

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 2152**

Chapter 374, Laws of 2007

60th Legislature  
2007 Regular Session

ELECTION CERTIFICATION DATES

EFFECTIVE DATE: 07/22/07

Passed by the House March 12, 2007  
Yeas 97 Nays 1

FRANK CHOPP

**Speaker of the House of Representatives**

Passed by the Senate April 11, 2007  
Yeas 49 Nays 0

BRAD OWEN

**President of the Senate**

Approved May 8, 2007, 4:13 p.m.

CHRISTINE GREGOIRE

**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2152** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

**Chief Clerk**

FILED

May 10, 2007

**Secretary of State  
State of Washington**

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HOUSE BILL 2152

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Passed Legislature - 2007 Regular Session

State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Appleton, Seaquist, Rolfes, Haigh, Eickmeyer,  
Lantz and Ormsby

Read first time 02/12/2007.                      Referred to Committee on State  
Government & Tribal Affairs.

1            AN ACT Relating to election certification dates; and amending RCW  
2 29A.04.133, 29A.52.360, 29A.68.011, 29A.68.020, 29A.68.030, and  
3 29A.68.120.

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

5            **Sec. 1.** RCW 29A.04.133 and 2003 c 111 s 123 are each amended to  
6 read as follows:

7            "Qualified" when pertaining to a winner of an election means that  
8 for such election:

9            (1) The results have been certified;

10            (2) ~~((A certificate has been issued;~~

11            ~~+3+)) Any required bond has been posted; and~~

12            ~~((+4))~~ (3) The winner has taken and subscribed an oath or  
13 affirmation in compliance with the appropriate statute, or if none is  
14 specified, that he or she will faithfully and impartially discharge the  
15 duties of the office to the best of his or her ability. This oath or  
16 affirmation shall be administered and certified by any officer or  
17 notary public authorized to administer oaths, without charge therefor.

1           **Sec. 2.** RCW 29A.52.360 and 2003 c 111 s 1314 are each amended to  
2 read as follows:

3           Immediately after the ascertainment of the result of an election  
4 for an office to be filled by the voters of a single county, or of a  
5 precinct, or of a constituency within a county for which the county  
6 auditor serves as supervisor of elections, the county auditor shall  
7 notify the person elected, and issue to the person a ceremonial  
8 certificate of election.

9           **Sec. 3.** RCW 29A.68.011 and 2005 c 243 s 22 are each amended to  
10 read as follows:

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

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

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

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

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

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

32           (6) An error or omission has occurred or is about to occur in the  
33 (~~issuance of a certificate~~) official certification of the election.

34           An affidavit of an elector under subsections (1) and (3) of this  
35 section when relating to a primary election must be filed with the  
36 appropriate court no later than the second Friday following the closing  
37 of the filing period for nominations for such office and shall be heard

1 and finally disposed of by the court not later than five days after the  
2 filing thereof. An affidavit of an elector under subsections (1) and  
3 (3) of this section when relating to a general election must be filed  
4 with the appropriate court no later than three days following the  
5 official certification of the primary election returns and shall be  
6 heard and finally disposed of by the court not later than five days  
7 after the filing thereof. An affidavit of an elector under subsection  
8 (6) of this section shall be filed with the appropriate court no later  
9 than ten days following the official certification of the election as  
10 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case  
11 of a recount, ten days after the official certification of the amended  
12 abstract as provided in RCW 29A.64.061.

13 **Sec. 4.** RCW 29A.68.020 and 2003 c 111 s 1702 are each amended to  
14 read as follows:

15 Any (~~registered voter may contest the right of any person declared~~  
16 ~~elected to an office to be issued a certificate of election for any of~~  
17 ~~the following causes~~) of the following causes may be asserted by a  
18 registered voter to challenge the right to assume office of a candidate  
19 declared elected to that office:

20 (1) For misconduct on the part of any member of any precinct  
21 election board involved therein;

22 (2) Because the person whose right is being contested was not at  
23 the time the person was declared elected eligible to that office;

24 (3) Because the person whose right is being contested was previous  
25 to the election convicted of a felony by a court of competent  
26 jurisdiction, the conviction not having been reversed nor the person's  
27 civil rights restored after the conviction;

28 (4) Because the person whose right is being contested gave a bribe  
29 or reward to a voter or to an inspector or judge of election for the  
30 purpose of procuring the election, or offered to do so;

31 (5) On account of illegal votes.

32 (a) Illegal votes include but are not limited to the following:

33 (i) More than one vote cast by a single voter;

34 (ii) A vote cast by a person disqualified under Article VI, section  
35 3 of the state Constitution.

36 (b) Illegal votes do not include votes cast by improperly

1 registered voters who were not properly challenged under RCW 29A.08.810  
2 and 29A.08.820.

3 All election contests must proceed under RCW ~~((29A.68.010))~~  
4 29A.68.011.

5 **Sec. 5.** RCW 29A.68.030 and 2003 c 111 s 1703 are each amended to  
6 read as follows:

7 An affidavit of an elector ~~((with respect to RCW 29A.68.010(6) must~~  
8 ~~be filed with the appropriate court no later than ten days following~~  
9 ~~the issuance of a certificate of election and))~~ filed pursuant to RCW  
10 29A.68.011(6) must set forth specifically:

- 11 (1) The name of the contestant and that he or she is a registered
- 12 voter in the county, district or precinct, as the case may be, in which
- 13 the office is to be exercised;
- 14 (2) The name of the person whose right is being contested;
- 15 (3) The office;
- 16 (4) The particular causes of the contest.

17 No statement of contest may be dismissed for want of form if the  
18 particular causes of contest are alleged with sufficient certainty.  
19 The person charged with the error or omission must be given the  
20 opportunity to call any witness, including the candidate ~~((to whom he~~  
21 ~~or she has issued or intends to issue the certificate of election))~~.

22 **Sec. 6.** RCW 29A.68.120 and 2003 c 111 s 1712 are each amended to  
23 read as follows:

24 If an election is set aside by the judgment of the superior court  
25 and if no appeal is taken therefrom within ten days, ~~((the certificate~~  
26 ~~issued))~~ the election of the person challenged shall be thereby  
27 rendered void.

Passed by the House March 12, 2007.  
Passed by the Senate April 11, 2007.  
Approved by the Governor May 8, 2007.  
Filed in Office of Secretary of State May 10, 2007.