
HOUSE BILL 2767

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hudgins, Hunt and McDermott

Read first time 01/20/2004. Referred to Committee on State Government.

1 AN ACT Relating to a closed primary; amending RCW 29A.04.007,
2 29A.04.085, 29A.04.210, 29A.04.215, 29A.04.310, 29A.04.320, 29A.08.110,
3 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145, 29A.08.210, 29A.08.340,
4 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430, 29A.08.645, 29A.08.710,
5 29A.12.080, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150,
6 29A.20.160, 29A.20.200, 29A.24.030, 29A.24.100, 29A.24.130, 29A.24.210,
7 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.240,
8 29A.36.010, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.150,
9 29A.36.160, 29A.36.190, 29A.36.200, 29A.40.010, 29A.44.200, 29A.48.060,
10 29A.52.230, 29A.52.320, 29A.56.020, 29A.56.030, 29A.56.040, 29A.56.050,
11 29A.56.060, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020; adding
12 a new section to chapter 29A.04 RCW; adding a new section to chapter
13 29A.08 RCW; adding a new section to chapter 29A.36 RCW; adding new
14 sections to chapter 29A.52 RCW; repealing RCW 29A.04.903, 29A.36.140,
15 29A.52.110, 29A.52.120, 29A.52.130, 29A.56.010, and 29A.80.060; and
16 declaring an emergency.

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

18 **Sec. 1.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
19 read as follows:

1 As used in this title:

2 (1) "Ballot" means, as the context implies, either:

3 (a) The issues and offices to be voted upon in a jurisdiction or
4 portion of a jurisdiction at a particular primary, general election, or
5 special election;

6 (b) A facsimile of the contents of a particular ballot whether
7 printed on a paper ballot or ballot card or as part of a voting machine
8 or voting device;

9 (c) A physical or electronic record of the choices of an individual
10 voter in a particular primary, general election, or special election;
11 or

12 (d) The physical document on which the voter's choices are to be
13 recorded;

14 (2) "Paper ballot" means a piece of paper on which the ballot for
15 a particular election or primary has been printed, on which a voter may
16 record his or her choices for any candidate or for or against any
17 measure, and that is to be tabulated manually;

18 (3) "Ballot card" means any type of card or piece of paper of any
19 size on which a voter may record his or her choices for any candidate
20 and for or against any measure and that is to be tabulated on a vote
21 tallying system;

22 (4) "Sample ballot" means a printed facsimile of all the issues and
23 offices on the ballot in a jurisdiction and is intended to give voters
24 notice of the issues, offices, and candidates that are to be voted on
25 at a particular primary, general election, or special election;

26 (5) "Provisional ballot" means a ballot issued to a voter at the
27 polling place on election day by the precinct election board, for one
28 of the following reasons:

29 (a) The voter's name does not appear in the poll book;

30 (b) There is an indication in the poll book that the voter has
31 requested an absentee ballot, but the voter wishes to vote at the
32 polling place;

33 (c) There is a question on the part of the voter concerning the
34 issues or candidates on which the voter is qualified to vote;

35 (6) "Party ballot" means a primary election ballot specific to a
36 particular major political party listing all partisan offices to be
37 voted on at that primary, and the candidates for those offices who

1 affiliate with that same major political party. Only registered party
2 members of a major political party may vote a party ballot specific to
3 that major political party;

4 (7) "Nonpartisan ballot" means a primary election ballot listing
5 all nonpartisan races and ballot measures to be voted on at a primary.

6 **Sec. 2.** RCW 29A.04.085 and 2003 c 111 s 115 are each amended to
7 read as follows:

8 "Major political party" means a political party of which at least
9 one nominee for president, vice president, United States senator, or a
10 statewide office received at least five percent of the total vote cast
11 at the last preceding state general election in an even-numbered year.
12 A political party qualifying as a major political party under this
13 section retains such status until the next even-year election at which
14 a candidate of that party does not achieve at least five percent of the
15 vote for one of the previously specified offices. If none of these
16 offices appear on the ballot in an even-year general election, the
17 major party retains its status as a major party through that election.
18 However, a political party of which no nominee received at least ten
19 percent of the total votes cast may forgo its status as a major
20 political party by filing with the secretary of state an appropriate
21 party rule within sixty days of attaining major party status under this
22 section, or within fifteen days of the effective date of this act,
23 whichever is later.

24 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.04 RCW
25 to read as follows:

26 "Registered party member" means a registered voter who chooses to
27 affiliate with a major political party as part of his or her voter
28 registration.

29 **Sec. 4.** RCW 29A.04.210 and 2003 c 111 s 133 are each amended to
30 read as follows:

31 (1) Only a registered voter shall be permitted to vote:
32 ((+1)) (a) At any election held for the purpose of electing
33 persons to public office;
34 ((+2)) (b) At any recall election of a public officer;

1 (~~(3)~~) (c) At any election held for the submission of a measure to
2 any voting constituency;

3 (~~(4)~~) (d) At any nonpartisan primary election.

4 (2) Only a registered party member shall be permitted to vote at a
5 partisan primary.

6 (3) This section does not apply to elections where being registered
7 to vote is not a prerequisite to voting.

8 **Sec. 5.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to
9 read as follows:

10 The county auditor of each county shall be ex officio the
11 supervisor of all primaries and elections, general or special, and it
12 shall be the county auditor's duty to provide places for holding such
13 primaries and elections; to appoint the precinct election officers and
14 to provide for their compensation; to provide the supplies and
15 materials necessary for the conduct of elections to the precinct
16 election officers; and to publish and post notices of calling such
17 primaries and elections in the manner provided by law. The notice of
18 a (~~general election~~) primary held in an even-numbered year must
19 indicate that the office of precinct committee officer will be on the
20 party ballot. The auditor shall also apportion to each city, town, or
21 district, and to the state of Washington in the odd-numbered year, its
22 share of the expense of such primaries and elections. This section
23 does not apply to general or special elections for any city, town, or
24 district that is not subject to RCW 29A.04.320 and 29A.04.330, but all
25 such elections must be held and conducted at the time, in the manner,
26 and by the officials (with such notice, requirements for filing for
27 office, and certifications by local officers) as provided and required
28 by the laws governing such elections.

29 **Sec. 6.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
30 read as follows:

31 Nominating primaries for general elections to be held in November,
32 and the election of precinct committee officers, must be held on the
33 third Tuesday of the preceding September or on the seventh Tuesday
34 immediately preceding such general election, whichever occurs first.

1 **Sec. 7.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to
2 read as follows:

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

28 (2) A county legislative authority may, if it deems an emergency to
29 exist, call a special county election by presenting a resolution to the
30 county auditor at least forty-five days prior to the proposed election
31 date. Except as provided in subsection (4) of this section, a special
32 election called by the county legislative authority shall be held on
33 one of the following dates as decided by such governing body:

- 34 (a) The first Tuesday after the first Monday in February;
- 35 (b) The second Tuesday in March;
- 36 (c) The fourth Tuesday in April;
- 37 (d) The third Tuesday in May;
- 38 (e) The day of the primary as specified by RCW 29A.04.310; or

1 (f) The first Tuesday after the first Monday in November.

2 (3) In addition to the dates set forth in subsection (2)(a) through
3 (f) of this section, a special election to validate an excess levy or
4 bond issue may be called at any time to meet the needs resulting from
5 fire, flood, earthquake, or other act of God. Such county special
6 election shall be noticed and conducted in the manner provided by law.

7 (4) In a presidential election year, if a presidential preference
8 primary is conducted in February, March, April, or May under chapter
9 29A.56 RCW, the date on which a special election may be called by the
10 county legislative authority under subsection (2) of this section
11 during the month of that primary is the date of the presidential
12 primary.

