

2 **ESB 6183 - H AMD 228 ADOPTED 5/15/01**

3 By Representative

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
8 create a primary for all partisan elected offices, except for president
9 and vice president, precinct committee officer, and offices exempted
10 from the primary under RCW 29.15.150, that:

11 (1) Allows each voter, including those who choose not to affiliate
12 with any major political party, to participate;

13 (2) Preserves the privacy of each voter's party affiliation, if
14 any;

15 (3) Rejects mandatory voter registration by political party;

16 (4) Protects ballot access for minor political party and
17 independent candidates;

18 (5) Maintains a candidate's right to self-identify with any major
19 political party; and

20 (6) Upholds a political party's First Amendment right of
21 association.

22 **Sec. 2.** RCW 29.01.090 and 1977 ex.s. c 329 s 9 are each amended to
23 read as follows:

24 "Major political party" means a political party of which at least
25 one nominee for president, vice president, United States senator, or a
26 statewide office received at least five percent of the total vote cast
27 at the last preceding state general election in an even-numbered
28 year(~~(:— PROVIDED, That any political party qualifying as a major~~
29 ~~political party under the previous subsection (2) or subsection (3) of~~
30 ~~this section prior to its 1977 amendment shall retain such status until~~
31 ~~after the next state general election following June 30, 1977)).~~

32 However, a political party of which no nominee received at least ten
33 percent of the total vote cast may forgo its status as a major
34 political party by filing with the secretary of state an appropriate
35 party rule within sixty days of attaining major party status under this

1 section or thirty days of the effective date of this act, whichever is
2 later.

3 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.07 RCW
4 to read as follows:

5 Under no circumstances may an individual be required to affiliate
6 with, join, adhere to, express faith in, or declare a preference for,
7 a political party or organization upon registering to vote.

8 NEW SECTION. **Sec. 4.** Candidates for all partisan elected offices,
9 except for president and vice president, precinct committee officer,
10 and offices exempted from the primary under RCW 29.15.150, will be
11 nominated at primaries held under this chapter.

12 NEW SECTION. **Sec. 5.** So far as applicable, the provisions of this
13 title relating to conducting general elections govern the conduct of
14 primaries.

15 NEW SECTION. **Sec. 6.** A new section is added to chapter 29.30 RCW
16 to read as follows:

17 Each primary ballot that includes one or more partisan offices must
18 include a party identification checkoff box that allows a voter to
19 select the party with which the voter chooses to affiliate from a list
20 of the major political parties, or the option to indicate that the
21 voter chooses not to affiliate with any major political party. If a
22 voter makes no selection or selects more than one option, then the
23 voter is presumed to have selected the option indicating that the voter
24 chooses not to affiliate with any major political party.

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 29.30 RCW
26 to read as follows:

27 The party identification checkoff box required under section 6 of
28 this act must appear on the primary ballot before the names of
29 candidates and ballot measures. Clear and concise instructions to the
30 voter must be prominently displayed immediately before the list of
31 major political parties, and must include:

32 (1) A question asking the voter to indicate the major political
33 party, if any, with which the voter chooses to affiliate;

1 (2) A statement indicating that votes cast for a candidate who
2 indicated a major political party designation when filing a declaration
3 of candidacy by a voter who chooses to affiliate with a different major
4 political party will not be tabulated or reported;

5 (3) An explanation, for each major political party, of whether or
6 not votes cast by a voter who chooses not to affiliate with any major
7 political party will be used to determine the major political party's
8 nominees; and

9 (4) A statement that the party identification option will not
10 affect votes cast for minor political party and independent candidates,
11 candidates for nonpartisan office, and ballot measures.

12 NEW SECTION. **Sec. 8.** No record may be created or maintained by a
13 state or local governmental agency or a political organization that
14 identifies a voter with the information provided on the voter's ballot,
15 including the choice that the voter makes regarding political party
16 affiliation.

17 NEW SECTION. **Sec. 9.** (1) A major political party may choose, by
18 rule adopted under chapter 29.42 RCW, to allow voters who choose not to
19 affiliate with any major political party to cast votes that will be
20 used to determine the major political party's nominees. The rule may
21 only be made on a statewide basis and with respect to all of the votes
22 cast by unaffiliated voters rather than with respect to votes cast in
23 specific districts, in specific races, or for specific candidates.

24 (2) A major political party that has adopted a rule under
25 subsection (1) of this section may repeal that rule at any time.
26 However, the effect of the repeal is subject to the time requirements
27 of subsection (6) of this section.

28 (3) A major political party shall provide the secretary of state
29 with written notification of an action taken under this section before
30 the end of the first business day that immediately follows the day
31 during which the action is taken.

32 (4) If a major political party adopts an appropriate rule under
33 subsection (1) of this section, then the major political party's
34 nominee will be the candidate who receives a plurality of votes from
35 the aggregation of votes cast by voters who choose to affiliate with
36 that major political party and votes cast by voters who choose not to
37 affiliate with any major political party.

1 (5) Unless a major political party adopts a rule under subsection
2 (1) of this section, or if a rule so adopted is repealed under
3 subsection (2) of this section, then the major political party's
4 nominee will be the candidate who receives a plurality of votes cast by
5 voters who choose to affiliate with that major political party.

