

CERTIFICATION OF ENROLLMENT

**ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1860**

Chapter 89, Laws of 2012

62nd Legislature  
2012 Regular Session

PARTISAN ELECTIONS

EFFECTIVE DATE: 03/29/12

Passed by the House March 5, 2012  
Yeas 97 Nays 1

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate February 28, 2012  
Yeas 44 Nays 4

BRAD OWEN

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**President of the Senate**

Approved March 29, 2012, 1:09 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1860** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

March 29, 2012

**Secretary of State  
State of Washington**

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**ENGROSSED THIRD SUBSTITUTE HOUSE BILL 1860**

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AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

**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           affirms affiliation with the particular party. Toward this end, the  
17           legislature has worked closely with the major political parties to  
18           develop a system of electing precinct committee officers that the  
19           parties support, that will protect the secrecy of the ballot, and will

1 not increase burdens placed on local election officials. Therefore, it  
2 is the intent of the legislature to remedy the unconstitutional method  
3 of selecting precinct committee officers by implementing a provision  
4 requiring voters to affirm an affiliation with the appropriate party in  
5 order to vote in a race for precinct committee officer in that party.  
6 The legislature finds that the office of precinct committee officer  
7 itself is both a constitutionally recognized and authorized office with  
8 certain duties 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 (1) 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 (2) Votes cast for write-in candidates who have filed such  
19 declarations of candidacy and write-in votes for persons appointed by  
20 major political parties pursuant to RCW 29A.28.021 need only specify  
21 the name of the candidate in the appropriate location on the ballot in  
22 order to be counted. Write-in votes cast for any other candidate, in  
23 order to be counted, must designate the office sought and position  
24 number or political party, if the manner in which the write-in is done  
25 does not make the office or position clear.

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

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

31 ~~((2))~~ (b) The person attempting to file as a write-in candidate  
32 has 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))~~ (c) The name of the person attempting to file already  
36 appears on the ballot as a candidate for another office, unless one of

1 the two offices for which he or she is a candidate is precinct  
2 committeeperson;

3 (d) The office filed for is committee precinct officer.

4 (4) The declaration of candidacy shall be similar to that required  
5 by RCW 29A.24.031. No write-in candidate filing under this section may  
6 be 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. 3. A new section is added to chapter 29A.52 RCW  
13 to read as follows:

14 (1) The office of precinct committee officer must be voted upon at  
15 the primary election in each even-numbered year. If no one files for  
16 the office, the office shall be filled in accordance with RCW  
17 29A.28.071. If, after the last day to withdraw, only one candidate has  
18 filed for the office in a precinct, that candidate is deemed elected  
19 and the auditor shall issue a certificate of election. Only contested  
20 races may appear on the ballot.

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

28 (3) The following instructions must appear on the ballot: "In  
29 order to vote for precinct committee officer, a partisan office, you  
30 must affirm that you are a Democrat or a Republican and may vote only  
31 for one candidate from the party you select. Your vote for a candidate  
32 affirms your affiliation with the same party as the candidate. This  
33 preference is private and will not be matched to your name or shared."

34 (4) Party affiliation is affirmed by including the following  
35 statement after the name of each candidate: "I affirm I am a  
36 Democrat." if the candidate is a Democrat, or "I affirm I am a  
37 Republican." if the candidate is a Republican.

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

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

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

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

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

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

1 (5) In the case of write-in votes for a statewide office or any  
2 office whose jurisdiction encompasses more than one county, write-in  
3 votes for an individual candidate must be tallied when the county  
4 auditor is notified by either the secretary of state or another county  
5 auditor in the multicounty jurisdiction that it appears that the write-  
6 in votes must be tabulated under the terms of this section. In all  
7 other cases, the county auditor determines when write-in votes must be  
8 tabulated. Any abstract of votes must be modified to reflect the  
9 tabulation and certified by the canvassing board. Tabulation of write-  
10 in votes may be performed simultaneously with a recount.

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

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

25 NEW SECTION. **Sec. 6.** If any provision of this act or its  
26 application to any person or circumstance is held invalid, the  
27 remainder of the act or the application of the provision to other  
28 persons or circumstances is not affected.

29 NEW SECTION. **Sec. 7.** This act is necessary for the immediate  
30 preservation of the public peace, health, or safety, or support of the  
31 state government and its existing public institutions, and takes effect  
32 immediately.

Passed by the House March 5, 2012.

Passed by the Senate February 28, 2012.

Approved by the Governor March 29, 2012.

Filed in Office of Secretary of State March 29, 2012.