13 (5) This section shall supersede the provisions of any and all
14 other statutes, whether general or special in nature, having different
15 dates for such city, town, and district elections, the purpose of this
16 section being to establish mandatory dates for holding elections except
17 for those elections held pursuant to a home-rule charter adopted under
18 Article XI, section 4 of the state Constitution. This section shall
19 not be construed as fixing the time for holding primary elections, or
20 elections for the recall of any elective public officer.

21 **Sec. 8.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to
22 read as follows:

23 (1) On receipt of an application for voter registration under this
24 chapter, the county auditor shall review the application to determine
25 whether the information supplied is complete. An application that
26 contains the applicant's name, complete valid residence address, date
27 of birth, and signature attesting to the truth of the information
28 provided on the application is complete. If it is not complete, the
29 auditor shall promptly mail a verification notice of the deficiency to
30 the applicant. This verification notice shall require the applicant to
31 provide the missing information. If the verification notice is not
32 returned by the applicant or is returned as undeliverable the auditor
33 shall not place the name of the applicant on the county voter list. If
34 the applicant provides the required information, the applicant shall be
35 registered to vote as of the date of mailing of the original voter
36 registration application. Party affiliation information is not
37 required for a complete voter registration.

1 (2) If the information is complete, the applicant is considered to
2 be registered to vote as of the date of mailing. The auditor shall
3 record the appropriate precinct identification, taxing district
4 identification, ~~((and))~~ date of registration, and party affiliation, if
5 any, on the voter's record. Within forty-five days after the receipt
6 of an application but no later than seven days before the next primary,
7 special election, or general election, the auditor shall send to the
8 applicant, by first class mail, an acknowledgement notice identifying
9 the registrant's precinct and containing such other information as may
10 be required by the secretary of state. The postal service shall be
11 instructed not to forward a voter registration card to any other
12 address and to return to the auditor any card which is not deliverable.
13 If the applicant has indicated that he or she is registered to vote in
14 another county in Washington but has also provided an address within
15 the auditor's county that is for voter registration purposes, the
16 auditor shall send, on behalf of the registrant, a registration
17 cancellation notice to the auditor of that other county and the auditor
18 receiving the notice shall cancel the registrant's voter registration
19 in that other county. If the registrant has indicated on the form that
20 he or she is registered to vote within the county but has provided a
21 new address within the county that is for voter registration purposes,
22 the auditor shall transfer the voter's registration.

23 (3) If an acknowledgement notice card is properly mailed as
24 required by this section to the address listed by the voter as being
25 the voter's mailing address and the notice is subsequently returned to
26 the auditor by the postal service as being undeliverable to the voter
27 at that address, the auditor shall promptly send the voter a
28 confirmation notice. The auditor shall place the voter's registration
29 on inactive status pending a response from the voter to the
30 confirmation notice.

31 NEW SECTION. Sec. 9. A new section is added to chapter 29A.08 RCW
32 to read as follows:

33 In addition to the information required by RCW 29A.08.010 for voter
34 registration, the county auditor shall provide each voter an
35 opportunity to affiliate with a major political party as part of his or
36 her voter registration. Under no circumstances may an individual be
37 required to affiliate with a political party in order to register to

1 vote. Each voter who chooses to affiliate with a major political party
2 as part of his or her voter registration is considered a "registered
3 party member" of that political party. A voter may not affiliate with
4 more than one major political party at a time, but may change his or
5 her party affiliation information in a manner consistent with the
6 procedures for changing a voter registration address, as provided in
7 RCW 29A.08.140, 29A.08.145, and 29A.08.430.

8 **Sec. 10.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
9 read as follows:

10 Each county auditor shall maintain a computer file containing the
11 records of all registered voters within the county. The auditor may
12 provide for the establishment and maintenance of such files by private
13 contract or through interlocal agreement as provided by chapter 39.34
14 RCW. The computer file must include, but not be limited to, each
15 voter's last name, first name, middle initial, date of birth, residence
16 address, gender, party affiliation, if any, date of registration,
17 applicable taxing district and precinct codes, and the last date on
18 which the individual voted. The county auditor shall subsequently
19 record each consecutive date upon which the individual has voted and
20 retain at least the last five such consecutive dates. If the voter has
21 not voted at least five times since establishing his or her current
22 registration record, only the available dates will be included.

23 **Sec. 11.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to
24 read as follows:

25 The county auditor shall acknowledge each new voter registration or
26 transfer of address or party affiliation by providing or sending the
27 voter a card identifying his or her current precinct and containing
28 such other information as may be prescribed by the secretary of state.
29 When a person who has previously registered to vote in a jurisdiction
30 applies for voter registration in a new jurisdiction, the person shall
31 provide on the registration form, all information needed to cancel any
32 previous registration. The county auditor shall forward any
33 information pertaining to the voter's prior voter registration to the
34 county where the voter was previously registered, so that registration
35 may be canceled. If the prior voter registration is in another state,
36 the notification must be made to the state elections office of that

1 state. A county auditor receiving official information that a voter
2 has registered to vote in another jurisdiction shall immediately cancel
3 that voter's registration.

4 **Sec. 12.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to
5 read as follows:

6 The registration files of all precincts shall be closed against
7 original registration or transfers of address or party affiliation for
8 thirty days immediately preceding every primary, special election, and
9 general election to be held in such precincts.

10 The county auditor shall give notice of the closing of the precinct
11 files for original registration and transfer and notice of the special
12 registration and voting procedure provided by RCW 29A.08.145 by one
13 publication in a newspaper of general circulation in the county at
14 least five days before the closing of the precinct files.

15 No person may vote at any primary, special election, or general
16 election in a precinct polling place unless he or she has registered to
17 vote at least thirty days before that primary or election. If a
18 person, otherwise qualified to vote in the state, county, and precinct
19 in which he or she applies for registration, does not register at least
20 thirty days before any primary, special election, or general election,
21 he or she may register and vote by absentee ballot for that primary or
22 election under RCW 29A.08.145.

23 **Sec. 13.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to
24 read as follows:

25 This section establishes a special procedure which an elector may
26 use to register to vote or change his or her voter registration address
27 or party affiliation during the period beginning after the closing of
28 registration for voting at the polls under RCW 29A.08.140 and ending on
29 the fifteenth day before a primary, special election, or general
30 election. A qualified elector in the ((~~county~~)) state may register to
31 vote or change his or her registration address or party affiliation in
32 person in the office of the county auditor or at a voter registration
33 location specifically designated for this purpose by the county auditor
34 of the county in which the applicant resides, and apply for an absentee
35 ballot for that primary or election. The auditor or registration
36 assistant shall register that individual in the manner provided in this

1 chapter. The application for an absentee ballot executed by the newly
2 registered voter for the primary or election that follows the execution
3 of the registration shall be promptly transmitted to the auditor with
4 the completed voter registration form.

5 **Sec. 14.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
6 read as follows:

7 An applicant for voter registration shall complete an application
8 providing the following information concerning his or her
9 qualifications as a voter in this state:

10 (1) The address of the last former registration of the applicant as
11 a voter in the state;

12 (2) The applicant's full name;

13 (3) The applicant's date of birth;

14 (4) The address of the applicant's residence for voting purposes;

15 (5) The mailing address of the applicant if that address is not the
16 same as the address in subsection (4) of this section;

17 (6) The sex of the applicant;

18 (7) A declaration that the applicant is a citizen of the United
19 States;

20 (8) The applicant's signature; and

21 (9) Any other information that the secretary of state determines is
22 necessary to establish the identity of the applicant and prevent
23 duplicate or fraudulent voter registrations.

