of the  
8 office to the best of his or her ability. This oath or affirmation  
9 shall be administered and certified by any officer or notary public  
10 authorized to administer oaths, without charge therefor.

11 "Qualified" when pertaining to the candidates in a primary means  
12 that such persons received either the highest or second highest number  
13 of votes in that race in the primary and are eligible to be placed on  
14 the general election ballot.

15 **Sec. 5.** RCW 29A.04.310 and 2005 c 2 s 8 are each reenacted and  
16 amended to read as follows:

17 Primaries for general elections to be held in November must be held  
18 on(~~(+~~

19 ~~(1))~~) the third Tuesday of the preceding (~~September; or~~

20 ~~(2) The seventh Tuesday immediately preceding that general~~  
21 ~~election, whichever occurs first)~~) August.

22 **Sec. 6.** 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 or a political organization that identifies a voter  
26 with the information marked on the voter's ballot, (~~including the~~  
27 ~~choice that a voter makes on a partisan primary ballot regarding~~  
28 ~~political party affiliation)~~) except as allowed by RCW 29A.56.050.

29 **Sec. 7.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
30 read as follows:

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

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

4 (3) The name of a candidate for an office shall not appear on a  
5 ballot for that office unless, except as provided in RCW 3.46.067 and  
6 3.50.057, the candidate is, at the time the candidate's declaration of  
7 candidacy is filed, properly registered to vote in the geographic area  
8 represented by the office. For the purposes of this section, each  
9 geographic area in which registered voters may cast ballots for an  
10 office is represented by that office. If a person elected to an office  
11 must be (~~nominated~~) qualified from a district or similar division of  
12 the geographic area represented by the office, the name of a candidate  
13 for the office shall not appear on a primary ballot for that office  
14 unless the candidate is, at the time the candidate's declaration of  
15 candidacy is filed, properly registered to vote in that district or  
16 division. The officer with whom declarations of candidacy must be  
17 filed under this title shall review each such declaration filed  
18 regarding compliance with this subsection.

19 (4) The requirements of voter registration and residence within the  
20 geographic area of a district at the time of filing a declaration of  
21 candidacy do not apply to candidates for congressional office.  
22 Qualifications for the United States congress are specified in the  
23 United States Constitution.

24 **Sec. 8.** RCW 29A.20.121 and 2006 c 344 s 4 are each amended to read  
25 as follows:

26 (~~((1) Any nomination of a candidate for partisan public office by~~  
27 ~~other than a major political party may be made only: (a) In a~~  
28 ~~convention held not earlier than the first Saturday in May and not~~  
29 ~~later than the second Saturday in May or during any of the seven days~~  
30 ~~immediately preceding the first day for filing declarations of~~  
31 ~~candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided~~  
32 ~~by RCW 29A.60.021; or (c) as otherwise provided in this section.))~~  
33 Minor political party and independent candidates for president and vice  
34 president of the United States may appear only on the general election  
35 ballot.

36 (~~((2))~~) Nominations of candidates for president and vice president  
37 of the United States other than by a major political party (~~may~~)

1 ~~shall~~ be made (~~((either at a convention conducted under subsection (1)~~  
2 ~~of this section, or))~~) at a (~~((similar))~~) convention (~~((taking place))~~) to  
3 be held not earlier than the first Saturday in June and not later than  
4 the fourth Saturday in July. (~~((Conventions held during this time~~  
5 ~~period may not nominate candidates for any public office other than~~  
6 ~~president and vice president of the United States, except as provided~~  
7 ~~in subsection (3) of this section.~~

8 ~~(3) If a special filing period for a partisan office is opened~~  
9 ~~under RCW 29A.24.211, candidates of minor political parties and~~  
10 ~~independent candidates may file for office during that special filing~~  
11 ~~period. The names of those candidates may not appear on the general~~  
12 ~~election ballot unless they are nominated by convention held no later~~  
13 ~~than five days after the close of the special filing period and a~~  
14 ~~certificate of nomination is filed with the filing officer no later~~  
15 ~~than three days after the convention. The requirements of RCW~~  
16 ~~29A.20.131 do not apply to such a convention.~~

17 ~~(4) A minor political party may hold more than one convention but~~  
18 ~~in no case shall any such party nominate more than one candidate for~~  
19 ~~any one partisan public office or position.)) For the purpose of~~  
20 ~~nominating candidates for the offices of president and vice president,~~  
21 ~~((United States senator, United States representative, or a statewide~~  
22 ~~office,)) a minor political party or independent candidate (~~((holding~~  
23 ~~multiple conventions))~~) may hold more than one convention and may add  
24 together the number of signatures of different individuals from each  
25 convention obtained in support of the candidate or candidates in order  
26 to obtain the number required by RCW 29A.20.141. (~~((For all other~~  
27 ~~offices for which nominations are made, signatures of the requisite~~  
28 ~~number of registered voters must be obtained at a single convention.))~~~~

29 **Sec. 9.** RCW 29A.20.131 and 2004 c 271 s 189 are each amended to  
30 read as follows:

31 Each minor party or independent candidate seeking nomination for  
32 president or vice president of the United States must publish a notice  
33 in a newspaper of general circulation within the county in which the  
34 party or the candidate intends to hold a convention. The notice must  
35 appear at least ten days before the convention is to be held, and shall  
36 state the date, time, and place of the convention. Additionally, it

1 shall include the mailing address of the person or organization  
2 sponsoring the convention.

3 **Sec. 10.** RCW 29A.20.141 and 2004 c 271 s 111 are each amended to  
4 read as follows:

5 (1) To be valid, a convention must be attended by at least one  
6 hundred registered voters.

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

16 **Sec. 11.** RCW 29A.24.030 and 2005 c 2 s 9 are each reenacted and  
17 amended to read as follows:

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

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

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

32 (3) For partisan offices only, a place for the candidate to  
33 indicate his or her major or minor party preference, or independent  
34 status;

35 (4) A place for the candidate to indicate the amount of the filing

1 fee accompanying the declaration of candidacy or for the candidate to  
2 indicate that he or she is filing a (~~nominating~~) petition in lieu of  
3 the filing fee under RCW (~~29A.24.090~~) 29A.24.091;

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

9 In the case of a declaration of candidacy filed electronically,  
10 submission of the form constitutes agreement that the information  
11 provided with the filing is true, that he or she will support the  
12 Constitutions and laws of the United States and the state of  
13 Washington, and that he or she agrees to electronic payment of the  
14 filing fee established in RCW (~~29A.24.090~~) 29A.24.091.

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

17 **Sec. 12.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
18 read as follows:

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

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

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



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

5 **Sec. 13.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to  
6 read as follows:

7 (1) The filing fee petition authorized by RCW 29A.24.091 must be  
8 printed on sheets of uniform color and size, must include a place for  
9 each individual to sign and print his or her name and the address,  
10 city, and county at which he or she is registered to vote, the  
11 political party, if any, listed by the candidate in his or her  
12 declaration of candidacy, and must contain no more than twenty numbered  
13 lines.

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

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

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

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

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

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

32 **Sec. 14.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
33 read as follows:

34 A void in candidacy for ~~((a nonpartisan))~~ office occurs when an  
35 election for such office, except for the short term, has been scheduled

1 and no valid declaration of candidacy has been filed for the position  
2 or all persons filing such valid declarations of candidacy have died or  
3 been disqualified.

