

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5408**

60th Legislature  
2007 Regular Session

Passed by the Senate February 23, 2007  
YEAS 48 NAYS 0

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**President of the Senate**

Passed by the House April 3, 2007  
YEAS 96 NAYS 1

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5408** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 5408

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Passed Legislature - 2007 Regular Session

State of Washington                      60th Legislature                      2007 Regular Session

By Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield; by request of Secretary of State

Read first time 01/18/2007.      Referred to Committee on Government Operations & Elections.

1            AN ACT Relating to primary election ballots; and amending RCW  
2 29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

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

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

6            As used in this title:

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

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

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

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

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

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

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

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

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

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

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

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

24 (d) Any other reason allowed by law;

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

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

34 **Sec. 2.** RCW 29A.36.104 and 2004 c 271 s 126 are each amended to  
35 read as follows:

36 Partisan primaries must be conducted using either:

1 (1) A consolidated ballot format that includes a (~~major political~~  
2 ~~party identification~~) check-off box (~~that allows a voter to select~~  
3 ~~from a list of the major political parties the~~) for each major  
4 political party (~~with which the voter chooses to affiliate~~). The  
5 consolidated ballot must include all partisan races, nonpartisan races,  
6 and ballot measures to be voted on at that primary; or

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

16 **Sec. 3.** RCW 29A.36.106 and 2004 c 271 s 127 are each amended to  
17 read as follows:

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

23 (a) A statement that, for partisan offices, the voter may only vote  
24 for candidates of one political party;

25 (b) A question asking the voter to indicate the major political  
26 party with which the voter chooses to affiliate;

27 (~~(b)~~) (c) A statement that, for a major political party  
28 candidate, only votes cast by voters who choose to affiliate with that  
29 same major political party will be tabulated and reported;

30 (~~(c)~~) (d) A statement that votes cast for a major political party  
31 candidate by a voter who chooses to affiliate with a different major  
32 political party will not be tabulated or reported;

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

36 (e) A statement that votes cast for a major political party

1 candidate by a voter who selects more than one major political party  
2 with which to affiliate will not be tabulated or reported; and

3 (f) A statement that (~~(the party identification option)~~) party  
4 affiliation will not affect votes cast for candidates for nonpartisan  
5 offices, or for or against ballot measures.

6 (2) If the physically separate ballot format is used, clear and  
7 concise instructions to the voter must be prominently displayed, and  
8 must include:

9 (a) A statement that, for partisan offices, the voter may only vote  
10 for candidates of one political party;

11 (b) A statement explaining that only one (~~(party ballot and one~~  
12 ~~nonpartisan)~~) ballot may be voted;

13 (~~(b)~~) (c) A statement explaining that if more than one party  
14 ballot is voted, none of the (~~(party ballots)~~) partisan races will be  
15 tabulated or reported;

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

19 (d) A statement explaining that (~~(every eligible registered voter~~  
20 ~~may vote a nonpartisan ballot, regardless of any party affiliation on~~  
21 ~~the part of the voter)~~) the nonpartisan ballot only lists nonpartisan  
22 races and ballot measures and does not list partisan races.

23 **Sec. 4.** RCW 29A.52.151 and 2004 c 271 s 142 are each amended to  
24 read as follows:

25 (1) Under a consolidated ballot format:

26 (a) (~~(Votes)~~) A voter's affiliation with a major political party is  
27 inferred from either selecting only that party in the check-off box, or  
28 voting only for candidates of that political party in partisan races;

29 (b) A vote cast for a major political party candidate will only be  
30 tabulated and reported if cast by (~~(voters)~~) a voter who (~~(choose to)~~)  
31 affiliated with that same major political party;

32 (~~(b) Votes)~~) (c) A vote cast for a major political party candidate  
33 by a voter who (~~(chooses to)~~) affiliated with a different major  
34 political party may not be tabulated or reported;

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

1           (d) (~~Votes~~) A vote cast for a major political party candidate by  
2 a voter who (~~selects~~) affiliated with more than one major political  
3 party (~~with which to affiliate~~) may not be tabulated or reported; and  
4           (e) (~~Votes~~) A vote properly cast may not be affected by votes  
5 improperly cast for other races.  
6           (2) Under a physically separate ballot format:  
7           (a) Only one party ballot and one nonpartisan ballot may be voted;  
8           (b) If more than one party ballot is voted, none of the ballots  
9 (~~will~~) may be tabulated or reported;  
10           (c) A voter's affiliation with a major political party (~~will be~~)  
11 is inferred from the act of voting the party ballot for that major  
12 political party; and  
13           (d) Every eligible registered voter may vote a nonpartisan ballot.

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