24 The application must also include a place for the applicant to
25 indicate affiliation with a major political party. Affiliation with a
26 major political party is not required for registration, and lack of
27 party affiliation may not be used as grounds for not registering an
28 applicant to vote.

29 This information shall be recorded on a single registration form to
30 be prescribed by the secretary of state.

31 If the applicant fails to provide the information required for
32 voter registration, the auditor shall send the applicant a verification
33 notice. The auditor shall not register the applicant until the
34 required information is provided. If a verification notice is returned
35 as undeliverable or the applicant fails to respond to the notice within
36 forty-five days, the auditor shall not register the applicant to vote.

1 The following warning shall appear in a conspicuous place on the
2 voter registration form:

3 "If you knowingly provide false information on this voter
4 registration form or knowingly make a false declaration about your
5 qualifications for voter registration you will have committed a class
6 C felony that is punishable by imprisonment for up to five years, or by
7 a fine of up to ten thousand dollars, or both imprisonment and fine."

8 The voter registration form must include information on the option
9 to affiliate with a major political party, the fact that party
10 affiliation is not required to register to vote, and the fact that only
11 voters who choose to affiliate with a major political party may
12 participate in that party's primary election.

13 **Sec. 15.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to
14 read as follows:

15 (1) A person may register to vote(~~(, transfer a voter~~
16 ~~registration,~~) or change his or her voter registration name (~~for~~
17 ~~voter registration purposes~~), address, or party affiliation when he or
18 she applies for or renews a driver's license or identification card
19 under chapter 46.20 RCW.

20 (2) To register to vote(~~(, transfer his or her voter~~
21 ~~registration,~~) or change his or her voter registration name (~~for~~
22 ~~voter registration purposes~~), address, or party affiliation under this
23 section, the applicant shall provide the information required by RCW
24 29A.08.210.

25 (3) The driver licensing agent shall record that the applicant has
26 requested to register to vote or (~~(transfer a))~~ change voter
27 (~~(registration))~~ information.

28 **Sec. 16.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to
29 read as follows:

30 (1) The secretary of state shall provide for the voter registration
31 forms submitted under RCW 29A.08.340 to be collected from each driver's
32 licensing facility within five days of their completion.

33 (2) The department of licensing shall produce and transmit to the
34 secretary of state a machine-readable file containing the following
35 information from the records of each individual who requested a voter
36 registration or transfer at a driver's license facility during each

1 period for which forms are transmitted under subsection (1) of this
2 section: The name, address, date of birth, gender, and driver's
3 license number of the applicant, the ~~((driver's license number))~~
4 applicant's party affiliation, if any, the date on which the
5 application for voter registration or transfer was submitted, and the
6 location of the office at which the application was submitted.

7 (3) The voter registration forms from the driver's licensing
8 facilities must be forwarded to the county in which the applicant has
9 registered to vote no later than ten days after the date on which the
10 forms were to be collected.

11 (4) For a voter registration application where the address for
12 voting purposes is different from the address in the machine-readable
13 file received from the department of licensing, the secretary of state
14 shall amend the record of that application in the machine-readable file
15 to reflect the county in which the applicant has registered to vote.

16 (5) The secretary of state shall sort the records in the machine-
17 readable file according to the county in which the applicant registered
18 to vote and produce a file of voter registration transactions for each
19 county. The records of each county may be transmitted on or through
20 whatever medium the county auditor determines will best facilitate the
21 incorporation of these records into the existing voter registration
22 files of that county.

23 (6) The secretary of state shall produce a list of voter
24 registration transactions for each county and transmit a copy of this
25 list to that county with each file of voter registration transactions
26 no later than ten days after the date on which that information was to
27 be transmitted under subsection (1) of this section.

28 (7) If a registrant has indicated on the voter registration
29 application form that he or she is registered to vote in another county
30 in Washington but has also provided an address within the auditor's
31 county that is for voter registration purposes, the auditor shall send,
32 on behalf of the registrant, a registration cancellation notice to the
33 auditor of that other county and the auditor receiving the notice shall
34 cancel the registrant's voter registration in that other county. If
35 the registrant has indicated on the form that he or she is registered
36 to vote within the county but has provided a new address within the
37 county that is for voter registration purposes, the auditor shall
38 transfer the voter's registration.

1 **Sec. 17.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to
2 read as follows:

3 (1) The department of licensing shall provide information on all
4 persons changing their address on change of address forms submitted to
5 the department unless the voter has indicated that the address change
6 is not for voting purposes. This information will be transmitted to
7 the secretary of state each week in a machine-readable file containing
8 the following information on persons changing their address: The name,
9 address, date of birth, gender, and driver's license number of the
10 applicant, the applicant's (~~driver's license number~~) party
11 affiliation, if any, the applicant's former address, the county code
12 for the applicant's former address, and the date that the request for
13 address change was received.

14 (2) The secretary of state shall forward this information to the
15 appropriate county each week. When the information indicates that the
16 voter has moved within the county, the county auditor shall use the
17 change of address information to transfer the voter's registration and
18 send the voter an acknowledgement notice of the transfer. If the
19 information indicates that the new address is outside the voter's
20 original county, the county auditor shall send the voter a registration
21 by mail form at the voter's new address and advise the voter of the
22 need to reregister in the new county. The auditor shall then place the
23 voter on inactive status.

24 **Sec. 18.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
25 read as follows:

26 (~~To maintain a valid voter registration,~~) A registered voter who
27 changes his or her party affiliation, or residence from one address to
28 another within the same county, shall transfer his or her registration
29 (~~to the new address~~) information in one of the following ways: (1)
30 Sending to the county auditor a signed request stating the voter's
31 present and previous party affiliation or registration address (~~and~~
32 ~~the address from which the voter was last registered~~); (2) appearing
33 in person before the auditor and signing such a request; (3)
34 transferring the registration information in the manner provided by RCW
35 29A.08.430; or (4) telephoning the county auditor to transfer the
36 registration information. The telephone call transferring a
37 registration by telephone must be received by the auditor before the

1 precinct registration files are closed to new registrations for the
2 next primary or special or general election in which the voter
3 participates.

4 **Sec. 19.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to
5 read as follows:

6 (1) A person who is registered to vote in this state may transfer
7 his or her voter registration information on the day of a special,
8 primary, or general election (~~(or primary)~~) under the following
9 procedures:

10 (a) The voter may complete, at the polling place, a registration
11 transfer form designed by the secretary of state and supplied by the
12 county auditor; or

13 (b) The voter may write in his or her new residential address or
14 party affiliation in the precinct list of registered voters.

15 The county auditor shall determine which of these two procedures
16 are to be used in the county or may determine that both procedures are
17 to be available to voters for use in the county.

18 (2) A voter who transfers his or her registration in the manner
19 authorized by this section shall vote in the precinct and according to
20 the party affiliation in which he or she was previously registered.

21 (3) The auditor shall, within ninety days, mail to each voter who
22 has transferred a registration under this section a notice of his or
23 her current precinct (~~(and)~~), polling place, and party affiliation.

24 **Sec. 20.** RCW 29A.08.645 and 2003 c 111 s 244 are each amended to
25 read as follows:

26 The secretary of state shall create a standard electronic file
27 format (state transfer form) to be used for the transfer of voter
28 registration information between county auditors and the office of the
29 secretary of state. The format must be prescribed by rule and contain
30 at least the following information: Voter name, address, date of
31 birth, party affiliation, if any, date of registration, mailing
32 address, legislative and congressional district, and digitized
33 signature image. Each county shall program its voter registration
34 system to convert this data from the county's storage format into the
35 state transfer format.