4 **Sec. 15.** RCW 29A.24.151 and 2004 c 271 s 163 are each amended to  
5 read as follows:

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

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

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

21 **Sec. 17.** RCW 29A.24.171 and 2006 c 344 s 7 are each amended to  
22 read as follows:

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

- 30 (1) A void in candidacy occurs;
- 31 (2) A vacancy occurs in any ~~((nonpartisan))~~ office leaving an  
32 unexpired term to be filled by an election for which filings have not  
33 been held; or
- 34 (3) A ~~((nominee))~~ candidate for judge of the superior court

1 entitled to a certificate of election pursuant to Article 4, section  
2 29, Amendment 41 of the state Constitution, dies or is disqualified.

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

5 **Sec. 18.** RCW 29A.24.181 and 2006 c 344 s 8 are each amended to  
6 read as follows:

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

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

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

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

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

28 **Sec. 19.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
29 read as follows:

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

33 (1) In an election for judge of the supreme court or superintendent  
34 of public instruction, a void in candidacy occurs on or after the  
35 (~~(eleventh)~~) tenth Tuesday prior to a primary, public filings and the

1 primary being an indispensable phase of the election process for such  
2 offices;

3 (2) Except as otherwise specified in RCW 29A.24.181, a (~~nominee~~)  
4 candidate for judge of the superior court entitled to a certificate of  
5 election pursuant to Article 4, section 29, Amendment 41 of the state  
6 Constitution dies or is disqualified (~~on or after the eleventh Tuesday~~  
7 ~~prior to a primary~~) more than ten days after the last date for  
8 candidates to withdraw under RCW 29A.24.131;

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

12 **Sec. 20.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
13 read as follows:

14 Any person who desires to be a write-in candidate and have such  
15 votes counted at a primary or election may file a declaration of  
16 candidacy with the officer designated in RCW 29A.24.070 not later than  
17 the day before the primary or election. Declarations of candidacy for  
18 write-in candidates must be accompanied by a filing fee in the same  
19 manner as required of other candidates filing for the office as  
20 provided in RCW 29A.24.091.

21 Votes cast for write-in candidates who have filed such declarations  
22 of candidacy (~~and write in votes for persons appointed by major~~  
23 ~~political parties pursuant to RCW 29A.28.021~~) need only specify the  
24 name of the candidate in the appropriate location on the ballot in  
25 order to be counted. Write-in votes cast for any other candidate, in  
26 order to be counted, must designate the office sought and position  
27 number (~~or political party~~), if the manner in which the write-in is  
28 done does not make the office or position clear.

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

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

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

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

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

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

14 If, after filing a valid declaration of candidacy for a partisan  
15 office, a candidate dies, his or her name shall remain on the ballot  
16 for the primary. If the candidate receives the highest or second  
17 highest number of votes in the primary, the candidate shall qualify for  
18 the general election, and the candidate's name shall appear on the  
19 general election ballot. In the general election, if the candidate  
20 receives the most number of votes, the office to which the person  
21 sought shall be treated as a vacant office under Article II, section 15  
22 of the state Constitution. This section does not apply to a candidate  
23 who filed for office as an independent candidate.

24 **Sec. 22.** RCW 29A.28.041 and 2006 c 344 s 12 are each amended to  
25 read as follows:

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

31 (2) Within ten days of such vacancy occurring, he or she shall  
32 issue a writ of election fixing a date for the special vacancy election  
33 not less than ninety days after the issuance of the writ, fixing a date  
34 for the primary for ((~~nominating major political party~~)) qualifying  
35 candidates for the special vacancy election not less than thirty days  
36 before the day fixed for holding the special vacancy election, fixing

1 the dates for the special filing period, and designating the term or  
2 part of the term for which the vacancy exists. If the vacancy is in  
3 the office of United States representative, the writ of election shall  
4 specify the congressional district that is vacant.

5 (3) If the vacancy occurs less than six months before a state  
6 general election and before the second Friday following the close of  
7 the filing period for that general election, the special primary(~~(τ)~~)  
8 and the special vacancy election(~~(τ, and minor party and independent~~  
9 ~~candidate nominating conventions)~~) must be held in concert with the  
10 state primary and state general election in that year.

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

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

32 **Sec. 23.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
33 read as follows:

34 The general election laws and laws relating to (~~(partisan)~~)  
35 primaries for partisan offices shall apply to the special primaries and  
36 vacancy elections provided for in chapter 29A.28 RCW to the extent that  
37 they are not inconsistent with the provisions of these sections.

1 (~~Minor political party and independent candidates may appear only on~~  
2 ~~the general election ballot.~~) Statutory time deadlines relating to  
3 availability of absentee ballots, certification, canvassing, and  
4 related procedures that cannot be met in a timely fashion may be  
5 modified for the purposes of a specific primary or vacancy election  
6 under this chapter by the secretary of state through emergency rules  
7 adopted under RCW 29A.04.611.

8 **Sec. 24.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.  
9 960) are each amended to read as follows:

10 The voters' pamphlet must contain:

11 (1) Information about each measure for an advisory vote of the  
12 people and each ballot measure initiated by or referred to the voters  
13 for their approval or rejection as required by RCW 29A.32.070;

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

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

31 (4) In even-numbered years, a section explaining how voters may  
32 participate in the election campaign process; the address and telephone  
33 number of the public disclosure commission established under RCW  
34 42.17.350; and a summary of the disclosure requirements that apply when  
35 contributions are made to candidates and political committees;

36 (5) In even-numbered years the name, address, and telephone number  
37 of each political party (~~with nominees listed in the pamphlet, if~~

1 ~~filed with the secretary of state by the state committee of a major~~  
2 ~~political party or the presiding officer of the convention of a minor~~  
3 ~~political party))~~ which a candidate appearing on the ballot has  
4 designated under RCW 29A.24.031(3) or 29A.24.101, if the party has  
5 provided that information to the secretary of state;

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

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

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

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

20 **Sec. 25.** RCW 29A.32.036 and 2004 c 271 s 122 are each amended to  
21 read as follows:

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

24 (1) A description of the office of precinct committee officer and  
25 its duties; and

26 (2) An explanation that(~~(, for partisan offices, only voters who~~  
27 ~~choose to affiliate with a major political party may vote in that~~  
28 ~~party's primary election, and that voters must limit their~~  
29 ~~participation in a partisan primary to one political party; and~~

30 ~~(3) An explanation that minor political party candidates and~~  
31 ~~independent candidates will appear only on the general election~~  
32 ~~ballot))~~ a voter may vote for a single candidate in each race, and that  
33 the voter is not required to limit his or her votes to candidates of a  
34 single political party.