6 (6) The adoption of a rule under subsection (1) of this section or
7 the repeal of the rule under subsection (2) of this section must occur
8 on or before July 1st in order to be in effect at any primary conducted
9 between September 1st of the same year and August 30th of the following
10 year.

11 (7) The decision by a major political party to accept votes cast by
12 voters who choose not to affiliate with any major political party does
13 not affect the rights of any other major political party.

14 NEW SECTION. **Sec. 10.** For each major political party, prominent
15 notification regarding whether or not the major political party will
16 allow voters who choose not to affiliate with any major political party
17 to participate in the major political party's nomination process must
18 be made, at the very least, in:

19 (1) Any primary voters' pamphlet prepared by the secretary of state
20 or a local government;

21 (2) Instructions that accompany any ballot sent by a county auditor
22 to an absentee voter;

23 (3) Any notice of primary published in compliance with RCW
24 29.27.030;

25 (4) A sample ballot prepared by a county auditor under RCW
26 29.30.060;

27 (5) The content of the web site of the office of the secretary of
28 state; and

29 (6) The content of each county auditors' web site that is in
30 existence.

31 NEW SECTION. **Sec. 11.** Votes cast by a voter who chooses to
32 affiliate with a major political party for a candidate who indicated a
33 different major political party designation when filing a declaration
34 of candidacy may not be tabulated. However, votes cast by that voter
35 for candidates for other offices are not affected in any way.

1 NEW SECTION. **Sec. 12.** (1) All votes cast for a candidate who
2 indicated a major political party designation when filing a declaration
3 of candidacy by voters who choose to affiliate with that major
4 political party must be tabulated and reported separately from any
5 other votes cast for that candidate.

6 (2) All votes cast for a candidate who indicated a major political
7 party designation when filing a declaration of candidacy by voters who
8 choose not to affiliate with any major political party must be
9 tabulated and reported separately from any other votes cast for that
10 candidate.

11 NEW SECTION. **Sec. 13.** The secretary of state as chief election
12 officer shall adopt rules under chapter 34.05 RCW to facilitate the
13 operation, accomplishment, and purpose of this chapter.

14 **Sec. 14.** RCW 29.04.180 and 1999 c 157 s 1 are each amended to read
15 as follows:

16 Any person who desires to be a write-in candidate and have such
17 votes counted at a primary or election may, if the jurisdiction of the
18 office sought is entirely within one county, file a declaration of
19 candidacy with the county auditor not later than the day before the
20 primary or election. If the jurisdiction of the office sought
21 encompasses more than one county the declaration of candidacy shall be
22 filed with the secretary of state not later than the day before the
23 primary or election. Declarations of candidacy for write-in candidates
24 must be accompanied by a filing fee in the same manner as required of
25 other candidates filing for the office as provided in RCW 29.15.050.

26 Votes cast for write-in candidates who have filed such declarations
27 of candidacy and write-in votes for persons appointed by political
28 parties (~~(pursuant to RCW 29.18.160)~~) under section 16 of this act need
29 only specify the name of the candidate in the appropriate location on
30 the ballot in order to be counted. Write-in votes cast for any other
31 candidate, in order to be counted, must designate the office sought and
32 position number or political party, if applicable. In order for write-
33 in votes to be valid in jurisdictions employing optical-scan mark sense
34 ballot systems the voter must complete the proper mark next to the
35 write-in line for that office.

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

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

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

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

12 The declaration of candidacy shall be similar to that required by
13 RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be
14 included in any voter's pamphlet produced under chapter ((29.80)) 29.81
15 RCW unless that candidate qualifies to have his or her name printed on
16 the general election ballot. The legislative authority of any
17 jurisdiction producing a local voter's pamphlet under chapter 29.81A
18 RCW may provide, by ordinance, for the inclusion of write-in candidates
19 in such pamphlets.

20 NEW SECTION. Sec. 15. A new section is added to chapter 29.15 RCW
21 to read as follows:

22 If a place on the ticket of a major political party is vacant
23 because no person has filed for nomination as the candidate of that
24 major political party after the last day allowed for candidates to
25 withdraw under RCW 29.15.120, and if the vacancy is for a state or
26 county office to be voted on solely by the electors of a single county,
27 the county central committee of the major political party may select
28 and certify a candidate to fill the vacancy. If the vacancy is for any
29 other office the state central committee of the major political party
30 may select and certify a candidate to fill the vacancy. The
31 certificate must set forth the cause of the vacancy, the name of the
32 person nominated, the office for which nominated, and other pertinent
33 information required in an ordinary certificate of nomination and be
34 filed in the proper office no later than the first Friday after the
35 last day allowed for candidates to withdraw, together with the
36 candidate's fee applicable to that office and a declaration of
37 candidacy.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 29.15 RCW
2 to read as follows:

3 A vacancy caused by the death or disqualification of a candidate or
4 nominee of a major or minor political party may be filled at any time
5 up to and including the day before the election for that position. For
6 state partisan offices in a political subdivision voted on solely by
7 electors of a single county, the county central committee in the case
8 of a major political party or the state central committee or comparable
9 governing body in the case of a minor political party shall appoint a
10 person to fill the vacancy. For other partisan offices, including
11 federal or statewide offices, the state central committee or comparable
12 governing body of the appropriate political party shall appoint a
13 person to fill the vacancy.

