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HOUSE BILL 2534

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State of Washington

65th Legislature

2018 Regular Session

By Representatives Gregerson, Chapman, and Jinkins; by request of Secretary of State

Read first time 01/10/18. Referred to Committee on State Govt, Elections & IT.

1 AN ACT Relating to dates and timelines associated with the  
2 operation of the state primary and elections; amending RCW  
3 29A.04.311, 29A.04.321, 29A.04.330, 29A.24.050, 29A.24.181,  
4 29A.28.041, 29A.60.190, and 29A.60.240; reenacting and amending RCW  
5 29A.16.040; and repealing RCW 29A.24.072.

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

7 **Sec. 1.** RCW 29A.04.311 and 2011 c 349 s 2 are each amended to  
8 read as follows:

9 Primaries for general elections to be held in November, and the  
10 election of precinct committee officers, must be held on the first  
11 Tuesday following the first Monday of the preceding (~~August~~) June.

12 **Sec. 2.** RCW 29A.04.321 and 2015 c 146 s 1 are each amended to  
13 read as follows:

14 (1) All state, county, city, town, and district general elections  
15 for the election of federal, state, legislative, judicial, county,  
16 city, town, and district officers, and for the submission to the  
17 voters of the state, county, city, town, or district of any measure  
18 for their adoption and approval or rejection, shall be held on the  
19 first Tuesday after the first Monday of November, in the year in  
20 which they may be called. A statewide general election shall be held

1 on the first Tuesday after the first Monday of November of each year.  
2 However, the statewide general election held in odd-numbered years  
3 shall be limited to (a) city, town, and district general elections as  
4 provided for in RCW 29A.04.330, or as otherwise provided by law; (b)  
5 the election of federal officers for the remainder of any unexpired  
6 terms in the membership of either branch of the Congress of the  
7 United States; (c) the election of state and county officers for the  
8 remainder of any unexpired terms of offices created by or whose  
9 duties are described in Article II, section 15, Article III, sections  
10 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of  
11 the state Constitution and RCW 2.06.080; (d) the election of county  
12 officers in any county governed by a charter containing provisions  
13 calling for general county elections at this time; and (e) the  
14 approval or rejection of state measures, including proposed  
15 constitutional amendments, matters pertaining to any proposed  
16 constitutional convention, initiative measures and referendum  
17 measures proposed by the electorate, referendum bills, and any other  
18 matter provided by the legislature for submission to the electorate.

19 (2) A county legislative authority may call a special county  
20 election by presenting a resolution to the county auditor prior to  
21 the proposed election date. A special election called by the county  
22 legislative authority shall be held on one of the following dates as  
23 decided by such governing body:

- 24 (a) The second Tuesday in February;  
25 (b) The fourth Tuesday in April;  
26 (c) The day of the primary as specified by RCW 29A.04.311; or  
27 (d) The first Tuesday after the first Monday in November.

28 (3) A resolution calling for a special election on a date set  
29 forth in subsection (2)(a) and (b) of this section must be presented  
30 to the county auditor at least sixty days prior to the election date.  
31 A resolution calling for a special election on a date set forth in  
32 subsection (2)(c) of this section must be presented to the county  
33 auditor no later than the Friday immediately before the first day of  
34 regular candidate filing. A resolution calling for a special election  
35 on a date set forth in subsection (2)(d) of this section must be  
36 presented to the county auditor no later than the ~~((day of the~~  
37 ~~primary)) first business day of August.~~

38 (4) In addition to the dates set forth in subsection (2)(a)  
39 through (d) of this section, a special election to validate an excess  
40 levy or bond issue may be called at any time to meet the needs

1 resulting from fire, flood, earthquake, or other act of God. Such  
2 county special election shall be noticed and conducted in the manner  
3 provided by law.

4 (5) This section shall supersede the provisions of any and all  
5 other statutes, whether general or special in nature, having  
6 different dates for such city, town, and district elections, the  
7 purpose of this section being to establish mandatory dates for  
8 holding elections. This section shall not be construed as fixing the  
9 time for holding primary elections, or elections for the recall of  
10 any elective public officer.

11 **Sec. 3.** RCW 29A.04.330 and 2015 c 146 s 2 are each amended to  
12 read as follows:

13 (1) All city, town, and district general elections shall be held  
14 throughout the state of Washington on the first Tuesday following the  
15 first Monday in November in the odd-numbered years.