35 **Sec. 26.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to  
36 read as follows:



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

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

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

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

14 **Sec. 27.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
15 read as follows:

16 The local voters' pamphlet shall include but not be limited to the  
17 following:

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

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

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

25 (4) The text of each measure accompanied by an explanatory  
26 statement prepared by the prosecuting attorney for any county measure  
27 or by the attorney for the jurisdiction submitting the measure if other  
28 than a county measure. All explanatory statements for city, town, or  
29 district measures not approved by the attorney for the jurisdiction  
30 submitting the measure shall be reviewed and approved by the county  
31 prosecuting attorney or city attorney, when applicable, before  
32 inclusion in the pamphlet;

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

35 (6) For partisan primary elections, information on how to vote the  
36 applicable ballot (~~((format and))~~), an explanation that (~~((minor))~~) all  
37 political party (~~((candidates))~~) and independent candidates (~~((will))~~)

1 appear (~~only~~) on the primary ballot, that the two candidates in each  
2 race who receive the highest number of votes in the primary will appear  
3 on the general election ballot and that the voter may vote for any  
4 candidate regardless of the party designation of the candidate.

5 **Sec. 28.** RCW 29A.36.011 and 2004 c 271 s 124 are each amended to  
6 read as follows:

7 On or before the day following the last day allowed for (~~major~~  
8 ~~political parties to fill vacancies in the ticket as provided by RCW~~  
9 ~~29A.28.011~~) candidates to withdraw under RCW 29A.24.131, the secretary  
10 of state shall certify to each county auditor a list of the candidates  
11 who have filed declarations of candidacy in his or her office for the  
12 primary. For each office, the certificate shall include the name of  
13 each candidate, his or her address, and his or her party designation,  
14 if any. (~~Minor political party and independent candidates may appear~~  
15 ~~only on the general election ballot.~~)

16 **Sec. 29.** RCW 29A.36.071 and 2006 c 311 s 9 are each amended to  
17 read as follows:

18 (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021,  
19 or 82.80.090, the ballot title of any referendum filed on an enactment  
20 or portion of an enactment of a local government and any other question  
21 submitted to the voters of a local government consists of three  
22 elements: (a) An identification of the enacting legislative body and  
23 a statement of the subject matter; (b) a concise description of the  
24 measure; and (c) a question. The ballot title must conform with the  
25 requirements and be displayed substantially as provided under RCW  
26 29A.72.050, except that the concise description must not exceed  
27 seventy-five words; however, a concise description submitted on behalf  
28 of a proposed or existing regional transportation investment district  
29 may exceed seventy-five words. If the local governmental unit is a  
30 city or a town, the concise statement shall be prepared by the city or  
31 town attorney. If the local governmental unit is a county, the concise  
32 statement shall be prepared by the prosecuting attorney of the county.  
33 If the unit is a unit of local government other than a city, town, or  
34 county, the concise statement shall be prepared by the prosecuting  
35 attorney of the county within which the majority area of the unit is  
36 located.

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

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

7 **Sec. 30.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to  
8 read as follows:

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

17 **Sec. 31.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
18 read as follows:

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

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

1 ~~jurisdictions on the primary party ballot, the offices in each~~  
2 ~~jurisdiction must be grouped together and be in the order of the~~  
3 ~~position numbers assigned to those offices, if any.~~

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

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

19 (3) The political party or independent candidacy of each candidate  
20 for partisan office shall be indicated next to the name of the  
21 candidate on the primary and election ballots. ~~((A candidate shall~~  
22 ~~file a written notice with the filing officer within three business~~  
23 ~~days after the close of the filing period designating the political~~  
24 ~~party to be indicated next to the candidate's name on the ballot if~~  
25 ~~either: (a) The candidate has been nominated by two or more minor~~  
26 ~~political parties or independent conventions; or (b) the candidate has~~  
27 ~~both filed a declaration of candidacy declaring an affiliation with a~~  
28 ~~major political party and been nominated by a minor political party or~~  
29 ~~independent convention. If no written notice is filed the filing~~  
30 ~~officer shall give effect to the party designation shown upon the first~~  
31 ~~document filed. A candidate may be deemed nominated by a minor party~~  
32 ~~or independent convention only if all documentation required by chapter~~  
33 ~~29A.20 RCW has been timely filed.)) If a candidate filed more than one  
34 declaration of candidacy for the same office with differing party  
35 designations, the ballot must contain the designation on the last  
36 validly filed declaration.~~

1           **Sec. 32.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
2 read as follows:

3           After the close of business on the last day for candidates to file  
4 for office, the filing officer shall, from among those filings made in  
5 person and by mail, determine by lot the order in which the names of  
6 those candidates will appear on all primary(~~(, sample, and absentee)~~)  
7 and sample ballots. The determination shall be done publicly and may  
8 be witnessed by the media and by any candidate. If no primary is  
9 required for any nonpartisan office under RCW (~~(29A.52.011 or)~~)  
10 29A.52.220, (~~(or if any independent or minor party candidate files a~~  
11 ~~declaration of candidacy,~~) the names shall appear on the general  
12 election ballot in the order determined by lot.

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

15           (1) On the top of each ballot must be printed clear and concise  
16 instructions directing the voter how to mark the ballot, including  
17 write-in votes. On the top of each primary ballot must be printed the  
18 instructions required by this chapter.

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

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

27           (4) On a general election ballot, for the offices of president and  
28 vice president and any other partisan races in which no primary was  
29 held, the candidate or candidates of the (~~(major)~~) political party that  
30 received the highest number of votes from the electors of this state  
31 for the office of president of the United States at the last  
32 presidential election must appear first following the appropriate  
33 office heading. (~~(The candidate or candidates of the other major~~  
34 ~~political parties will follow according to the votes cast for their~~  
35 ~~nominees for president at the last presidential election, and~~  
36 ~~independent candidates and the candidate or candidates of all other~~  
37 ~~parties will follow in the order of their qualification with the~~

1 ~~secretary of state.))~~ For all other partisan races on the general  
2 election ballot, only the names of the candidate who received the  
3 greatest number of votes and the candidate who received the next  
4 greatest number of votes for that office shall appear under the title  
5 of that office, and the names shall appear in that order, together with  
6 his or her party designation.

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

10 **Sec. 34.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
11 read as follows:

12 ~~((1))~~ Except as provided in RCW 29A.36.180 ~~((and in subsection~~  
13 ~~(2) of this section))~~, on the ballot at the general election for ~~((a~~  
14 ~~nonpartisan))~~ an office for which a primary was held, only the names of  
15 the candidate who received the greatest number of votes and the  
16 candidate who received the next greatest number of votes for that  
17 office shall appear under the title of that office, and the names shall  
18 appear in that order. If a primary was conducted, no candidate's name  
19 may be printed on the subsequent general election ballot unless he or  
20 she receives at least one percent of the total votes cast for that  
21 office at the preceding primary. On the ballot at the general election  
22 for any other ~~((nonpartisan))~~ office for which no primary was held, the  
23 names of the candidates shall be listed in the order determined under  
24 RCW 29A.36.131.

25 ~~((2) On the ballot at the general election for the office of~~  
26 ~~justice of the supreme court, judge of the court of appeals, judge of~~  
27 ~~the superior court, judge of the district court, or state~~  
28 ~~superintendent of public instruction, if a candidate in a contested~~  
29 ~~primary receives a majority of all the votes cast for that office or~~  
30 ~~position, only the name of that candidate may be printed under the~~  
31 ~~title of the office for that position.))~~

32 **Sec. 35.** RCW 29A.36.180 and 2003 c 111 s 918 are each amended to  
33 read as follows:

34 This section applies if a candidate for an elective office ~~((of a~~  
35 ~~city, town, or special purpose district))~~ would, under this chapter,

1 otherwise qualify to have his or her name printed on the general  
2 election ballot for the office, but the candidate has been declared to  
3 be unqualified to hold the office by a court of competent jurisdiction.