14 If the vacancy occurs no later than the sixth Tuesday before the
15 primary or general election concerned and the ballots have been
16 printed, the appropriate election officers shall correct the ballots.
17 In making the correction, it is not necessary to reprint complete
18 ballots if any other less expensive technique can be used and the
19 resulting correction is reasonably clear.

20 If the vacancy occurs after the sixth Tuesday before the primary or
21 general election and time does not exist in which to correct ballots
22 (including absentee ballots), either in total or in part, then the
23 votes cast or recorded for the person who has died or become
24 disqualified must be counted for the person who has been named to fill
25 the vacancy.

26 When the secretary of state is the person with whom the appointment
27 by the major or minor political party is filed, the secretary of state
28 shall, in certifying candidates or nominations to the various county
29 officers insert the name of the person appointed to fill a vacancy.

30 If the secretary of state has already sent forth the certificate
31 when the appointment to fill a vacancy is filed, the secretary of state
32 shall immediately certify to the county auditors of the proper counties
33 the name and place of residence of the person appointed to fill a
34 vacancy, the office for which the person is a candidate or nominee, the
35 party represented, and all other pertinent facts pertaining to the
36 vacancy.

37 **Sec. 17.** RCW 29.27.020 and 1990 c 59 s 8 are each amended to read
38 as follows:

1 On or before the day following the last day for political parties
2 to fill vacancies in the ticket as provided by (~~RCW 29.18.150~~)
3 section 15 of this act, the secretary of state shall certify to each
4 county auditor a list of the candidates who have filed declarations of
5 candidacy in his or her office for the primary. For each office, the
6 certificate shall include the name of each candidate, his or her
7 address, and his or her party designation, if any.

8 **Sec. 18.** RCW 29.27.030 and 1965 c 9 s 29.27.030 are each amended
9 to read as follows:

10 Not more than ten nor less than three days prior to the primary
11 election the county auditor shall publish notice of such primary in one
12 or more newspapers of general circulation within the county. (~~Said~~)
13 The notice shall contain the proper party designations, the names and
14 addresses of all persons who have filed a declaration of candidacy to
15 be voted upon at that primary election, the notification that is
16 required for each major political party under section 10 of this act,
17 the hours during which the polls will be open, and that the election
18 will be held in the regular polling place in each precinct, giving the
19 address of each polling place(~~(:—PROVIDED, That))~~). The names of all
20 candidates for nonpartisan offices shall be published separately with
21 designation of the offices for which they are candidates but without
22 party designation. This shall be the only notice required for the
23 holding of any primary election.

24 **Sec. 19.** RCW 29.30.005 and 1990 c 59 s 93 are each amended to read
25 as follows:

26 Except for the candidates for the positions of president and vice
27 president or for (~~a partisan or nonpartisan~~) an office for which no
28 primary is required, the names of all candidates who have filed for
29 (~~nomination under chapter 29.18 RCW and those independent candidates~~
30 ~~and candidates of minor political parties who have been nominated under~~
31 ~~chapter 29.24 RCW shall~~) office under chapter 29.15 RCW must appear on
32 the appropriate ballots at the primary throughout the jurisdiction in
33 which they are to be nominated.

34 **Sec. 20.** RCW 29.30.025 and 1990 c 59 s 80 are each amended to read
35 as follows:

1 After the close of business on the last day for candidates to file
2 for office, the filing officer shall, from among those filings made in
3 person and by mail, determine by lot the order in which the names of
4 those candidates will appear on all primary, sample, and absentee
5 ballots. (~~In the case of candidates for city, town, and district~~
6 ~~office, this procedure shall also determine the order for candidate~~
7 ~~names on the official primary ballot used at the polling place.)) The
8 determination shall be done publicly and may be witnessed by the media
9 and by any candidate. If no primary is required for any nonpartisan
10 office under RCW 29.15.150 or 29.21.015, the names shall appear on the
11 general election ballot in the order determined by lot.~~

12 **Sec. 21.** RCW 29.30.095 and 1990 c 59 s 96 are each amended to read
13 as follows:

14 (1) The name of a candidate for a partisan office for which a
15 primary was conducted shall not be printed on the ballot for that
16 office at the subsequent general election unless the candidate receives
17 a number of votes equal to at least one percent of the total number
18 cast for all candidates for that position sought and a plurality of the
19 votes cast for the candidates of his or her party for that office at
20 the preceding primary.

21 (2) If, under section 9 of this act, a major political party has
22 chosen to allow voters who choose not to affiliate with any major
23 political party to participate in that major political party's
24 nomination process, then votes cast by all voters affiliated with that
25 party for candidates who indicated that major political party
26 designation when filing a declaration of candidacy must be aggregated
27 with votes cast by unaffiliated voters before comparing vote totals in
28 order to determine a plurality. If not, then a plurality is determined
29 by comparing only the tabulations of votes cast by voters who choose to
30 affiliate with that major political party.

31 **Sec. 22.** RCW 29.30.101 and 1999 c 298 s 11 are each amended to
32 read as follows:

33 The names of the persons certified as nominees by the secretary of
34 state or the county canvassing board shall be printed on the ballot at
35 the ensuing election.