1 **Sec. 21.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to
2 read as follows:

3 (1) The county auditor shall have custody of the voter registration
4 records for each county. The original voter registration form must be
5 filed without regard to precinct and is considered confidential and
6 unavailable for public inspection and copying. An automated file of
7 all registered voters must be maintained pursuant to RCW 29A.08.125.
8 An auditor may maintain the automated file in lieu of filing or
9 maintaining the original voter registration forms if the automated file
10 includes all of the information from the original voter registration
11 forms including, but not limited to, a retrievable facsimile of each
12 voter's signature.

13 (2) The following information contained in voter registration
14 records or files regarding a voter or a group of voters is available
15 for public inspection and copying: The voter's name, gender, voting
16 record, party affiliation, if any, date of registration, and
17 registration number. The address and political jurisdiction of a
18 registered voter are available for public inspection and copying except
19 as provided by chapter 40.24 RCW. No other information from voter
20 registration records or files is available for public inspection or
21 copying.

22 **Sec. 22.** RCW 29A.12.080 and 2003 c 111 s 308 are each amended to
23 read as follows:

24 No voting device shall be approved by the secretary of state unless
25 it:

- 26 (1) Secures to the voter secrecy in the act of voting;
- 27 (2) Permits the voter to vote for any person for any office and
28 upon any measure that he or she has the right to vote for;
- 29 (3) Permits the voter to vote for all the candidates of one party
30 (~~(or in part for the candidates of one or more other parties)~~);
- 31 (4) Correctly registers all votes cast for any and all persons and
32 for or against any and all measures;
- 33 (5) Provides that a vote for more than one candidate cannot be cast
34 by one single operation of the voting device or vote tally system
35 except when voting for president and vice president of the United
36 States; and

1 (6) Except for functions or capabilities unique to this state, has
2 been tested, certified, and used in at least one other state or
3 election jurisdiction.

4 **Sec. 23.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
5 read as follows:

6 The secretary of state shall not approve a vote tallying system
7 unless it:

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

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

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

16 ~~(4) ((Accommodates rotation of candidates' names on the ballot
17 under RCW 29A.36.140;~~

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

19 ~~((6))~~ (5) Except for functions or capabilities unique to this
20 state, has been tested, certified, and used in at least one other state
21 or election jurisdiction.

22 **Sec. 24.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
23 read as follows:

24 (1) A person filing a declaration of candidacy for an office shall,
25 at the time of filing, be a registered voter and possess the
26 qualifications specified by law for persons who may be elected to the
27 office.

28 (2) Excluding the office of precinct committee officer or a
29 temporary elected position such as a charter review board member or
30 freeholder, no person may file for more than one office.

31 (3) The name of a candidate for an office shall not appear on a
32 ballot for that office unless, except as provided in RCW 3.46.067 and
33 3.50.057, the candidate is, at the time the candidate's declaration of
34 candidacy is filed, properly registered to vote in the geographic area
35 represented by the office. For the purposes of this section, each
36 geographic area in which registered voters may cast ballots for an

1 office is represented by that office. If a person elected to an office
2 must be nominated from a district or similar division of the geographic
3 area represented by the office, the name of a candidate for the office
4 shall not appear on a primary ballot for that office unless the
5 candidate is, at the time the candidate's declaration of candidacy is
6 filed, properly registered to vote in that district or division. The
7 officer with whom declarations of candidacy must be filed under this
8 title shall review each such declaration filed regarding compliance
9 with this subsection. This subsection does not apply to the office of
10 a member of the United States Congress.

11 (4) (~~This section does not apply to the office of a member of the~~
12 ~~United States Congress.~~) If a person filing a declaration of
13 candidacy for a partisan office designates on his or her declaration an
14 affiliation with a major political party, he or she must, at the time
15 of filing, be a registered party member of that major political party.
16 If a person filing a declaration of candidacy for a partisan office
17 designates on his or her declaration on affiliation with a minor
18 political party or indicates that he or she is an independent
19 candidate, he or she may not, at the time of filing, be a registered
20 party member of any major political party.

21 **Sec. 25.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
22 read as follows:

23 (1) Any nomination of a candidate for partisan public office by
24 other than a major political party may be made only: (a) In a
25 convention held not earlier than the last Saturday in June and not
26 later than the first Saturday in July or during any of the seven days
27 immediately preceding the first day for filing declarations of
28 candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided
29 by RCW 29A.60.020; or (c) as otherwise provided in this section. Minor
30 political party and independent candidates may appear only on the
31 general election ballot.

32 (2) Nominations of candidates for president and vice president of
33 the United States other than by a major political party may be made
34 either at a convention conducted under subsection (1) of this section,
35 or at a similar convention taking place not earlier than the first
36 Sunday in July and not later than seventy days before the general
37 election. Conventions held during this time period may not nominate

1 candidates for any public office other than president and vice
2 president of the United States, except as provided in subsection (3) of
3 this section.

4 (3) If a special filing period for a partisan office is opened
5 under RCW 29A.24.210, candidates of minor political parties and
6 independent candidates may file for office during that special filing
7 period. The names of those candidates may not appear on the general
8 election ballot unless they are nominated by convention held no later
9 than five days after the close of the special filing period and a
10 certificate of nomination is filed with the filing officer no later
11 than three days after the convention. The requirements of RCW
12 29A.20.130 do not apply to such a convention. (~~If primary ballots or~~
13 ~~a voters' pamphlet are ordered to be printed before the deadline for~~
14 ~~submitting the certificate of nomination and the certificate has not~~
15 ~~been filed, then the candidate's name will be included but may not~~
16 ~~appear on the general election ballot unless the certificate is timely~~
17 ~~filed and the candidate otherwise qualifies to appear on that ballot.))~~

18 (4) A minor political party may hold more than one convention but
19 in no case shall any such party nominate more than one candidate for
20 any one partisan public office or position. For the purpose of
21 nominating candidates for the offices of president and vice president,
22 United States senator, United States representative, or a statewide
23 office, a minor party or independent candidate holding multiple
24 conventions may add together the number of signatures of different
25 individuals from each convention obtained in support of the candidate
26 or candidates in order to obtain the number required by RCW 29A.20.140.
27 For all other offices for which nominations are made, signatures of the
28 requisite number of registered voters must be obtained at a single
29 convention.

30 **Sec. 26.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
31 read as follows:

32 (1) To be valid, a convention must be attended by at least
33 (~~twenty-five~~) one hundred registered voters, none of whom may be
34 registered party members of a major political party.

35 (2) In order to nominate candidates for the offices of president
36 and vice president of the United States, United States senator, United
37 States representative, or any statewide office, a nominating convention

1 shall obtain and submit to the filing officer the signatures of at
2 least (~~two hundred~~) one thousand registered voters of the state of
3 Washington, none of whom may be registered party members of a major
4 political party. In order to nominate candidates for any other office,
5 a nominating convention shall obtain and submit to the filing officer
6 the signatures of (~~twenty five~~) one hundred persons who are
7 registered to vote in the jurisdiction of the office for which the
8 nominations are made, none of whom may be registered party members of
9 a major political party.

10 **Sec. 27.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
11 read as follows:

12 A nominating petition submitted under this chapter shall clearly
13 identify the name of the minor party or independent candidate
14 convention as it appears on the certificate of nomination as required
15 by RCW 29A.20.160(3). The petition shall also contain a statement that
16 the person signing the petition is a registered voter of the state of
17 Washington and shall have a space for the voter to sign his or her name
18 and to print his or her name and address. No person may sign more than
19 one nominating petition under this chapter for an office for (~~a~~
20 ~~primary or~~) an election.