4 (1) In a case in which a primary is conducted for the office:

5 (a) If ballots for the general election for the office have not  
6 been ordered by the county auditor, the candidate who received the  
7 third greatest number of votes for the office at the primary shall  
8 qualify as a candidate for general election and that candidate's name  
9 shall be printed on the ballot for the office in lieu of the name of  
10 the disqualified candidate. The names of the candidates shall appear  
11 on the ballot in the order required by RCW 29A.36.161 and 29A.36.171.

12 (b) If general election ballots for the office have been so  
13 ordered, votes cast for the disqualified candidate at the general  
14 election for the office shall not be counted for that office.

15 (2) In a case in which a primary is not conducted for the office:

16 (a) If ballots for the general election for the office have not  
17 been ordered by the county auditor, the name of the disqualified  
18 candidate shall not appear on the general election ballot for the  
19 office.

20 (b) If general election ballots for the office have been so  
21 ordered, votes cast for the disqualified candidate at the general  
22 election for the office shall not be counted for that office.

23 (3) If the disqualified candidate is the only candidate to have  
24 filed for the office during a regular or special filing period for the  
25 office, a void in candidacy for the office exists.

26 **Sec. 36.** RCW 29A.36.201 and 2004 c 271 s 171 are each amended to  
27 read as follows:

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

32 No name of any candidate (~~(whose nomination at a primary is~~  
33 ~~required by law shall)~~) for an office for which a primary is conducted  
34 may be placed upon the ballot at a general or special election unless  
35 (~~(it)~~): (1) The candidate's name appears upon the certificate of  
36 either (~~(1)~~) the secretary of state(~~(7)~~) or (~~(2)~~) the county  
37 canvassing board, or (~~(3) a minor party convention or the state or~~

1 ~~county central committee of a major political party to fill a vacancy~~  
2 ~~on its ticket under RCW 29A.28.021)) (2) the candidate qualifies to be~~  
3 included on the ballot under RCW 29A.36.180.

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

8 **Sec. 37.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
9 read as follows:

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



1 and service voters, the signed declaration on the return envelope  
2 constitutes the equivalent of a voter registration for the election or  
3 primary for which the ballot has been issued. The voter must be  
4 instructed to either return the ballot to the county auditor by whom it  
5 was issued or attach sufficient first-class postage, if applicable, and  
6 mail the ballot to the appropriate county auditor no later than the day  
7 of the election or primary for which the ballot was issued.

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

17 **Sec. 38.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
18 read as follows:

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

31 **Sec. 39.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
32 read as follows:

33 On signing the precinct list of registered voters or being issued  
34 a ballot, the voter shall, without leaving the polling place or  
35 disability access location, proceed to one of the voting booths or  
36 voting devices to cast his or her vote. When county election

1 procedures so provide, the election officers may tear off and retain  
2 the numbered stub from the ballot before delivering it to the voter.  
3 If an election officer has not already done so, when the voter has  
4 finished, he or she shall either (1) remove the numbered stub from the  
5 ballot, place the ballot in the ballot box, and return the number to  
6 the election officers, or (2) deliver the entire ballot to the election  
7 officers, who shall remove the numbered stub from the ballot and place  
8 the ballot in the ballot box. (~~For a partisan primary in a~~  
9 ~~jurisdiction using the physically separate ballot format, the voter~~  
10 ~~shall also return unvoted party ballots to the precinct election~~  
11 ~~officers, who shall void the unvoted party ballots and return them to~~  
12 ~~the county auditor.)) If poll-site ballot counting devices are used,  
13 the voter shall put the ballot in the device.~~

14 **Sec. 40.** RCW 29A.48.020 and 2004 c 266 s 15 are each amended to  
15 read as follows:

16 At any nonpartisan special election not being held in conjunction  
17 with a state primary or general election, the county, city, town, or  
18 district requesting the election pursuant to RCW (~~29A.04.320~~)  
19 29A.04.321 or 29A.04.330 may also request that the special election be  
20 conducted by mail ballot. The county auditor may honor the request or  
21 may determine that the election is not to be conducted by mail ballot.  
22 The decision of the county auditor in this regard is final.

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

31 **Sec. 41.** RCW 29A.52.106 and 2004 c 271 s 140 are each amended to  
32 read as follows:

33 It is the intent of the legislature to create a primary for all  
34 partisan elected offices, except for president and vice president,  
35 precinct committee officer, and offices exempted from the primary under  
36 RCW (~~29A.52.011~~) 29A.52.111, that:

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

10 NEW SECTION. **Sec. 42.** A new section is added to chapter 29A.52  
11 RCW to read as follows:

12 (1) Whenever candidates for partisan office are to be elected, the  
13 general election must be preceded by a primary conducted under this  
14 chapter, except as otherwise provided in law. Based upon votes cast at  
15 the primary, the two candidates receiving the most votes must be  
16 certified as qualified to appear on the general election ballot under  
17 RCW 29A.52.321 and 29A.36.171. Except as provided in RCW 29A.36.180,  
18 only the names of those two candidates may appear on the general  
19 election ballot for the office sought.

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

23 (3) If a candidate indicates a party preference or designation as  
24 provided by RCW 29A.24.030(3) on his or her declaration of candidacy,  
25 then the preference or designation will be listed for the candidate on  
26 the primary and general election ballots. Each candidate who does not  
27 indicate a party preference or designation will be listed as an  
28 independent candidate on the primary and general election ballots. A  
29 candidate's political preference or designation may not be used for any  
30 purpose relating to the conduct, canvassing, or certification of any  
31 primary or general election, and may in no way limit the options  
32 available to voters in deciding for whom to cast a vote.

33 **Sec. 43.** RCW 29A.52.116 and 2004 c 271 s 139 are each amended to  
34 read as follows:

35 ((Major)) Political party and independent candidates for all  
36 partisan elected offices, except for president and vice president,

1 precinct committee officer, (~~and~~) offices exempted from the primary  
2 under RCW (~~29A.52.011~~) 29A.52.111, and races exempted from the  
3 primary under RCW 29A.52.010, must (~~be nominated~~) qualify for the  
4 general election at primaries held under this chapter.

5 **Sec. 44.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
6 read as follows:

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

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

15 **Sec. 45.** RCW 29A.52.321 and 2004 c 271 s 146 are each amended to  
16 read as follows:

17 No later than the day following the certification of the returns of  
18 any primary, the secretary of state shall certify to the appropriate  
19 county auditors the names of all persons (~~nominated for offices at a~~  
20 ~~primary, or at an independent candidate or minor party convention~~)  
21 qualified to appear on the general election ballot as candidates for  
22 offices, the returns of which have been canvassed by the secretary of  
23 state.