36 No name of any candidate whose nomination at a primary is required
37 by law shall be placed upon the ballot at a general or special election

1 unless it appears upon the certificate of either (1) the secretary of
2 state, or (2) the county canvassing board, or (3) a minor political
3 party convention or the state or county central committee of a major
4 political party to fill a vacancy on its ticket under ~~((RCW 29.18.160))~~
5 section 16 of this act.

6 Excluding the office of precinct committee officer or a temporary
7 elected position such as a charter review board member or freeholder,
8 a candidate's name shall not appear more than once upon a ballot for a
9 position regularly nominated or elected at the same election.

10 **Sec. 23.** RCW 29.33.320 and 1990 c 59 s 28 are each amended to read
11 as follows:

12 The secretary of state shall not approve a vote tallying system
13 unless it:

14 (1) Correctly counts votes on ballots on which the proper number of
15 votes have been marked for any office or issue;

16 (2) Ignores votes marked for any office or issue where more than
17 the allowable number of votes have been marked, but correctly counts
18 the properly voted portions of the ballot;

19 (3) Accumulates a count of the specific number of ballots tallied
20 for each precinct, total votes by candidate for each office, and total
21 votes for and against each issue of the ballot in that precinct;

22 ~~(4) ((Accommodates rotation of candidates' names on the ballot
23 under RCW 29.30.040;~~

24 ~~(5))~~ Produces precinct and cumulative totals in printed form; and

25 ~~((6))~~ (5) Except for functions or capabilities unique to this
26 state, has been tested, certified, and used in at least one other state
27 or election jurisdiction.

28 **Sec. 24.** RCW 29.36.045 and 2001 c 241 s 8 are each amended to read
29 as follows:

30 The county auditor shall send each absentee voter a ballot, a
31 security envelope in which to seal the ballot after voting, a larger
32 envelope in which to return the security envelope, and instructions on
33 how to mark the ballot and how to return it to the county auditor. The
34 instructions that accompany absentee ballots for primaries must include
35 the notification that is required for each major political party under
36 section 10 of this act. The larger return envelope must contain a
37 declaration by the absentee voter reciting his or her qualifications

1 and stating that he or she has not voted in any other jurisdiction at
2 this election, together with a summary of the penalties for any
3 violation of any of the provisions of this chapter. The return
4 envelope must provide space for the voter to indicate the date on which
5 the ballot was voted and for the voter to sign the oath. A summary of
6 the applicable penalty provisions of this chapter must be printed on
7 the return envelope immediately adjacent to the space for the voter's
8 signature. The signature of the voter on the return envelope must
9 affirm and attest to the statements regarding the qualifications of
10 that voter and to the validity of the ballot. For out-of-state voters,
11 overseas voters, and service voters, the signed declaration on the
12 return envelope constitutes the equivalent of a voter registration for
13 the election or primary for which the ballot has been issued. The
14 voter must be instructed to either return the ballot to the county
15 auditor by whom it was issued or attach sufficient first class postage,
16 if applicable, and mail the ballot to the appropriate county auditor no
17 later than the day of the election or primary for which the ballot was
18 issued.

19 If the county auditor chooses to forward absentee ballots, he or
20 she must include with the ballot a clear explanation of the
21 qualifications necessary to vote in that election and must also advise
22 a voter with questions about his or her eligibility to contact the
23 county auditor. This explanation may be provided on the ballot
24 envelope, on an enclosed insert, or printed directly on the ballot
25 itself. If the information is not included, the envelope must clearly
26 indicate that the ballot is not to be forwarded and that return postage
27 is guaranteed.

28 **Sec. 25.** RCW 29.42.010 and 1977 ex.s. c 329 s 16 are each amended
29 to read as follows:

30 Each political party organization (~~shall have the power to~~) may:

- 31 (1) Make its own rules and regulations;
- 32 (2) Call conventions;
- 33 (3) Elect delegates to conventions, state and national;
- 34 (4) Fill vacancies on the ticket;
- 35 (5) Provide for the nomination of presidential electors; and
- 36 (6) Perform all functions inherent in such an organization(~~+~~
37 ~~PROVIDED, That~~)). However, only major political parties (~~shall have~~
38 ~~the power to~~) may designate candidates to appear on the state primary

1 election ballot as provided in (~~RCW 29.18.150 as now or hereafter~~
2 amended)) section 15 of this act.

3 **Sec. 26.** RCW 29.42.050 and 1991 c 363 s 34 are each amended to
4 read as follows:

5 The statutory requirements for filing as a candidate at the
6 primaries shall apply to candidates for precinct committee officer
7 except that the filing period for this office alone shall be extended
8 to and include the Friday immediately following the last day for
9 political parties to fill vacancies in the ticket as provided by (~~RCW~~
10 ~~29.18.150~~) section 15 of this act, and the office shall not be voted
11 upon at the primaries, but the names of all candidates must appear
12 under the proper party and office designations on the ballot for the
13 general November election for each even-numbered year and the one
14 receiving the highest number of votes shall be declared elected:
15 PROVIDED, That to be declared elected, a candidate must receive at
16 least ten percent of the number of votes cast for the candidate of the
17 candidate's party receiving the greatest number of votes in the
18 precinct. Any person elected to the office of precinct committee
19 officer who has not filed a declaration of candidacy shall pay the fee
20 of one dollar to the county auditor for a certificate of election. The
21 term of office of precinct committee officer shall be for two years,
22 commencing upon completion of the official canvass of votes by the
23 county canvassing board of election returns. Should any vacancy occur
24 in this office by reason of death, resignation, or disqualification of
25 the incumbent, or because of failure to elect, the respective county
26 chair of the county central committee shall be empowered to fill such
27 vacancy by appointment: PROVIDED, HOWEVER, That in legislative
28 districts having a majority of its precincts in a county with a
29 population of one million or more, such appointment shall be made only
30 upon the recommendation of the legislative district chair: PROVIDED,
31 That the person so appointed shall have the same qualifications as
32 candidates when filing for election to such office for such precinct:
33 PROVIDED FURTHER, That when a vacancy in the office of precinct
34 committee officer exists because of failure to elect at a state general
35 election, such vacancy shall not be filled until after the organization
36 meeting of the county central committee and the new county chair
37 selected as provided by RCW 29.42.030.

