
ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1860

State of Washington

62nd Legislature

2012 Regular Session

By House General Government Appropriations & Oversight (originally sponsored by Representative Hurst)

READ FIRST TIME 02/06/12.

1 AN ACT Relating to partisan elections; amending RCW 29A.24.311,
2 29A.60.021, and 29A.80.051; adding a new section to chapter 29A.52 RCW;
3 creating a new 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. The court stated
9 that Washington may decide to implement elections for precinct
10 committee officer in a manner not yet conceived but ultimately
11 satisfactory to the political parties. Washington may even implement
12 these elections in a way that severely burdens the political parties'
13 associational rights but does so in a manner narrowly tailored to serve
14 a compelling governmental interest. The major political parties stated
15 in court that they might be satisfied of party membership if a voter
16 checked a box indicating affiliation with the particular party. Toward
17 this end, the legislature has worked closely with the major political
18 parties to develop a system of electing precinct committee officers
19 that the parties support, that will protect the secrecy of the ballot,

1 and will not increase burdens placed on local election officials.
2 Therefore, it is the intent of the legislature to remedy the
3 unconstitutional method of selecting precinct committee officers by
4 requiring voters to affiliate with the appropriate party in order to
5 vote for a race for precinct committee officer. The legislature finds
6 that the office of precinct committee officer itself is both a
7 constitutionally recognized and authorized office with certain duties
8 outlined in state law and the state Constitution.

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

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

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

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

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

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

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

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

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

10 NEW SECTION. Sec. 3. A new section is added to chapter 29A.52 RCW
11 to read as follows:

12 (1) The office of precinct committee officer must be voted upon at
13 the primary election in each even-numbered year. If no one files for
14 the office, the office shall be filled in accordance with RCW
15 29A.28.071. Only contested races may appear on the ballot.

16 (2) The ballot format may be either a consolidated ballot or a
17 physically separate ballot. If a consolidated ballot is used, the
18 races for precinct committee officer must be clearly delineated from
19 other races on the ballot. If a physically separate ballot is used, it
20 must be distinguishable from the top two primary ballot. If the ballot
21 is returned in the return envelope provided, but outside of the
22 security envelope, it shall not be grounds to invalidate the ballot.

23 (3) The following instructions must appear on the ballot: "In
24 order to vote for precinct committee officer, a partisan office, you
25 must affirm that you are a Democrat or a Republican and may vote only
26 for one candidate from the party you select. This preference is
27 private and will not be matched to your name or shared."

28 (4) Party affiliation is affirmed by including the following
29 statement after the name of each candidate: "By voting for this
30 candidate, I affirm that I am a Democrat." if the candidate is a
31 Democrat, or "By voting for this candidate, I affirm that I am a
32 Republican." if the candidate is a Republican.

33 (5) If a voter votes for candidates from both parties, the votes
34 cast in the election for precinct committee officer on that ballot will
35 not be tabulated and reported.

1 **Sec. 4.** RCW 29A.60.021 and 2005 c 243 s 12 are each amended to
2 read as follows:

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

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

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

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

35 (5) In the case of write-in votes for a statewide office or any
36 office whose jurisdiction encompasses more than one county, write-in
37 votes for an individual candidate must be tallied when the county
38 auditor is notified by either the secretary of state or another county

1 auditor in the multicounty jurisdiction that it appears that the write-
2 in votes must be tabulated under the terms of this section. In all
3 other cases, the county auditor determines when write-in votes must be
4 tabulated. Any abstract of votes must be modified to reflect the
5 tabulation and certified by the canvassing board. Tabulation of write-
6 in votes may be performed simultaneously with a recount.

7 **Sec. 5.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to
8 read as follows:

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

21 NEW SECTION. **Sec. 6.** If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 remainder of the act or the application of the provision to other
24 persons or circumstances is not affected.

25 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

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