24 **Sec. 46.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to  
25 read as follows:

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

1 measures, the hours during which the polls will be open, and the  
2 polling places for each precinct, giving the address of each polling  
3 place. The names of all candidates for nonpartisan offices must be  
4 published separately with designation of the offices for which they are  
5 candidates but without party designation. This is the only notice  
6 required for a state, county, district, or municipal general or special  
7 election and supersedes the provisions of any and all other statutes,  
8 whether general or special in nature, having different requirements for  
9 the giving of notice of any general or special election((§)).

10 **Sec. 47.** RCW 29A.56.040 and 2007 c 385 s 1 are each amended to  
11 read as follows:

12 (1) Except where necessary to accommodate the national or state  
13 rules of a major political party or where this chapter specifically  
14 provides otherwise, the presidential primary must be conducted in  
15 substantially the same manner as a state partisan primary under this  
16 title.

17 (2) Except as provided under this chapter or by rule of the  
18 secretary of state adopted under RCW 29A.04.620, the arrangement and  
19 form of presidential primary ballots must be ~~((consistent with RCW  
20 29A.52.151))~~ substantially the same as provided for a primary for  
21 partisan office under this chapter. Only the candidates who have  
22 qualified under RCW 29A.56.030 may appear on the ballots.

23 (3) Each party's ballot or portion of the ballot must list  
24 alphabetically the names of all candidates for the office of president.  
25 The ballot must clearly indicate the political party of each candidate.  
26 Each ballot must include a blank space to allow the voter to write in  
27 the name of any other candidate.

28 (4) A presidential primary ballot with votes for more than one  
29 candidate is void, and notice to this effect, stated in clear, simple  
30 language and printed in large type, must appear on the face of each  
31 presidential primary ballot or on or about each voting device.

32 **Sec. 48.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to  
33 read as follows:

34 (1) For any office at any election or primary, any voter may write  
35 in on the ballot the name of any person for an office who has filed as  
36 a write-in candidate for the office in the manner provided by RCW

1 29A.24.311 and such vote shall be counted the same as if the name had  
2 been printed on the ballot and marked by the voter. No write-in vote  
3 made for any person who has not filed a declaration of candidacy  
4 pursuant to RCW 29A.24.311 is valid if that person filed for the same  
5 office, either as a regular candidate or a write-in candidate, at the  
6 preceding primary. Any abbreviation used to designate office or  
7 position will be accepted if the canvassing board can determine, to its  
8 satisfaction, the voter's intent.

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

11 (3) A write-in vote for an individual candidate for an office whose  
12 name appears on the ballot for that same office is a valid vote for  
13 that candidate as long as the candidate's name is clearly discernible,  
14 even if other requirements of RCW 29A.24.311 are not satisfied and even  
15 if the voter also marked a vote for that candidate such as to register  
16 an overvote. These votes need not be tabulated unless: (a) The  
17 difference between the number of votes cast for ((the)) either  
18 candidate apparently qualified to appear on the general election ballot  
19 or elected and the candidate receiving the next highest number of votes  
20 is less than the sum of the total number of write-in votes cast for the  
21 office plus the overvotes and undervotes recorded by the vote  
22 tabulating system; or (b) a manual recount is conducted for that  
23 office.

24 (4) Write-in votes cast for an individual candidate for an office  
25 whose name does not appear on the ballot need not be tallied unless the  
26 total number of write-in votes and undervotes recorded by the vote  
27 tabulation system for the office is greater than the number of votes  
28 cast for ((the)) any candidate apparently qualified to appear on the  
29 general election ballot or elected.

30 (5) In the case of write-in votes for a statewide office or any  
31 office whose jurisdiction encompasses more than one county, write-in  
32 votes for an individual candidate must be tallied when the county  
33 auditor is notified by either the secretary of state or another county  
34 auditor in the multicounty jurisdiction that it appears that the write-  
35 in votes must be tabulated under the terms of this section. In all  
36 other cases, the county auditor determines when write-in votes must be  
37 tabulated. Any abstract of votes must be modified to reflect the

1 tabulation and certified by the canvassing board. Tabulation of write-  
2 in votes may be performed simultaneously with a recount.

3 **Sec. 49.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
4 read as follows:

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

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

28 **Sec. 50.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
29 read as follows:

30 An officer of a political party or any person for whom votes were  
31 cast in a primary who was not declared (~~nominated~~) qualified to  
32 appear on the general election ballot may file a written application  
33 for a recount of the votes or a portion of the votes cast at that  
34 primary for all persons for whom votes were cast for (~~nomination to~~)  
35 that office.

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

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

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

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

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

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

25 **Sec. 51.** RCW 29A.64.021 and 2005 c 243 s 19 are each amended to  
26 read as follows:

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



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

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

13 (b)(i) For statewide elections, if the difference in the number of  
14 votes cast for the apparent winner and the closest apparently defeated  
15 opponent is less than one thousand votes and also less than one-fourth  
16 of one percent of the total number of votes cast for both candidates,  
17 the votes shall be recounted manually or as provided in subsection (3)  
18 of this section.

19 (ii) For elections not included in (b)(i) of this subsection, if  
20 the difference in the number of votes cast for the apparent winner and  
21 the closest apparently defeated opponent is less than one hundred fifty  
22 votes and also less than one-fourth of one percent of the total number  
23 of votes cast for both candidates, the votes shall be recounted  
24 manually or as provided in subsection (3) of this section.

25 (2) A mandatory recount shall be conducted in the manner provided  
26 by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory  
27 recount may be charged to any candidate.

28 (3) The apparent winner and closest apparently defeated opponent  
29 for an office for which a manual recount is required under subsection  
30 (1)(b) of this section may select an alternative method of conducting  
31 the recount. To select such an alternative, the two candidates shall  
32 agree to the alternative in a signed, written statement filed with the  
33 election official for the office. The recount shall be conducted using  
34 the alternative method if: It is suited to the balloting system that  
35 was used for casting the votes for the office; it involves the use of  
36 a vote tallying system that is approved for use in this state by the  
37 secretary of state; and the vote tallying system is readily available

1 in each county required to conduct the recount. If more than one  
2 balloting system was used in casting votes for the office, an  
3 alternative to a manual recount may be selected for each system.

4 **Sec. 52.** RCW 29A.64.041 and 2004 c 271 s 179 are each amended to  
5 read as follows:

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

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

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

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

30 **Sec. 53.** RCW 29A.64.061 and 2005 c 243 s 21 are each amended to  
31 read as follows:

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

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

5        If the ((~~nomination, election,~~)) office or issue for which a  
6 recount was conducted was submitted to the voters of more than one  
7 county, the secretary of state shall canvass the amended abstracts and  
8 shall file an amended abstract with the original results of that  
9 election. The secretary of state may require that the amended  
10 abstracts be certified by each canvassing board on a uniform date. An  
11 amended abstract certified under this section supersedes any prior  
12 abstract of the results for the same offices or issues at the same  
13 primary or election.

14        **Sec. 54.** RCW 29A.64.081 and 2004 c 271 s 181 are each amended to  
15 read as follows:

16        The canvassing board shall determine the expenses for conducting a  
17 recount of votes.

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

25        **Sec. 55.** RCW 29A.68.011 and 2007 c 374 s 3 are each amended to  
26 read as follows:

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

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

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

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

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

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

12 (6) An error or omission has occurred or is about to occur in the  
13 official certification of the election.