1 **Sec. 27.** RCW 29.42.070 and 1991 c 363 s 35 are each amended to
2 read as follows:

3 Within forty-five days after the statewide general election in
4 even-numbered years, (~~or within thirty days following July 30, 1967,~~
5 ~~for the biennium ending with the 1968 general elections,~~) the county
6 chair of each major political party shall call separate meetings of all
7 elected precinct committee officers in each legislative district ((a
8 majority of the precincts of which are within a county with a
9 population of one million or more)) for the purpose of electing a
10 legislative district chair in such district. The district chair shall
11 hold office until the next legislative district reorganizational
12 meeting two years later, or until a successor is elected.

13 The legislative district chair can only be removed by the majority
14 vote of the elected precinct committee officers in the chair's
15 district.

16 NEW SECTION. **Sec. 28.** A new section is added to chapter 29.81A
17 RCW to read as follows:

18 If the legislative authority of a county or first-class or code
19 city provides for the inclusion in the local voters' pamphlet of
20 candidates for partisan office, the pamphlet must prominently include
21 the notification that is required for each major political party under
22 section 10 of this act.

23 **Sec. 29.** RCW 42.17.020 and 1995 c 397 s 1 are each amended to read
24 as follows:

25 (1) "Agency" includes all state agencies and all local agencies.
26 "State agency" includes every state office, department, division,
27 bureau, board, commission, or other state agency. "Local agency"
28 includes every county, city, town, municipal corporation, quasi-
29 municipal corporation, or special purpose district, or any office,
30 department, division, bureau, board, commission, or agency thereof, or
31 other local public agency.

32 (2) "Authorized committee" means the political committee authorized
33 by a candidate, or by the public official against whom recall charges
34 have been filed, to accept contributions or make expenditures on behalf
35 of the candidate or public official.

36 (3) "Ballot proposition" means any "measure" as defined by RCW
37 29.01.110, or any initiative, recall, or referendum proposition

1 proposed to be submitted to the voters of the state or any municipal
2 corporation, political subdivision, or other voting constituency from
3 and after the time when the proposition has been initially filed with
4 the appropriate election officer of that constituency prior to its
5 circulation for signatures.

6 (4) "Benefit" means a commercial, proprietary, financial, economic,
7 or monetary advantage, or the avoidance of a commercial, proprietary,
8 financial, economic, or monetary disadvantage.

9 (5) "Bona fide political party" means:

10 (a) An organization that has filed a valid certificate of
11 nomination with the secretary of state under chapter 29.24 RCW;

12 (b) The governing body of the state organization of a major
13 political party, as defined in RCW 29.01.090, that is the body
14 authorized by the charter or bylaws of the party to exercise authority
15 on behalf of the state party; or

16 (c) The county central committee or legislative district committee
17 of a major political party. There may be only one legislative district
18 committee for each party in each legislative district.

19 (6) "Depository" means a bank designated by a candidate or
20 political committee pursuant to RCW 42.17.050.

21 (7) "Treasurer" and "deputy treasurer" mean the individuals
22 appointed by a candidate or political committee, pursuant to RCW
23 42.17.050, to perform the duties specified in that section.

24 (8) "Candidate" means any individual who seeks nomination for
25 election or election to public office. An individual seeks nomination
26 or election when he or she first:

27 (a) Receives contributions or makes expenditures or reserves space
28 or facilities with intent to promote his or her candidacy for office;

29 (b) Announces publicly or files for office;

30 (c) Purchases commercial advertising space or broadcast time to
31 promote his or her candidacy; or

32 (d) Gives his or her consent to another person to take on behalf of
33 the individual any of the actions in (a) or (c) of this subsection.

34 (9) "Caucus political committee" means a political committee
35 organized and maintained by the members of a major political party in
36 the state senate or state house of representatives.

37 (10) "Commercial advertiser" means any person who sells the service
38 of communicating messages or producing printed material for broadcast
39 or distribution to the general public or segments of the general public

1 whether through the use of newspapers, magazines, television and radio
2 stations, billboard companies, direct mail advertising companies,
3 printing companies, or otherwise.

4 (11) "Commission" means the agency established under RCW 42.17.350.

5 (12) "Compensation" unless the context requires a narrower meaning,
6 includes payment in any form for real or personal property or services
7 of any kind: PROVIDED, That for the purpose of compliance with RCW
8 42.17.241, the term "compensation" shall not include per diem
9 allowances or other payments made by a governmental entity to reimburse
10 a public official for expenses incurred while the official is engaged
11 in the official business of the governmental entity.