21 **Sec. 28.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
22 read as follows:

23 A certificate evidencing nominations made at a convention must:

24 (1) Be in writing;

25 (2) Contain the name of each person nominated, his or her
26 residence, a statement that he or she is not a registered party member
27 of a major political party, and the office for which he or she is
28 named, and if the nomination is for the offices of president and vice
29 president of the United States, a sworn statement from both nominees
30 giving their consent to the nomination;

31 (3) Identify the minor political party or the independent candidate
32 on whose behalf the convention was held;

33 (4) Be verified by the oath of the presiding officer and secretary;

34 (5) Be accompanied by a nominating petition or petitions bearing
35 the signatures and addresses of registered voters equal in number to
36 that required by RCW 29A.20.140;

1 (6) Contain proof of publication of the notice of calling the
2 convention; and

3 (7) Be submitted to the appropriate filing officer not later than
4 one week following the adjournment of the convention at which the
5 nominations were made. If the nominations are made only for offices
6 whose jurisdiction is entirely within one county, the certificate and
7 nominating petitions must be filed with the county auditor. If a minor
8 party or independent candidate convention nominates any candidates for
9 offices whose jurisdiction encompasses more than one county, all
10 nominating petitions and the convention certificates must be filed with
11 the secretary of state.

12 **Sec. 29.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
13 read as follows:

14 Not later than the Friday immediately preceding the first day for
15 candidates to file, the secretary of state shall notify the county
16 auditors of the names and designations of all minor party and
17 independent candidates who have filed valid convention certificates and
18 nominating petitions with that office. Except for the offices of
19 president and vice president, persons nominated under this chapter
20 shall file declarations of candidacy as provided by RCW 29A.24.030 and
21 29A.24.070. The name of a candidate nominated at a convention shall
22 not be printed upon the ((primary)) general election ballot unless he
23 or she pays the fee required by law to be paid by candidates for the
24 same office to be nominated at a primary.

25 **Sec. 30.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
26 read as follows:

27 A candidate who desires to have his or her name printed on the
28 ballot for election to an office other than president of the United
29 States, vice president of the United States, or an office for which
30 ownership of property is a prerequisite to voting shall complete and
31 file a declaration of candidacy. The secretary of state shall adopt,
32 by rule, a declaration of candidacy form for the office of precinct
33 committee officer and a separate standard form for candidates for all
34 other offices filing under this chapter. Included on the standard form
35 shall be:

1 (1) A place for the candidate to declare that he or she is a
2 registered voter within the jurisdiction of the office for which he or
3 she is filing, and the address at which he or she is registered;

4 (2) A place for the candidate to indicate the position for which he
5 or she is filing;

6 (3) A place for the candidate to indicate a party designation, if
7 applicable, and confirm that he or she is a registered party member if
8 the designation is a major political party;

9 (4) A place for the candidate to indicate the amount of the filing
10 fee accompanying the declaration of candidacy or for the candidate to
11 indicate that he or she is filing a nominating petition in lieu of the
12 filing fee under RCW 29A.24.090;

13 (5) A place for the candidate to sign the declaration of candidacy,
14 stating that the information provided on the form is true and swearing
15 or affirming that he or she will support the Constitution and laws of
16 the United States and the Constitution and laws of the state of
17 Washington.

18 In the case of a declaration of candidacy filed electronically,
19 submission of the form constitutes agreement that the information
20 provided with the filing is true, that he or she will support the
21 Constitutions and laws of the United States and the state of
22 Washington, and that he or she agrees to electronic payment of the
23 filing fee established in RCW 29A.24.090.

24 The secretary of state may require any other information on the
25 form he or she deems appropriate to facilitate the filing process.

26 **Sec. 31.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
27 read as follows:

28 (1) The nominating petition authorized by RCW 29A.24.090 ((shall))
29 must be printed on sheets of uniform color and size, ((shall)) include
30 a place for each individual to sign and print his or her name and the
31 address, city, and county at which he or she is registered to vote, and
32 contain no more than twenty numbered lines~~((, and))~~.

33 (2) For candidates for nonpartisan office and candidates of a major
34 political party for partisan office, the nominating petition must be in
35 substantially the following form:

36 The warning prescribed by RCW 29A.72.140; followed by:

1 We, the undersigned registered voters of (the state of
2 Washington or the political subdivision for which the nomination is
3 made), hereby petition that the name of (candidate's name) be
4 printed on the official primary ballot for the office of (insert
5 name of office).

6 ~~((The petition must include a place for each individual to sign and~~
7 ~~print his or her name, and the address, city, and county at which he or~~
8 ~~she is registered to vote.))~~

9 (3) For independent candidates and candidates of a minor political
10 party for partisan office, the nominating petition must be in
11 substantially the following form:

12 The warning prescribed by RCW 29A.72.140; followed by:

13 We, the undersigned registered voters of . . . (the state of
14 Washington or the political subdivision for which the nomination is
15 made). . . , hereby petition that the name of . . . (candidate's
16 name). . . be printed on the official general election ballot for the
17 office of . . . (insert name of office). . . .

18 **Sec. 32.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to
19 read as follows:

20 A candidate may withdraw his or her declaration of candidacy at any
21 time before the close of business on the Thursday following the last
22 day for candidates to file under RCW 29A.24.050 by filing, with the
23 officer with whom the declaration of candidacy was filed, a signed
24 request that his or her name not be printed on the ballot. There shall
25 be no withdrawal period for declarations of candidacy filed during
26 special filing periods held under this title. The filing officer may
27 permit the withdrawal of a filing for the office of precinct committee
28 officer at the request of the candidate at any time if no absentee
29 ballots have been issued for that office and the ~~((general election))~~
30 party ballots for that precinct have not been printed. The filing
31 officer may permit the withdrawal of a filing for any elected office of
32 a city, town, or special district at the request of the candidate at
33 any time before a primary if the primary ballots for that city, town,
34 or special district have not been ordered. No filing fee may be
35 refunded to any candidate who withdraws under this section. Notice of

1 the deadline for withdrawal of candidacy and that the filing fee is not
2 refundable shall be given to each candidate at the time he or she
3 files.

4 **Sec. 33.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
5 read as follows:

6 Filings for a partisan elective office shall be opened for a period
7 of three normal business days whenever, on or after the first day of
8 the regular filing period and before the sixth Tuesday prior to a
9 primary, a vacancy occurs in that office, leaving an unexpired term to
10 be filled by an election for which filings have not been held.

11 Any such special three-day filing period shall be fixed by the
12 election officer with whom declarations of candidacy for that office
13 are filed. The election officer shall give notice of the special
14 three-day filing period by notifying the press, radio, and television
15 in the county or counties involved, and by such other means as may be
16 required by law.

17 Candidacies validly filed within the special three-day filing
18 period shall appear on the ((primary)) ballot as if filed during the
19 regular filing period.

20 **Sec. 34.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
21 read as follows:

22 Any person who desires to be a write-in candidate and have such
23 votes counted at a primary or election may file a declaration of
24 candidacy with the officer designated in RCW 29A.24.070 not later than
25 the day before the primary or election. Declarations of candidacy for
26 write-in candidates must be accompanied by a filing fee in the same
27 manner as required of other candidates filing for the office as
28 provided in RCW 29A.24.090.

29 Votes cast for write-in candidates who have filed such declarations
30 of candidacy and write-in votes for persons appointed by major
31 political parties pursuant to RCW 29A.28.020 need only specify the name
32 of the candidate in the appropriate location on the ballot in order to
33 be counted. Write-in votes cast for any other candidate, in order to
34 be counted, must designate the office sought and position number or
35 political party, if the manner in which the write-in is done does not
36 make the office or position clear. In order for write-in votes to be

1 valid in jurisdictions employing optical-scan mark sense ballot systems
2 the voter must complete the proper mark next to the write-in line for
3 that office.