14 An affidavit of an elector under subsections (1) and (3) of this  
15 section when relating to a primary election must be filed with the  
16 appropriate court no later than the second Friday following the closing  
17 of the filing period (~~((for nominations))~~) for such office and shall be  
18 heard and finally disposed of by the court not later than five days  
19 after the filing thereof. An affidavit of an elector under subsections  
20 (1) and (3) of this section when relating to a general election must be  
21 filed with the appropriate court no later than three days following the  
22 official certification of the primary election returns and shall be  
23 heard and finally disposed of by the court not later than five days  
24 after the filing thereof. An affidavit of an elector under subsection  
25 (6) of this section shall be filed with the appropriate court no later  
26 than ten days following the official certification of the election as  
27 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case  
28 of a recount, ten days after the official certification of the amended  
29 abstract as provided in RCW 29A.64.061.

30 **Sec. 56.** RCW 29A.80.011 and 2004 c 271 s 183 are each amended to  
31 read as follows:

32 (~~((1))~~) Each political party organization may(~~((+~~  
33 ~~(a) Make its own))~~) adopt rules (~~((and regulations; and~~  
34 ~~(b) Perform all functions inherent in such an organization.~~  
35 ~~(2) Only major political parties may designate candidates to appear~~  
36 ~~on the state primary ballot as provided in RCW 29A.28.011))~~) governing

1 its own organization and the nonstatutory functions of that  
2 organization.

3 **Sec. 57.** RCW 29A.80.020 and 2003 c 111 s 2002 are each amended to  
4 read as follows:

5 The state committee of each major political party consists of one  
6 committeeman and one committeewoman from each county elected by the  
7 county central committee at its organization meeting. It must have a  
8 chair and vice-chair of opposite sexes. This committee shall meet  
9 during January of each odd-numbered year for the purpose of  
10 organization at a time and place designated by a notice mailed at least  
11 one week before the date of the meeting to all the newly elected state  
12 committeemen and committeewomen by the authorized officers of the  
13 retiring committee. At its organizational meeting it shall elect its  
14 chair and vice-chair, and such officers as its bylaws may provide, and  
15 adopt bylaws, rules, and regulations. It may:

16 (1) Call conventions at such time and place and under such  
17 circumstances and for such purposes as the call to convention  
18 designates. The manner, number, and procedure for selection of state  
19 convention delegates is subject to the committee's rules and  
20 regulations duly adopted;

21 (2) Provide for the election of delegates to national conventions;

22 ~~(3) ((Fill vacancies on the ticket for any federal or state office~~  
23 ~~to be voted on by the electors of more than one county;~~

24 ~~(4))~~ Provide for the nomination of presidential electors; and

25 ~~((5))~~ (4) Perform all functions inherent in such an organization.

26 Notwithstanding any provision of this chapter, the committee may  
27 not adopt rules governing the conduct of the actual proceedings at a  
28 party state convention.

29 **Sec. 58.** RCW 29A.84.261 and 2004 c 271 s 184 are each amended to  
30 read as follows:

31 The following apply to persons signing filing fee or nominating  
32 petitions prescribed by RCW 29A.20.151 and 29A.24.101:

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

35 (2) A person shall be guilty of a misdemeanor if the person

1 knowingly: Signs more than one petition for any single candidacy of  
2 any single candidate; signs the petition when he or she is not a legal  
3 voter; or makes a false statement as to his or her residence.

4 **Sec. 59.** RCW 29A.84.311 and 2004 c 271 s 185 are each amended to  
5 read as follows:

6 Every person who:  
7 (1) Knowingly provides false information on his or her declaration  
8 of candidacy (~~(of)~~) petition of nomination, or filing fee petition; or  
9 (2) Conceals or fraudulently defaces or destroys a certificate that  
10 has been filed with an elections officer under chapter 29A.20 RCW or a  
11 declaration of candidacy (~~(of)~~) petition of nomination, or filing fee  
12 petition that has been filed with an elections officer, or any part of  
13 such a certificate, declaration, or petition, is guilty of a class C  
14 felony punishable under RCW 9A.20.021.

15 **Sec. 60.** RCW 29A.84.711 and 2004 c 271 s 186 are each amended to  
16 read as follows:

17 Every person who:  
18 (1) Knowingly and falsely issues a certificate of (~~(nomination)~~)  
19 qualification or election; or  
20 (2) Knowingly provides false information on a certificate which  
21 must be filed with an elections officer under chapter 29A.20 RCW, is  
22 guilty of a class C felony punishable under RCW 9A.20.021.

23 **Sec. 61.** RCW 42.12.040 and 2005 c 2 s 15 are each reenacted and  
24 amended to read as follows:

25 (1) If a vacancy occurs in any partisan elective office in the  
26 executive or legislative branches of state government or in any  
27 partisan county elective office before the (~~(sixth)~~) tenth Tuesday  
28 prior to the (~~(next)~~) general election (~~(following the occurrence of~~  
29 ~~the vacancy)~~), a successor shall be elected to that office at that  
30 general election. Except during the last year of the term of office,  
31 if such a vacancy occurs on or after the (~~(sixth)~~) tenth Tuesday prior  
32 to the general election, the election of the successor shall occur at  
33 the next succeeding general election. The elected successor shall hold  
34 office for the remainder of the unexpired term. This section shall not

1 apply to any vacancy occurring in a charter county that has charter  
2 provisions inconsistent with this section.

3 (2) If a vacancy occurs in any legislative office or in any  
4 partisan county office after the general election in a year that the  
5 position appears on the ballot and before the start of the next term,  
6 the term of the successor who is of the same party as the incumbent may  
7 commence once he or she has qualified as defined in RCW 29A.04.133 and  
8 shall continue through the term for which he or she was elected.

9 **Sec. 62.** RCW 42.17.020 and 2007 c 358 s 1 and 2007 c 180 s 1 are  
10 each reenacted and amended to read as follows:

11 The definitions in this section apply throughout this chapter  
12 unless the context clearly requires otherwise.

13 (1) "Actual malice" means to act with knowledge of falsity or with  
14 reckless disregard as to truth or falsity.

15 (2) "Agency" includes all state agencies and all local agencies.  
16 "State agency" includes every state office, department, division,  
17 bureau, board, commission, or other state agency. "Local agency"  
18 includes every county, city, town, municipal corporation, quasi-  
19 municipal corporation, or special purpose district, or any office,  
20 department, division, bureau, board, commission, or agency thereof, or  
21 other local public agency.

22 (3) "Authorized committee" means the political committee authorized  
23 by a candidate, or by the public official against whom recall charges  
24 have been filed, to accept contributions or make expenditures on behalf  
25 of the candidate or public official.

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

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

36 (6) "Bona fide political party" means:

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

3 (b) The governing body of the state organization of a major  
4 political party, as defined in RCW 29A.04.086, that is the body  
5 authorized by the charter or bylaws of the party to exercise authority  
6 on behalf of the state party; or

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

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

12 (8) "Treasurer" and "deputy treasurer" mean the individuals  
13 appointed by a candidate or political committee, pursuant to RCW  
14 42.17.050, to perform the duties specified in that section.