12 (13) "Continuing political committee" means a political committee
13 that is an organization of continuing existence not established in
14 anticipation of any particular election campaign.

15 (14)(a) "Contribution" includes:

16 (i) A loan, gift, deposit, subscription, forgiveness of
17 indebtedness, donation, advance, pledge, payment, transfer of funds
18 between political committees, or anything of value, including personal
19 and professional services for less than full consideration;

20 (ii) An expenditure made by a person in cooperation, consultation,
21 or concert with, or at the request or suggestion of, a candidate, a
22 political committee, or their agents;

23 (iii) The financing by a person of the dissemination, distribution,
24 or republication, in whole or in part, of broadcast, written, graphic,
25 or other form of political advertising prepared by a candidate, a
26 political committee, or its authorized agent;

27 (iv) Sums paid for tickets to fund-raising events such as dinners
28 and parties, except for the actual cost of the consumables furnished at
29 the event.

30 (b) "Contribution" does not include:

31 (i) Standard interest on money deposited in a political committee's
32 account;

33 (ii) Ordinary home hospitality;

34 (iii) A contribution received by a candidate or political committee
35 that is returned to the contributor within five business days of the
36 date on which it is received by the candidate or political committee;

37 (iv) A news item, feature, commentary, or editorial in a regularly
38 scheduled news medium that is of primary interest to the general
39 public, that is in a news medium controlled by a person whose business

1 is that news medium, and that is not controlled by a candidate or a
2 political committee;

3 (v) An internal political communication primarily limited to the
4 members of or contributors to a political party organization or
5 political committee, or to the officers, management staff, or
6 stockholders of a corporation or similar enterprise, or to the members
7 of a labor organization or other membership organization;

8 (vi) The rendering of personal services of the sort commonly
9 performed by volunteer campaign workers, or incidental expenses
10 personally incurred by volunteer campaign workers not in excess of
11 fifty dollars personally paid for by the worker. "Volunteer services,"
12 for the purposes of this section, means services or labor for which the
13 individual is not compensated by any person;

14 (vii) Messages in the form of reader boards, banners, or yard or
15 window signs displayed on a person's own property or property occupied
16 by a person. However, a facility used for such political advertising
17 for which a rental charge is normally made must be reported as an in-
18 kind contribution and counts towards any applicable contribution limit
19 of the person providing the facility;

20 (viii) Legal or accounting services rendered to or on behalf of:

21 (A) A political party or caucus political committee if the person
22 paying for the services is the regular employer of the person rendering
23 such services; or

24 (B) A candidate or an authorized committee if the person paying for
25 the services is the regular employer of the individual rendering the
26 services and if the services are solely for the purpose of ensuring
27 compliance with state election or public disclosure laws.

28 (c) Contributions other than money or its equivalent are deemed to
29 have a monetary value equivalent to the fair market value of the
30 contribution. Services or property or rights furnished at less than
31 their fair market value for the purpose of assisting any candidate or
32 political committee are deemed a contribution. Such a contribution
33 must be reported as an in-kind contribution at its fair market value
34 and counts towards any applicable contribution limit of the provider.

35 (15) "Elected official" means any person elected at a general or
36 special election to any public office, and any person appointed to fill
37 a vacancy in any such office.

38 (16) "Election" includes any primary, general, or special election
39 for public office and any election in which a ballot proposition is

1 submitted to the voters: PROVIDED, That an election in which the
2 qualifications for voting include other than those requirements set
3 forth in Article VI, section 1 (Amendment 63) of the Constitution of
4 the state of Washington shall not be considered an election for
5 purposes of this chapter.

6 (17) "Election campaign" means any campaign in support of or in
7 opposition to a candidate for election to public office and any
8 campaign in support of, or in opposition to, a ballot proposition.

9 (18) "Election cycle" means the period beginning on the first day
10 of December after the date of the last previous general election for
11 the office that the candidate seeks and ending on November 30th after
12 the next election for the office. In the case of a special election to
13 fill a vacancy in an office, "election cycle" means the period
14 beginning on the day the vacancy occurs and ending on November 30th
15 after the special election.

16 (19) "Expenditure" includes a payment, contribution, subscription,
17 distribution, loan, advance, deposit, or gift of money or anything of
18 value, and includes a contract, promise, or agreement, whether or not
19 legally enforceable, to make an expenditure. The term "expenditure"
20 also includes a promise to pay, a payment, or a transfer of anything of
21 value in exchange for goods, services, property, facilities, or
22 anything of value for the purpose of assisting, benefiting, or honoring
23 any public official or candidate, or assisting in furthering or
24 opposing any election campaign. For the purposes of this chapter,
25 agreements to make expenditures, contracts, and promises to pay may be
26 reported as estimated obligations until actual payment is made. The
27 term "expenditure" shall not include the partial or complete repayment
28 by a candidate or political committee of the principal of a loan, the
29 receipt of which loan has been properly reported.

30 (20) "Final report" means the report described as a final report in
31 RCW 42.17.080(2).

32 (21) "General election" means the election that results in the
33 election of a person to a state office. It does not include a primary.

34 (22) "Gift," is as defined in RCW 42.52.010.