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

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

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

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

16 The declaration of candidacy shall be similar to that required by
17 RCW 29A.24.030. No write-in candidate filing under this section may be
18 included in any voter's pamphlet produced under chapter 29A.32 RCW
19 unless that candidate qualifies to have his or her name printed on the
20 general election ballot. The legislative authority of any jurisdiction
21 producing a local voter's pamphlet under chapter 29A.32 RCW may
22 provide, by ordinance, for the inclusion of write-in candidates in such
23 pamphlets.

24 **Sec. 35.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
25 read as follows:

26 (1) Whenever a vacancy occurs in the United States house of
27 representatives or the United States senate from this state, the
28 governor shall order a special election to fill the vacancy. Minor
29 political party candidates and independent candidates may be nominated
30 through the convention procedures provided in RCW 29A.20.110 through
31 29A.20.200.

32 (2) Within ten days of such vacancy occurring, he or she shall
33 issue a writ of election fixing a date for the special vacancy election
34 not less than ninety days after the issuance of the writ, fixing a date
35 for the primary for nominating major political party candidates for the
36 special vacancy election not less than thirty days before the day fixed
37 for holding the special vacancy election, fixing the dates for the

1 special filing period, and designating the term or part of the term for
2 which the vacancy exists. If the vacancy is in the office of United
3 States representative, the writ of election shall specify the
4 congressional district that is vacant.

5 (3) If the vacancy occurs less than six months before a state
6 general election and before the second Friday following the close of
7 the filing period for that general election, the special primary
8 ~~((and))~~, special vacancy election~~((s shall))~~, and minor party and
9 independent candidate nominating conventions must be held in concert
10 with the state primary and state general election in that year.

11 (4) If the vacancy occurs on or after the first day for filing
12 under RCW 29A.24.050 and on or before the second Friday following the
13 close of the filing period, a special filing period of three normal
14 business days shall be fixed by the governor and notice thereof given
15 to all media, including press, radio, and television within the area in
16 which the vacancy election is to be held, to the end that, insofar as
17 possible, all interested persons will be aware of such filing period.
18 The last day of the filing period shall not be later than the third
19 Tuesday before the primary at which major political party candidates
20 are to be nominated. The names of major political party candidates who
21 have filed valid declarations of candidacy during this three-day period
22 shall appear on the approaching primary ballot. The requirements of
23 RCW 29A.20.130 do not apply to a minor political party or independent
24 candidate convention held under this subsection.

25 (5) If the vacancy occurs later than the second Friday following
26 the close of the filing period, a special primary ~~((and))~~, special
27 vacancy election, and the minor party and independent candidate
28 conventions to fill the position shall be held after the next state
29 general election but, in any event, no later than the ninetieth day
30 following the November election.

31 **Sec. 36.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
32 read as follows:

33 The general election laws and laws relating to partisan primaries
34 shall apply to the special primaries and vacancy elections provided for
35 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
36 inconsistent with the provisions of these sections. Minor political
37 party and independent candidates may appear only on the general

1 election ballot. Statutory time deadlines relating to availability of
2 absentee ballots, certification, canvassing, and related procedures
3 that cannot be met in a timely fashion may be modified for the purposes
4 of a specific primary or vacancy election under this chapter by the
5 secretary of state through emergency rules adopted under RCW
6 29A.04.610.

7 **Sec. 37.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to
8 read as follows:

9 If a vacancy occurs in the office of precinct committee officer by
10 reason of death, resignation, or disqualification of the incumbent, or
11 because of failure to elect, the respective county chair of the county
12 central committee shall fill the vacancy by appointment. (~~However, in
13 a legislative district having a majority of its precincts in a county
14 with a population of one million or more, the appointment may be made
15 only upon the recommendation of the legislative district chair.~~) The
16 person so appointed must have the same qualifications as candidates
17 when filing for election to the office for that precinct. When a
18 vacancy in the office of precinct committee officer exists because of
19 failure to elect at a (~~state general~~) primary election, the vacancy
20 may not be filled until after the organization meeting of the county
21 central committee and the new county chair has been selected as
22 provided by RCW 29A.80.030.

23 **Sec. 38.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
24 read as follows:

25 The voters' pamphlet must contain:

26 (1) Information about each ballot measure initiated by or referred
27 to the voters for their approval or rejection as required by RCW
28 29A.32.070;

29 (2) In even-numbered years, statements, if submitted, advocating
30 the candidacies of nominees for the office of president and vice
31 president of the United States, United States senator, United States
32 representative, governor, lieutenant governor, secretary of state,
33 state treasurer, state auditor, attorney general, commissioner of
34 public lands, superintendent of public instruction, insurance
35 commissioner, state senator, state representative, justice of the
36 supreme court, judge of the court of appeals, or judge of the superior

1 court. Candidates may also submit a campaign mailing address and
2 telephone number and a photograph not more than five years old and of
3 a size and quality that the secretary of state determines to be
4 suitable for reproduction in the voters' pamphlet;

5 (3) In odd-numbered years, if any office voted upon statewide
6 appears on the ballot due to a vacancy, then statements and photographs
7 for candidates for any vacant office listed in subsection (2) of this
8 section must appear;

9 (4) In even-numbered years, a section explaining how voters may
10 participate in the election campaign process; the address and telephone
11 number of the public disclosure commission established under RCW
12 42.17.350; and a summary of the disclosure requirements that apply when
13 contributions are made to candidates and political committees;

14 (5) In even-numbered years the name, address, and telephone number
15 of each political party with nominees listed in the pamphlet, if filed
16 with the secretary of state by the state committee of a major political
17 party or the presiding officer of the convention of a minor political
18 party;

19 (6) In each odd-numbered year immediately before a year in which a
20 president of the United States is to be nominated and elected,
21 information explaining the precinct caucus and convention process used
22 by each major political party to elect delegates to its national
23 presidential candidate nominating convention. The pamphlet must also
24 provide a description of the statutory procedures by which minor
25 political parties are formed and the statutory methods used by the
26 parties to nominate candidates for president;

27 (~~In even-numbered years, a description of the office of~~
28 ~~precinct committee officer and its duties~~) A section explaining how to
29 register to vote, the option of affiliating with a major political
30 party, the fact that party affiliation is not required in order to
31 register to vote, and the fact that only voters who choose to affiliate
32 with a major political party may participate in that party's primary
33 election;

34 (8) An application form for an absentee ballot;

35 (9) A brief statement explaining the deletion and addition of
36 language for proposed measures under RCW 29A.32.080;

37 (10) Any additional information pertaining to elections as may be

1 required by law or in the judgment of the secretary of state is deemed
2 informative to the voters.

3 **Sec. 39.** RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
4 read as follows:

5 The local voters' pamphlet shall include but not be limited to the
6 following:

7 (1) Appearing on the cover, the words "official local voters'
8 pamphlet," the name of the jurisdiction producing the pamphlet, and the
9 date of the election or primary;

10 (2) A list of jurisdictions that have measures or candidates in the
11 pamphlet;

12 (3) Information on how a person may register to vote, the option of
13 affiliating with a major political party, the fact that party
14 affiliation is not required in order to register to vote, the fact that
15 only voters who choose to affiliate with a major political party may
16 participate in that party's primary election, and how to obtain an
17 absentee ballot;

18 (4) The text of each measure accompanied by an explanatory
19 statement prepared by the prosecuting attorney for any county measure
20 or by the attorney for the jurisdiction submitting the measure if other
21 than a county measure. All explanatory statements for city, town, or
22 district measures not approved by the attorney for the jurisdiction
23 submitting the measure shall be reviewed and approved by the county
24 prosecuting attorney or city attorney, when applicable, before
25 inclusion in the pamphlet;

26 (5) The arguments for and against each measure submitted by
27 committees selected pursuant to RCW 29A.32.280.