15 (9) "Candidate" means any individual who seeks (~~(nomination)~~)  
16 qualification for election or election to public office. An individual  
17 seeks (~~(nomination)~~) qualification or election when he or she first:

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

20 (b) Announces publicly or files for office;

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

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

25 (10) "Caucus political committee" means a political committee  
26 organized and maintained by the members of a major political party in  
27 the state senate or state house of representatives.

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

34 (12) "Commission" means the agency established under RCW 42.17.350.

35 (13) "Compensation" unless the context requires a narrower meaning,  
36 includes payment in any form for real or personal property or services  
37 of any kind: PROVIDED, That for the purpose of compliance with RCW  
38 42.17.241, the term "compensation" shall not include per diem



1 allowances or other payments made by a governmental entity to reimburse  
2 a public official for expenses incurred while the official is engaged  
3 in the official business of the governmental entity.

4 (14) "Continuing political committee" means a political committee  
5 that is an organization of continuing existence not established in  
6 anticipation of any particular election campaign.

7 (15)(a) "Contribution" includes:

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

12 (ii) An expenditure made by a person in cooperation, consultation,  
13 or concert with, or at the request or suggestion of, a candidate, a  
14 political committee, the person or persons named on the candidate's or  
15 committee's registration form who direct expenditures on behalf of the  
16 candidate or committee, or their agents;

17 (iii) The financing by a person of the dissemination, distribution,  
18 or republication, in whole or in part, of broadcast, written, graphic,  
19 or other form of political advertising or electioneering communication  
20 prepared by a candidate, a political committee, or its authorized  
21 agent;

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

25 (b) "Contribution" does not include:

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

28 (ii) Ordinary home hospitality;

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

32 (iv) A news item, feature, commentary, or editorial in a regularly  
33 scheduled news medium that is of primary interest to the general  
34 public, that is in a news medium controlled by a person whose business  
35 is that news medium, and that is not controlled by a candidate or a  
36 political committee;

37 (v) An internal political communication primarily limited to the  
38 members of or contributors to a political party organization or

1 political committee, or to the officers, management staff, or  
2 stockholders of a corporation or similar enterprise, or to the members  
3 of a labor organization or other membership organization;

4 (vi) The rendering of personal services of the sort commonly  
5 performed by volunteer campaign workers, or incidental expenses  
6 personally incurred by volunteer campaign workers not in excess of  
7 fifty dollars personally paid for by the worker. "Volunteer services,"  
8 for the purposes of this section, means services or labor for which the  
9 individual is not compensated by any person;

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

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

17 (A) A political party or caucus political committee if the person  
18 paying for the services is the regular employer of the person rendering  
19 such services; or

20 (B) A candidate or an authorized committee if the person paying for  
21 the services is the regular employer of the individual rendering the  
22 services and if the services are solely for the purpose of ensuring  
23 compliance with state election or public disclosure laws; or

24 (ix) The performance of ministerial functions by a person on behalf  
25 of two or more candidates or political committees either as volunteer  
26 services defined in (b)(vi) of this subsection or for payment by the  
27 candidate or political committee for whom the services are performed as  
28 long as:

29 (A) The person performs solely ministerial functions;

30 (B) A person who is paid by two or more candidates or political  
31 committees is identified by the candidates and political committees on  
32 whose behalf services are performed as part of their respective  
33 statements of organization under RCW 42.17.040; and

34 (C) The person does not disclose, except as required by law, any  
35 information regarding a candidate's or committee's plans, projects,  
36 activities, or needs, or regarding a candidate's or committee's  
37 contributions or expenditures that is not already publicly available

1 from campaign reports filed with the commission, or otherwise engage in  
2 activity that constitutes a contribution under (a)(ii) of this  
3 subsection.

4 A person who performs ministerial functions under this subsection  
5 (15)(b)(ix) is not considered an agent of the candidate or committee as  
6 long as he or she has no authority to authorize expenditures or make  
7 decisions on behalf of the candidate or committee.

8 (c) Contributions other than money or its equivalent are deemed to  
9 have a monetary value equivalent to the fair market value of the  
10 contribution. Services or property or rights furnished at less than  
11 their fair market value for the purpose of assisting any candidate or  
12 political committee are deemed a contribution. Such a contribution  
13 must be reported as an in-kind contribution at its fair market value  
14 and counts towards any applicable contribution limit of the provider.

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

18 (17) "Election" includes any primary, general, or special election  
19 for public office and any election in which a ballot proposition is  
20 submitted to the voters: PROVIDED, That an election in which the  
21 qualifications for voting include other than those requirements set  
22 forth in Article VI, section 1 (Amendment 63) of the Constitution of  
23 the state of Washington shall not be considered an election for  
24 purposes of this chapter.

25 (18) "Election campaign" means any campaign in support of or in  
26 opposition to a candidate for election to public office and any  
27 campaign in support of, or in opposition to, a ballot proposition.

28 (19) "Election cycle" means the period beginning on the first day  
29 of January after the date of the last previous general election for the  
30 office that the candidate seeks and ending on December 31st after the  
31 next election for the office. In the case of a special election to  
32 fill a vacancy in an office, "election cycle" means the period  
33 beginning on the day the vacancy occurs and ending on December 31st  
34 after the special election.

35 (20) "Electioneering communication" means any broadcast, cable, or  
36 satellite television or radio transmission, United States postal  
37 service mailing, billboard, newspaper, or periodical that:

1 (a) Clearly identifies a candidate for a state, local, or judicial  
2 office either by specifically naming the candidate, or identifying the  
3 candidate without using the candidate's name;

4 (b) Is broadcast, transmitted, mailed, erected, distributed, or  
5 otherwise published within sixty days before any election for that  
6 office in the jurisdiction in which the candidate is seeking election;  
7 and

8 (c) Either alone, or in combination with one or more communications  
9 identifying the candidate by the same sponsor during the sixty days  
10 before an election, has a fair market value of five thousand dollars or  
11 more.

12 (21) "Electioneering communication" does not include:

13 (a) Usual and customary advertising of a business owned by a  
14 candidate, even if the candidate is mentioned in the advertising when  
15 the candidate has been regularly mentioned in that advertising  
16 appearing at least twelve months preceding his or her becoming a  
17 candidate;

18 (b) Advertising for candidate debates or forums when the  
19 advertising is paid for by or on behalf of the debate or forum sponsor,  
20 so long as two or more candidates for the same position have been  
21 invited to participate in the debate or forum;

22 (c) A news item, feature, commentary, or editorial in a regularly  
23 scheduled news medium that is:

24 (i) Of primary interest to the general public;

25 (ii) In a news medium controlled by a person whose business is that  
26 news medium; and

27 (iii) Not a medium controlled by a candidate or a political  
28 committee;

29 (d) Slate cards and sample ballots;

30 (e) Advertising for books, films, dissertations, or similar works  
31 (i) written by a candidate when the candidate entered into a contract  
32 for such publications or media at least twelve months before becoming  
33 a candidate, or (ii) written about a candidate;

34 (f) Public service announcements;

35 (g) A mailed internal political communication primarily limited to  
36 the members of or contributors to a political party organization or  
37 political committee, or to the officers, management staff, or

1 stockholders of a corporation or similar enterprise, or to the members  
2 of a labor organization or other membership organization;

3 (h) An expenditure by or contribution to the authorized committee  
4 of a candidate for state, local, or judicial office; or

5 (i) Any other communication exempted by the commission through rule  
6 consistent with the intent of this chapter.