35 (23) "Immediate family" includes the spouse, dependent children,
36 and other dependent relatives, if living in the household. For the
37 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
38 an individual's spouse, and child, stepchild, grandchild, parent,
39 stepparent, grandparent, brother, half brother, sister, or half sister

1 of the individual and the spouse of any such person and a child,
2 stepchild, grandchild, parent, stepparent, grandparent, brother, half
3 brother, sister, or half sister of the individual's spouse and the
4 spouse of any such person.

5 (24) "Independent expenditure" means an expenditure that has each
6 of the following elements:

7 (a) It is made in support of or in opposition to a candidate for
8 office by a person who is not (i) a candidate for that office, (ii) an
9 authorized committee of that candidate for that office, (iii) a person
10 who has received the candidate's encouragement or approval to make the
11 expenditure, if the expenditure pays in whole or in part for political
12 advertising supporting that candidate or promoting the defeat of any
13 other candidate or candidates for that office, or (iv) a person with
14 whom the candidate has collaborated for the purpose of making the
15 expenditure, if the expenditure pays in whole or in part for political
16 advertising supporting that candidate or promoting the defeat of any
17 other candidate or candidates for that office;

18 (b) The expenditure pays in whole or in part for political
19 advertising that either specifically names the candidate supported or
20 opposed, or clearly and beyond any doubt identifies the candidate
21 without using the candidate's name; and

22 (c) The expenditure, alone or in conjunction with another
23 expenditure or other expenditures of the same person in support of or
24 opposition to that candidate, has a value of five hundred dollars or
25 more. A series of expenditures, each of which is under five hundred
26 dollars, constitutes one independent expenditure if their cumulative
27 value is five hundred dollars or more.

28 (25)(a) "Intermediary" means an individual who transmits a
29 contribution to a candidate or committee from another person unless the
30 contribution is from the individual's employer, immediate family as
31 defined for purposes of RCW 42.17.640 through 42.17.790, or an
32 association to which the individual belongs.

33 (b) A treasurer or a candidate is not an intermediary for purposes
34 of the committee that the treasurer or candidate serves.

35 (c) A professional fund-raiser is not an intermediary if the fund-
36 raiser is compensated for fund-raising services at the usual and
37 customary rate.

38 (d) A volunteer hosting a fund-raising event at the individual's
39 home is not an intermediary for purposes of that event.

1 (26) "Legislation" means bills, resolutions, motions, amendments,
2 nominations, and other matters pending or proposed in either house of
3 the state legislature, and includes any other matter that may be the
4 subject of action by either house or any committee of the legislature
5 and all bills and resolutions that, having passed both houses, are
6 pending approval by the governor.

7 (27) "Lobby" and "lobbying" each mean attempting to influence the
8 passage or defeat of any legislation by the legislature of the state of
9 Washington, or the adoption or rejection of any rule, standard, rate,
10 or other legislative enactment of any state agency under the state
11 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
12 "lobbying" includes an association's or other organization's act of
13 communicating with the members of that association or organization.

14 (28) "Lobbyist" includes any person who lobbies either in his or
15 her own or another's behalf.

16 (29) "Lobbyist's employer" means the person or persons by whom a
17 lobbyist is employed and all persons by whom he or she is compensated
18 for acting as a lobbyist.

19 (30) "Person" includes an individual, partnership, joint venture,
20 public or private corporation, association, federal, state, or local
21 governmental entity or agency however constituted, candidate,
22 committee, political committee, political party, executive committee
23 thereof, or any other organization or group of persons, however
24 organized.

25 (31) "Person in interest" means the person who is the subject of a
26 record or any representative designated by that person, except that if
27 that person is under a legal disability, the term "person in interest"
28 means and includes the parent or duly appointed legal representative.

29 (32) "Political advertising" includes any advertising displays,
30 newspaper ads, billboards, signs, brochures, articles, tabloids,
31 flyers, letters, radio or television presentations, or other means of
32 mass communication, used for the purpose of appealing, directly or
33 indirectly, for votes or for financial or other support in any election
34 campaign.

35 (33) "Political committee" means any person (except a candidate or
36 an individual dealing with his or her own funds or property) having the
37 expectation of receiving contributions or making expenditures in
38 support of, or opposition to, any candidate or any ballot proposition.

1 (34) "Primary" for purposes of the limits in RCW 42.17.640 means
2 the (~~procedure for nominating~~) election that nominates a candidate to
3 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~
4 ~~for an election that uses, in large measure, the procedures established~~
5 ~~in chapter 29.18 or 29.21 RCW~~)).

6 (35) "Public office" means any federal, state, county, city, town,
7 school district, port district, special district, or other state
8 political subdivision elective office.

9 (36) "Public record" includes any writing containing information
10 relating to the conduct of government or the performance of any
11 governmental or proprietary function prepared, owned, used, or retained
12 by any state or local agency regardless of physical form or
13 characteristics. For the office of the secretary of the senate and the
14 office of the chief clerk of the house of representatives, public
15 records means legislative records as defined in RCW 40.14.100 and also
16 means the following: All budget and financial records; personnel
17 leave, travel, and payroll records; records of legislative sessions;
18 reports submitted to the legislature; and any other record designated
19 a public record by any official action of the senate or the house of
20 representatives.