28 **Sec. 40.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
29 read as follows:

30 On or before the day following the last day for major political
31 parties to fill vacancies in the ticket as provided by RCW 29A.28.010,
32 the secretary of state shall certify to each county auditor a list of
33 the candidates who have filed declarations of candidacy in his or her
34 office for the primary. For each office, the certificate shall include
35 the name of each candidate, his or her address, and his or her party

1 designation, if any. Minor political party and independent candidates
2 may appear only on the general election ballot.

3 NEW SECTION. **Sec. 41.** A new section is added to chapter 29A.36
4 RCW to read as follows:

5 (1) Partisan primaries must be conducted using party ballots for
6 each major political party, as well as a nonpartisan ballot for the
7 nonpartisan offices and ballot measures to be voted on.

8 (2) In order to appear on a party ballot, a candidate must have
9 designated that same major political party in his or her declaration of
10 candidacy. In order to vote a party ballot, a voter must be a
11 registered party member of the same major political party.

12 (3) Every eligible registered voter may vote a nonpartisan ballot,
13 regardless of any party affiliation on the part of the voter.

14 **Sec. 42.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
15 read as follows:

16 Except for the candidates for the positions of president and vice
17 president ~~((or))~~, for a partisan or nonpartisan office for which no
18 primary is required, or for independent or minor party candidates, the
19 names of all candidates who, under this title, filed a declaration of
20 candidacy ~~((or))~~ or were certified as a candidate to fill a vacancy on a
21 major party ticket ~~((or were nominated as an independent or minor~~
22 ~~party candidate))~~ will appear on the appropriate ballot at the primary
23 throughout the jurisdiction in which they are to be nominated.

24 **Sec. 43.** RCW 29A.36.110 and 2003 c 111 s 911 are each amended to
25 read as follows:

26 Every nonpartisan ballot and every party ballot for a single
27 combination of issues ~~((and))~~, offices ~~((shall))~~, and candidates must
28 be uniform within a precinct and ~~((shall))~~ identify the type of primary
29 or election, the county, and the date of the primary or election ~~((or~~
30 ~~and))~~. The ballot or voting device shall contain instructions on the
31 proper method of recording a vote, including write-in votes. In a
32 partisan primary, the ballot or voting device must also contain an
33 explanation that every voter may vote a nonpartisan ballot, but only
34 registered party members may vote the party ballot of a major political
35 party. Each position, together with the names of the candidates for

1 that office, shall be clearly separated from other offices or positions
2 in the same jurisdiction. (~~The offices in each jurisdiction shall be~~
3 ~~clearly separated from each other.~~) No paper ballot or ballot card
4 may be marked in any way that would permit the identification of the
5 person who voted that ballot.

6 **Sec. 44.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
7 read as follows:

8 (1)(a) The positions or offices on a nonpartisan primary ballot
9 shall be arranged in substantially the following order: (~~United~~
10 ~~States senator; United States representative; governor; lieutenant~~
11 ~~governor; secretary of state; state treasurer; state auditor; attorney~~
12 ~~general; commissioner of public lands;~~) Superintendent of public
13 instruction; (~~insurance commissioner; state senator; state~~
14 representative; county officers;) justices of the supreme court;
15 judges of the court of appeals; judges of the superior court; and
16 judges of the district court. For all other jurisdictions on the
17 nonpartisan primary ballot, the offices in each jurisdiction shall be
18 grouped together and be in the order of the position numbers assigned
19 to those offices, if any.

20 (b) The positions or offices on a party primary ballot must be
21 arranged in substantially the following order: United States senator;
22 United States representative; governor; lieutenant governor; secretary
23 of state; state treasurer; state auditor; attorney general;
24 commissioner of public lands; insurance commissioner; state senator;
25 state representative; and county officers. For all other jurisdictions
26 on the party primary ballot, the offices in each jurisdiction must be
27 grouped together and be in the order of the position numbers assigned
28 to those offices, if any.

29 (2) The order of the positions or offices on (~~an~~) a general
30 election ballot (~~shall be substantially the same as on a primary~~
31 ballot except that) must be arranged in substantially the following
32 order: United States senator; United States representative; governor;
33 lieutenant governor; secretary of state; state treasurer; state
34 auditor; attorney general; commissioner of public lands; superintendent
35 of public instruction; insurance commissioner; state senator; state
36 representative; county officers; justices of the supreme court; judges
37 of the court of appeals; judges of the superior court; and judges of

1 the district court. For all other jurisdictions on the general
2 election ballot, the offices in each jurisdiction must be grouped
3 together and be in the order of the position numbers assigned to those
4 offices, if any. State ballot issues must be placed before all offices
5 on a general election ballot, and the offices of president and vice
6 president of the United States shall precede all other offices on a
7 presidential election ballot. (~~State ballot issues shall be placed~~
8 ~~before all offices on an election ballot.~~) The positions on a ballot
9 to be assigned to ballot measures regarding local units of government
10 shall be established by the secretary of state by rule.

11 (3) The political party or independent candidacy of each candidate
12 for partisan office shall be indicated next to the name of the
13 candidate on ~~(the)~~ party primary and general election ballots. A
14 candidate shall file a written notice with the filing officer within
15 three business days after the close of the filing period designating
16 the political party to be indicated next to the candidate's name on the
17 ballot if either: (a) The candidate has been nominated by two or more
18 minor political parties or independent conventions; or (b) the
19 candidate has both filed a declaration of candidacy declaring an
20 affiliation with a major political party and been nominated by a minor
21 political party or independent convention. If no written notice is
22 filed the filing officer shall give effect to the party designation
23 shown upon the first document filed. A candidate may be deemed
24 nominated by a minor party or independent convention only if all
25 documentation required by chapter 29A.20 RCW has been timely filed.

26 **Sec. 45.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
27 read as follows:

28 After the close of business on the last day for candidates to file
29 for office, the filing officer shall, from among those filings made in
30 person and by mail, determine by lot the order in which the names of
31 those candidates will appear on ~~(all sample and absentee)~~ the
32 applicable ballots. (~~In the case of candidates for city, town, and~~
33 ~~district office, this procedure shall also determine the order for~~
34 ~~candidate names on the official primary ballot used at the polling~~
35 ~~place.~~) The determination shall be done publicly and may be witnessed
36 by the media and by any candidate. If no primary is required for any

1 nonpartisan office under RCW 29A.52.010 or 29A.52.220, the names shall
2 appear on the general election ballot in the order determined by lot.

3 **Sec. 46.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to
4 read as follows:

5 Except in each county with a population of one million or more, on
6 or before the fifteenth day before a primary or election, the county
7 auditor shall prepare a sample ballot which shall be made readily
8 available to members of the public. For a partisan primary, the county
9 auditor shall prepare sample party ballots and a sample nonpartisan
10 ballot. The secretary of state shall adopt rules governing the
11 preparation of sample ballots in counties with a population of one
12 million or more. The rules shall permit, among other alternatives, the
13 preparation of more than one sample ballot by a county with a
14 population of one million or more for a primary or election, each of
15 which lists a portion of the offices and issues to be voted on in that
16 county. The ~~((position of precinct committee officer shall be shown on~~
17 ~~the sample ballot for the general election, but the))~~ names of
18 candidates for the individual positions need not be shown.

19 **Sec. 47.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to
20 read as follows:

21 (1) On the top of each ballot ~~((there will))~~ must be printed clear
22 and concise instructions directing the voter~~((s))~~ how to mark the
23 ballot, including write-in votes. ~~((After the instructions and before~~
24 ~~the offices))~~ Instructions on each party ballot must explain that the
25 ballot may only be voted by a registered party member belonging to that
26 same political party. Instructions on each nonpartisan ballot must
27 explain that every registered voter eligible to vote in the precinct
28 may vote a nonpartisan ballot, regardless of any existing or
29 nonexisting party affiliation.

