

---

**SECOND SUBSTITUTE HOUSE BILL 1860**

---

**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** House State Government & Tribal Affairs (originally sponsored by Representative Hurst)

READ FIRST TIME 01/31/12.

1           AN ACT Relating to partisan elections; amending RCW 29A.24.311 and  
2 29A.80.051; adding a new section to chapter 29A.52 RCW; creating a new  
3 section; and declaring an emergency.

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

5           NEW SECTION.   **Sec. 1.** The United States district court, western  
6 district of Washington, ruled that Washington's method of electing  
7 political party precinct committee officers is unconstitutional based  
8 on the associational rights of political parties. Washington has  
9 included the election of precinct committee officers on the primary  
10 ballot that allows voters to select those precinct committee officers  
11 regardless of the party affiliation of the voter. The court concluded  
12 that this method of electing precinct committee officers is  
13 unconstitutional because it allows nonparty members to vote for  
14 officers of the political parties. Therefore, it is the intent of the  
15 legislature to remedy the unconstitutional method of selecting precinct  
16 committee officers by requiring voters to affiliate with the  
17 appropriate party in order to vote for a race for precinct committee  
18 officer. The legislature finds that the office of precinct committee

1 officer itself is both a constitutionally recognized and authorized  
2 office.

3 **Sec. 2.** RCW 29A.24.311 and 2011 c 349 s 13 are each amended to  
4 read as follows:

5 Any person who desires to be a write-in candidate and have such  
6 votes counted at a primary or election may file a declaration of  
7 candidacy with the officer designated in RCW 29A.24.070 not later than  
8 the day ballots must be mailed according to RCW 29A.40.070.  
9 Declarations of candidacy for write-in candidates must be accompanied  
10 by a filing fee in the same manner as required of other candidates  
11 filing for the office as provided in RCW 29A.24.091.

12 Votes cast for write-in candidates who have filed such declarations  
13 of candidacy and write-in votes for persons appointed by major  
14 political parties pursuant to RCW 29A.28.021 need only specify the name  
15 of the candidate in the appropriate location on the ballot in order to  
16 be counted. Write-in votes cast for any other candidate, in order to  
17 be counted, must designate the office sought and position number or  
18 political party, if the manner in which the write-in is done does not  
19 make the office or position clear.

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

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

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

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

32 The declaration of candidacy shall be similar to that required by  
33 RCW 29A.24.031. No write-in candidate filing under this section may be  
34 included in any voter's pamphlet produced under chapter 29A.32 RCW  
35 unless that candidate qualifies to have his or her name printed on the  
36 general election ballot. The legislative authority of any jurisdiction

1 producing a local voter's pamphlet under chapter 29A.32 RCW may  
2 provide, by ordinance, for the inclusion of write-in candidates in such  
3 pamphlets;

4 (4) The office filed for is committee precinct officer.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.52 RCW  
6 to read as follows:

7 (1) The office of precinct committee officer must be voted upon at  
8 the primary election in each even-numbered year. If no one files for  
9 the office, the office shall be filled in accordance with RCW  
10 29A.28.071.

11 (2) The ballot format may be either a consolidated ballot or a  
12 physically separate ballot.

13 (a) If a consolidated ballot is used, a race for precinct committee  
14 officer must be clearly delineated from other races on the ballot. A  
15 voter's affiliation with a major political party is inferred from  
16 selecting that party in the check-off box. A vote cast for precinct  
17 committee officer may only be tabulated and reported if the voter  
18 affiliated with that same political party by checking the appropriate  
19 box. Instructions must indicate that only those voters who affiliate  
20 with a major political party may vote for precinct committee officer  
21 candidates of that same major political party.

22 (b) If a physically separate ballot is used, it must be  
23 distinguishable from the top two primary ballot and must include  
24 instructions to the voter indicating that the office of precinct  
25 committee officer is a partisan election and that the voter may vote  
26 only for the precinct committee officer of the party that he or she  
27 wishes to affiliate. A voter's affiliation with a major political  
28 party is inferred from selecting that party in the check-off box  
29 included on the ballot. The return envelope for the partisan ballot  
30 must include the same declaration and information, including a space  
31 for a return address, required pursuant to RCW 29A.40.091. The county  
32 auditor must compile a list of the names of voters who returned a  
33 partisan ballot, separated by precinct, for each major political party.

34 (3) A vote cast for a major political party candidate will only be  
35 tabulated and reported if cast by a voter who affiliated with that same  
36 major political party by checking the appropriate box and voting for  
37 the candidate or candidates of that party.

1       **Sec. 4.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to  
2 read as follows:

3       The statutory requirements for filing as a candidate at the  
4 primaries apply to candidates for precinct committee officer. The  
5 office must be voted upon at the primaries, and the names of all  
6 candidates must appear under the proper party and office designations  
7 on the ballot for the primary for each even-numbered year(~~(, and the~~  
8 ~~one)~~). The candidate receiving the highest number of votes will be  
9 declared elected. (~~However, to be declared elected, a candidate must~~  
10 ~~receive at least ten percent of the number of votes cast for the~~  
11 ~~candidate of the candidate's party receiving the greatest number of~~  
12 ~~votes in the precinct.~~) The term of office of precinct committee  
13 officer is two years, commencing the first day of December following  
14 the primary.

15       NEW SECTION.   **Sec. 5.** If any provision of this act or its  
16 application to any person or circumstance is held invalid, the  
17 remainder of the act or the application of the provision to other  
18 persons or circumstances is not affected.

19       NEW SECTION.   **Sec. 6.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

--- END ---