21 (37) "Recall campaign" means the period of time beginning on the
22 date of the filing of recall charges under RCW 29.82.015 and ending
23 thirty days after the recall election.

24 (38) "State legislative office" means the office of a member of the
25 state house of representatives or the office of a member of the state
26 senate.

27 (39) "State office" means state legislative office or the office of
28 governor, lieutenant governor, secretary of state, attorney general,
29 commissioner of public lands, insurance commissioner, superintendent of
30 public instruction, state auditor, or state treasurer.

31 (40) "State official" means a person who holds a state office.

32 (41) "Surplus funds" mean, in the case of a political committee or
33 candidate, the balance of contributions that remain in the possession
34 or control of that committee or candidate subsequent to the election
35 for which the contributions were received, and that are in excess of
36 the amount necessary to pay remaining debts incurred by the committee
37 or candidate prior to that election. In the case of a continuing
38 political committee, "surplus funds" mean those contributions remaining
39 in the possession or control of the committee that are in excess of the

1 amount necessary to pay all remaining debts when it makes its final
2 report under RCW 42.17.065.

3 (42) "Writing" means handwriting, typewriting, printing,
4 photostating, photographing, and every other means of recording any
5 form of communication or representation, including, but not limited to,
6 letters, words, pictures, sounds, or symbols, or combination thereof,
7 and all papers, maps, magnetic or paper tapes, photographic films and
8 prints, motion picture, film and video recordings, magnetic or punched
9 cards, discs, drums, diskettes, sound recordings, and other documents
10 including existing data compilations from which information may be
11 obtained or translated.

12 As used in this chapter, the singular shall take the plural and any
13 gender, the other, as the context requires.

14 NEW SECTION. **Sec. 30.** Nothing in this act may be construed by the
15 secretary of state or a county auditor to mean that a voter may cast
16 more than one vote for candidates for a given office.

17 NEW SECTION. **Sec. 31.** (1) The legislature recognizes that this
18 act significantly changes the way in which a primary for partisan
19 office shall be conducted, and thus it intends to ease the transition
20 and allow any primary held prior to July 1, 2002, to be implemented
21 with existing systems currently in use by each county auditor.

22 (2) Notwithstanding any language to the contrary found elsewhere in
23 this act or in existing statute, only a voter who chooses not to
24 affiliate with any major political party may vote for a minor political
25 party or independent candidate. Any vote for a minor political party
26 or independent candidate by a voter who chooses to affiliate with a
27 major political party shall not be tabulated or reported. The name of
28 a minor political party or independent candidate shall not appear on
29 the general election ballot unless the candidate receives at least
30 three percent of all votes cast for candidates for that office by
31 voters who choose not to affiliate with any major political party.

32 (3) Each county auditor may design a ballot and utilize procedures
33 other than those detailed in this act when conducting a partisan
34 primary provided that the design of the ballot and the procedures are
35 specifically allowed by a rule adopted by the secretary of state under
36 chapter 34.05 RCW, and that the following criteria are met:

1 (a) A voter shall have the option to affiliate with a major
2 political party, or to not affiliate with any major political party;

3 (b) Voter privacy, including selection of party affiliation, is
4 preserved;

5 (c) A voter who affiliates with a major political party may only
6 cast votes for partisan office for candidates that indicated that
7 same-party affiliation when filing a declaration of candidacy, and any
8 votes cast for a candidate that indicated a different party affiliation
9 when filing a declaration of candidacy shall not be tabulated and
10 reported;

11 (d) A voter who chooses not to affiliate with any major political
12 party may vote for any candidate regardless of the candidate's
13 political party designation, and votes cast by such voter shall be
14 tabulated and reported; and

15 (e) Votes cast for a candidate by voters who choose to affiliate
16 with a major political party shall be reported separately from votes
17 cast for the same candidate by voters who choose not to affiliate with
18 any major political party.

19 (4) This section expires July 1, 2002.

20 NEW SECTION. **Sec. 32.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 29.18.010 (Application of chapter) and 1990 c 59 s 78 &
23 1965 c 9 s 29.18.010;

24 (2) RCW 29.18.120 (General election laws govern primaries) and 1990
25 c 59 s 87, 1971 ex.s. c 112 s 1, & 1965 c 9 s 29.18.120;

26 (3) RCW 29.18.150 (Vacancies on major party ticket caused by no
27 filing--How filled) and 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965
28 c 9 s 29.18.150;

29 (4) RCW 29.18.160 (Vacancies by death or disqualification--How
30 filled--Correcting ballots and labels--Counting votes already cast) and
31 2001 c 46 s 4 & 1977 ex.s. c 329 s 13;

32 (5) RCW 29.18.200 (Blanket primary authorized) and 1990 c 59 s 88
33 & 1965 c 9 s 29.18.200; and

34 (6) RCW 29.30.040 (Primaries--Rotating names of candidates) and
35 1990 c 59 s 94, 1977 ex.s. c 361 s 54, & 1965 c 9 s 29.30.040.

36 NEW SECTION. **Sec. 33.** Sections 1, 4, 5, and 8 through 13 of this
37 act constitute a new chapter in Title 29 RCW.

1 NEW SECTION. **Sec. 34.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

5 NEW SECTION. **Sec. 35.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and takes effect
8 immediately."

9 Correct the title.

--- END ---