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

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

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

26 (25) "Gift," is as defined in RCW 42.52.010.

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

36 (27) "Incumbent" means a person who is in present possession of an  
37 elected office.

1 (28) "Independent expenditure" means an expenditure that has each  
2 of the following elements:

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

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

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

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

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

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

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

36 (30) "Legislation" means bills, resolutions, motions, amendments,  
37 nominations, and other matters pending or proposed in either house of  
38 the state legislature, and includes any other matter that may be the

1 subject of action by either house or any committee of the legislature  
2 and all bills and resolutions that, having passed both houses, are  
3 pending approval by the governor.

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

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

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

16 (34) "Ministerial functions" means an act or duty carried out as  
17 part of the duties of an administrative office without exercise of  
18 personal judgment or discretion.

19 (35) "Participate" means that, with respect to a particular  
20 election, an entity:

21 (a) Makes either a monetary or in-kind contribution to a candidate;

22 (b) Makes an independent expenditure or electioneering  
23 communication in support of or opposition to a candidate;

24 (c) Endorses a candidate prior to contributions being made by a  
25 subsidiary corporation or local unit with respect to that candidate or  
26 that candidate's opponent;

27 (d) Makes a recommendation regarding whether a candidate should be  
28 supported or opposed prior to a contribution being made by a subsidiary  
29 corporation or local unit with respect to that candidate or that  
30 candidate's opponent; or

31 (e) Directly or indirectly collaborates or consults with a  
32 subsidiary corporation or local unit on matters relating to the support  
33 of or opposition to a candidate, including, but not limited to, the  
34 amount of a contribution, when a contribution should be given, and what  
35 assistance, services or independent expenditures, or electioneering  
36 communications, if any, will be made or should be made in support of or  
37 opposition to a candidate.

1 (36) "Person" includes an individual, partnership, joint venture,  
2 public or private corporation, association, federal, state, or local  
3 governmental entity or agency however constituted, candidate,  
4 committee, political committee, political party, executive committee  
5 thereof, or any other organization or group of persons, however  
6 organized.

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

11 (38) "Political advertising" includes any advertising displays,  
12 newspaper ads, billboards, signs, brochures, articles, tabloids,  
13 flyers, letters, radio or television presentations, or other means of  
14 mass communication, used for the purpose of appealing, directly or  
15 indirectly, for votes or for financial or other support or opposition  
16 in any election campaign.

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

21 (40) "Primary" for the purposes of RCW 42.17.640 means the  
22 procedure for (~~nominating~~) qualifying a candidate to state office  
23 under chapter 29A.52 RCW or any other primary for an election that  
24 uses, in large measure, the procedures established in chapter 29A.52  
25 RCW.

26 (41) "Public office" means any federal, state, judicial, county,  
27 city, town, school district, port district, special district, or other  
28 state political subdivision elective office.

29 (42) "Public record" includes any writing containing information  
30 relating to the conduct of government or the performance of any  
31 governmental or proprietary function prepared, owned, used, or retained  
32 by any state or local agency regardless of physical form or  
33 characteristics. For the office of the secretary of the senate and the  
34 office of the chief clerk of the house of representatives, public  
35 records means legislative records as defined in RCW 40.14.100 and also  
36 means the following: All budget and financial records; personnel  
37 leave, travel, and payroll records; records of legislative sessions;



1 reports submitted to the legislature; and any other record designated  
2 a public record by any official action of the senate or the house of  
3 representatives.

4 (43) "Recall campaign" means the period of time beginning on the  
5 date of the filing of recall charges under RCW 29A.56.120 and ending  
6 thirty days after the recall election.

7 (44) "Sponsor of an electioneering communications, independent  
8 expenditures, or political advertising" means the person paying for the  
9 electioneering communication, independent expenditure, or political  
10 advertising. If a person acts as an agent for another or is reimbursed  
11 by another for the payment, the original source of the payment is the  
12 sponsor.

13 (45) "State legislative office" means the office of a member of the  
14 state house of representatives or the office of a member of the state  
15 senate.

16 (46) "State office" means state legislative office or the office of  
17 governor, lieutenant governor, secretary of state, attorney general,  
18 commissioner of public lands, insurance commissioner, superintendent of  
19 public instruction, state auditor, or state treasurer.

20 (47) "State official" means a person who holds a state office.

21 (48) "Surplus funds" mean, in the case of a political committee or  
22 candidate, the balance of contributions that remain in the possession  
23 or control of that committee or candidate subsequent to the election  
24 for which the contributions were received, and that are in excess of  
25 the amount necessary to pay remaining debts incurred by the committee  
26 or candidate prior to that election. In the case of a continuing  
27 political committee, "surplus funds" mean those contributions remaining  
28 in the possession or control of the committee that are in excess of the  
29 amount necessary to pay all remaining debts when it makes its final  
30 report under RCW 42.17.065.

31 (49) "Writing" means handwriting, typewriting, printing,  
32 photostating, photographing, and every other means of recording any  
33 form of communication or representation, including, but not limited to,  
34 letters, words, pictures, sounds, or symbols, or combination thereof,  
35 and all papers, maps, magnetic or paper tapes, photographic films and  
36 prints, motion picture, film and video recordings, magnetic or punched  
37 cards, discs, drums, diskettes, sound recordings, and other documents

1 including existing data compilations from which information may be  
2 obtained or translated.

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

5 NEW SECTION. **Sec. 63.** The following acts or parts of acts are  
6 each repealed:

7 (1) RCW 29A.20.201 (Declarations of candidacy required, exceptions-  
8 -Payment of fees) and 2004 c 271 s 113;

9 (2) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
10 filing period) and 2005 c 2 s 10 & 2003 c 111 s 621;

11 (3) RCW 29A.24.211 (Vacancy in partisan elective office--Special  
12 filing period) and 2006 c 344 s 10 & 2004 c 271 s 116;

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

14 (5) RCW 29A.28.021 (Death or disqualification--Correcting ballots--  
15 Counting votes already cast) and 2006 c 344 s 11 & 2004 c 271 s 192;

16 (6) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2007 c  
17 38 s 2 & 2004 c 271 s 126;

18 (7) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
19 and 2007 c 38 s 3 & 2004 c 271 s 127;

20 (8) RCW 29A.36.191 (Partisan candidates qualified for general  
21 election) and 2004 c 271 s 133;

22 (9) RCW 29A.52.011 (Elections to fill unexpired term--No primary,  
23 when) and 2006 c 344 s 14 & 2004 c 271 s 172;

24 (10) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141; and

25 (11) RCW 29A.52.151 (Ballot format--Procedures) and 2007 c 38 s 4  
26 & 2004 c 271 s 142.

27 NEW SECTION. **Sec. 64.** This act takes effect if the United States  
28 Supreme Court finds Initiative Measure No. 872 constitutional in  
29 *Washington State Grange v. Washington State Republican Party* (No. 06-  
30 713) and *Washington v. Washington State Republican Party* (No. 06-730).  
31 This act is null and void if the United States Supreme Court finds  
32 Initiative Measure No. 872 unconstitutional in the aforementioned  
33 cases.

--- END ---