16 This section shall not apply to:

17 (a) Elections for the recall of any elective public officer;

18 (b) Public utility districts, conservation districts, or district  
19 elections at which the ownership of property within those districts  
20 is a prerequisite to voting, all of which elections shall be held at  
21 the times prescribed in the laws specifically applicable thereto;

22 (c) Consolidation proposals as provided for in RCW 28A.315.235  
23 and nonhigh capital fund aid proposals as provided for in chapter  
24 28A.540 RCW; and

25 (d) Special flood control districts consisting of three or more  
26 counties.

27 (2) The county auditor, as ex officio supervisor of elections,  
28 upon request in the form of a resolution of the governing body of a  
29 city, town, or district, presented to the auditor prior to the  
30 proposed election date, shall call a special election in such city,  
31 town, or district, and for the purpose of such special election he or  
32 she may combine, unite, or divide precincts. Such a special election  
33 shall be held on one of the following dates as decided by the  
34 governing body:

35 (a) The second Tuesday in February;

36 (b) The fourth Tuesday in April;

37 (c) The day of the primary election as specified by RCW  
38 29A.04.311; or

39 (d) The first Tuesday after the first Monday in November.

1 (3) A resolution calling for a special election on a date set  
2 forth in subsection (2)(a) and (b) of this section must be presented  
3 to the county auditor at least sixty days prior to the election date.  
4 A resolution calling for a special election on a date set forth in  
5 subsection (2)(c) of this section must be presented to the county  
6 auditor no later than the Friday immediately before the first day of  
7 regular candidate filing. A resolution calling for a special election  
8 on a date set forth in subsection (2)(d) of this section must be  
9 presented to the county auditor no later than the ~~((day of the~~  
10 ~~primary))~~ first business day of August.

11 (4) In addition to subsection (2)(a) through (d) of this section,  
12 a special election to validate an excess levy or bond issue may be  
13 called at any time to meet the needs resulting from fire, flood,  
14 earthquake, or other act of God, except that no special election may  
15 be held between the first day for candidates to file for public  
16 office and the last day to certify the returns of the general  
17 election other than as provided in subsection (2)(c) and (d) of this  
18 section. Such special election shall be conducted and notice thereof  
19 given in the manner provided by law.

20 (5) This section shall supersede the provisions of any and all  
21 other statutes, whether general or special in nature, having  
22 different dates for such city, town, and district elections, the  
23 purpose of this section being to establish mandatory dates for  
24 holding elections.

25 **Sec. 4.** RCW 29A.16.040 and 2011 c 349 s 5 and 2011 c 10 s 26 are  
26 each reenacted and amended to read as follows:

27 (1) The county legislative authority of each county in the state  
28 shall divide the county into election precincts and establish the  
29 boundaries of the precincts. The auditor of each county may propose  
30 in writing any adjustment to the division of election precincts or  
31 precinct boundaries to the county legislative authority at least  
32 forty-five days prior to the date found in subsection (2) of this  
33 section. If the county legislative authority does not formally reject  
34 or adopt a modification to the auditor's proposed changes within  
35 forty-five days, the proposal is adopted.

36 ~~((1))~~ (2) Precinct boundaries may be altered at any time as  
37 long as sufficient time exists prior to a given election for the  
38 necessary procedural steps to be honored. Except as permitted under  
39 subsection ~~((3))~~ (4) of this section, no precinct changes may be

1 made during the period starting (~~fourteen~~) seven days prior to the  
2 first day for candidates to file for the primary election and ending  
3 with the day of the general election.

4 (~~(2)~~) (3) The (~~county legislative authority may establish by~~  
5 ~~ordinance a limitation on the~~) maximum number of active registered  
6 voters in each precinct (~~within its jurisdiction. The number may be~~  
7 ~~less than the number established by law, but in no case may the~~  
8 ~~number exceed~~) is one thousand five hundred active registered  
9 voters.

10 (~~(3)~~) (4) The county auditor shall temporarily adjust precinct  
11 boundaries when a city or town annexes unincorporated territory to  
12 the city or town, or whenever unincorporated territory is  
13 incorporated as a city or town. The adjustment must be made as soon  
14 as possible after the approval of the annexation or incorporation.  
15 The temporary adjustment must be limited to the minimum changes  
16 necessary to accommodate the addition of the territory to the city or  
17 town, or to establish the eligible voters within the boundaries of  
18 the new city or town, and remains in effect only until precinct  
19 boundary modifications reflecting the annexation or incorporation are  
20 formally adopted by the county legislative authority or modifications  
21 are adopted pursuant to subsection (1) of this section.

22 **Sec. 5.** RCW 29A.24.050 and 2011 c 349 s 7 are each amended to  
23 read as follows:

24 Except where otherwise provided by this title, declarations of  
25 candidacy for the following offices shall be filed during regular  
26 business hours with the filing officer beginning the third Monday  
27 (~~two weeks before Memorial day~~) in March and ending the following  
28 Friday in the year in which the office is scheduled to be voted upon:

29 (1) Offices that are scheduled to be voted upon for full terms or  
30 both full terms and short terms at, or in conjunction with, a state  
31 general election; and

32 (2) Offices where a vacancy, other than a short term, exists that  
33 has not been filled by election and for which an election to fill the  
34 vacancy is required in conjunction with the next state general  
35 election.

36 This section supersedes all other statutes that provide for a  
37 different filing period for these offices.

1       **Sec. 6.** RCW 29A.24.181 and 2011 c 349 s 11 are each amended to  
2 read as follows:

3       (1) If a void in candidacy occurs following the regular filing  
4 period and deadline to withdraw, but prior to the day of the primary,  
5 filings for that office shall be reopened for a period of three  
6 normal business days, such three-day period to be fixed by the filing  
7 officer. The filing officer shall provide notice of the special  
8 filing period to newspapers, radio, and television in the county, and  
9 online. The candidate receiving a plurality of the votes cast for  
10 that office in the general election is deemed elected.

11       (2) This section does not apply to voids in candidacy in the  
12 office of precinct committee officer, which are filled by appointment  
13 pursuant to RCW (~~(29A.28.071)~~) 29A.80.031.

14       **Sec. 7.** RCW 29A.28.041 and 2013 c 11 s 34 are each amended to  
15 read as follows:

16       (1) Whenever a vacancy occurs in the United States house of  
17 representatives or the United States senate from this state, the  
18 governor shall order a special election to fill the vacancy.

19       (2) Within ten days of such vacancy occurring, he or she shall  
20 issue a writ of election fixing a date for the primary at least  
21 seventy days after issuance of the writ, and fixing a date for the  
22 election at least seventy days after the date of the primary. If the  
23 vacancy is in the office of United States representative, the writ of  
24 election shall specify the congressional district that is vacant.

25       (3) If the vacancy occurs less than eight months before a general  
26 election and before the close of the filing period for that general  
27 election, the special primary and special vacancy election must be  
28 held in concert with the state primary and general election in that  
29 year.

30       (4) If the vacancy occurs on or after the first day for filing  
31 under RCW 29A.24.050 and on or before the close of the filing period,  
32 a special filing period of three normal business days shall be fixed  
33 and notice thereof given to all media, including press, radio, and  
34 television within the area in which the vacancy election is to be  
35 held, to the end that, insofar as possible, all interested persons  
36 will be aware of such filing period.

37       (5) If the vacancy occurs after the filing period under RCW  
38 29A.24.050 and before the first day of May, a special filing period  
39 of three normal business days shall be fixed and notice thereof given

1 to all media, including press, radio, and television within the area  
2 in which the vacancy election is to be held, to the end that, insofar  
3 as possible, all interested persons will be aware of such filing  
4 period. The special primary must be held on the first Tuesday in  
5 August in that year and the special vacancy election held in concert  
6 with the state general election in that year.

7 (6) If the vacancy occurs later than the (~~close of the filing~~  
8 ~~period~~) first day of May, a special primary and vacancy election to  
9 fill the position shall be held after the next general election but,  
10 in any event, no later than the ninetieth day following the general  
11 election.

12 **Sec. 8.** RCW 29A.60.190 and 2015 c 146 s 4 are each amended to  
13 read as follows:

14 Ten days after a special election held in February or April, ten  
15 days after a presidential primary held pursuant to chapter 29A.56  
16 RCW, fourteen days after a primary, or twenty-one days after a  
17 general election, the county canvassing board shall complete the  
18 canvass and certify the results. Each ballot that was returned before  
19 8:00 p.m. on the day of the special election, general election, or  
20 primary, and each ballot bearing a postmark on or before the date of  
21 the special election, general election, or primary and received no  
22 later than the day before certification, must be included in the  
23 canvass report.

24 **Sec. 9.** RCW 29A.60.240 and 2013 c 11 s 64 are each amended to  
25 read as follows:

26 The secretary of state shall, as soon as possible but in any  
27 event not later than (~~seventeen~~) twenty-four days following the  
28 primary, canvass and certify the returns of all primary elections as  
29 to candidates for statewide offices, United States senators and  
30 representatives in Congress, and all legislative and judicial  
31 candidates whose district extends beyond the limits of a single  
32 county.

33 NEW SECTION. **Sec. 10.** RCW 29A.24.072 (Preservation of  
34 declarations of candidacy) and 2003 c 111 s 501 & 1965 c 9 s  
35 29.27.090 are each repealed.

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