30 (2) On a general election ballot, the questions of adopting
31 constitutional amendments or any other state measure authorized by law
32 to be submitted to the voters at that election ~~((will be placed))~~ must
33 appear after the instructions and before any offices.

34 (3) In a year that president and vice president appear on the
35 general election ballot, the names of the candidates for president and

1 vice president for each political party must be grouped together with
2 a single response position for a voter to indicate his or her choice.

3 ~~((+2))~~ (4) On a general election ballot, the candidate or
4 candidates of the major political party that received the highest
5 number of votes from the electors of this state for the office of
6 president of the United States at the last presidential election
7 ~~((will))~~ must appear first following the appropriate office
8 heading~~((r))~~. The candidate or candidates of the other major political
9 parties will follow according to the votes cast for their nominees for
10 president at the last presidential election, and independent candidates
11 and the candidate or candidates of all other parties will follow in the
12 order of their qualification with the secretary of state.

13 ~~((3) The names of candidates for president and vice president for~~
14 ~~each political party must be grouped together with a single response~~
15 ~~position for a voter to indicate his or her choice.~~

16 ~~(4))~~ (5) All paper ballots and ballot cards used at a polling
17 place must be sequentially numbered in such a way to permit removal of
18 such numbers without leaving any identifying marks on the ballot.

19 **Sec. 48.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
20 read as follows:

21 The name of a candidate for a partisan office for which a primary
22 was conducted shall not be printed on the ballot for that office at the
23 subsequent general election unless the candidate receives ~~((a number of~~
24 ~~votes equal to at least one percent of the total number cast for all~~
25 ~~candidates for that position sought and))~~ a plurality of the votes cast
26 for the candidates of his or her party for that office at the preceding
27 primary.

28 **Sec. 49.** RCW 29A.36.200 and 2003 c 111 s 920 are each amended to
29 read as follows:

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

33 No name of any candidate whose nomination at a primary is required
34 by law shall be placed upon the ballot at a general or special election
35 unless it appears upon the certificate of either (1) the secretary of
36 state, ~~((or))~~ (2) the county canvassing board, ~~((or))~~ (3) ~~((a))~~ an

1 independent candidate or minor party convention, or (4) the state or
2 county central committee of a major political party to fill a vacancy
3 on its ticket under RCW 29A.28.020.

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

8 **Sec. 50.** RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to
9 read as follows:

10 Any registered voter of the state or any out-of-state voter,
11 overseas voter, or service voter may vote by absentee ballot in any
12 general election, special election, or primary in the manner provided
13 in this chapter. For a partisan primary election, an absentee ballot
14 includes a nonpartisan ballot and, if the voter is a registered party
15 member, the applicable party ballot. Out-of-state voters, overseas
16 voters, and service voters are authorized to cast the same ballots,
17 including those for special elections, as a registered voter of the
18 state would receive under this chapter.

19 **Sec. 51.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to
20 read as follows:

21 A voter desiring to vote shall give his or her name to the precinct
22 election officer who has the precinct list of registered voters. This
23 officer shall announce the name to the precinct election officer who
24 has the copy of the inspector's poll book for that precinct. If the
25 right of this voter to participate in the primary or election is not
26 challenged, the voter must be issued a ballot or permitted to enter a
27 voting booth or to operate a voting device. If the voter at a partisan
28 primary is a registered party member of a major political party, the
29 voter must be issued the party ballot created for that major political
30 party. The number of the ballot or the voter must be recorded by the
31 precinct election officers. If the right of the voter to participate
32 is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

33 **Sec. 52.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to
34 read as follows:

35 (1) All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or

1 29A.48.030 must contain the same offices, names of nominees or
2 candidates, and propositions to be voted upon, including precinct
3 offices, as if the ballot had been voted in person at the polling
4 place. Except as otherwise provided by law, mail ballots must be
5 treated in the same manner as absentee ballots issued at the request of
6 the voter. For a partisan primary, an absentee ballot includes a
7 nonpartisan ballot and, if the voter is a registered party member, the
8 applicable party ballot.

9 (2) If electronic vote tallying devices are used, political party
10 observers must be given the opportunity to be present, and a test of
11 the equipment must be performed as required by RCW 29A.12.130 before
12 tabulating ballots. Political party observers may select at random
13 ballots to be counted manually as provided by RCW 29A.60.170.

14 NEW SECTION. Sec. 53. A new section is added to chapter 29A.52
15 RCW to read as follows:

16 Major political party candidates for all partisan elected offices,
17 except for president and vice president, and offices exempted from the
18 primary under RCW 29A.52.010, must be nominated at primaries held under
19 sections 54 through 56 of this act.

20 NEW SECTION. Sec. 54. A new section is added to chapter 29A.52
21 RCW to read as follows:

22 Instructions for voting a party ballot must appear, at the very
23 least, in:

24 (1) Any primary voters' pamphlet prepared by the secretary of state
25 or a local government if a partisan office will appear on the ballot;

26 (2) Instructions that accompany an absentee party ballot;

27 (3) Any notice of a partisan primary published in compliance with
28 RCW 29A.52.310;

29 (4) A sample ballot prepared by a county auditor under RCW
30 29A.36.150 for a partisan primary; and

31 (5) The web site of the office of the secretary of state and any
32 existing web site of a county auditor's office.

33 NEW SECTION. Sec. 55. A new section is added to chapter 29A.52
34 RCW to read as follows:

35 In a partisan primary:

1 (1) Every registered voter eligible to vote in a precinct may vote
2 a nonpartisan ballot, regardless of any party affiliation on the part
3 of the voter.

4 (2) Only a registered party member may vote the party ballot
5 created for that major political party.

6 (3) A registered voter who is not a registered party member of any
7 major political party may not vote any party ballot.

8 NEW SECTION. **Sec. 56.** A new section is added to chapter 29A.52
9 RCW to read as follows:

10 So far as applicable, the provisions of this title relating to
11 conducting general elections govern the conduct of primaries.

12 **Sec. 57.** RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
13 read as follows:

14 (1) The offices of superintendent of public instruction, justice of
15 the supreme court, judge of the court of appeals, judge of the superior
16 court, and judge of the district court shall be nonpartisan and the
17 candidates therefor shall be nominated and elected as such.

18 (2) All city, town, and special purpose district elective offices
19 shall be nonpartisan and the candidates therefor shall be nominated and
20 elected as such.

21 (3) Nonpartisan offices may appear in a primary only on a
22 nonpartisan ballot.

23 **Sec. 58.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
24 read as follows:

25 No later than the day following the certification of the returns of
26 any primary, the secretary of state shall certify to the appropriate
27 county auditors(~~(7)~~) the names of all persons nominated for offices(~~(7~~
28 ~~the returns of which have been canvassed by the secretary of state)) at
29 a primary, or at an independent candidate or minor party convention.~~

30 **Sec. 59.** RCW 29A.56.020 and 2003 3rd sp.s. c 1 s 2 are each
31 amended to read as follows:

32 (1) On the fourth Tuesday in May of each year in which a president
33 of the United States is to be nominated and elected, a presidential
34 primary shall be held at which (~~voters~~) registered party members may

1 vote for the nominee of ((a)) their respective major political party
2 for the office of president. The secretary of state may propose an
3 alternative date for the primary no later than the first day of August
4 of the year before the year in which a president is to be nominated and
5 elected.

6 (2) No later than the first day of September of the year before the
7 year in which a presidential nominee is selected, the state committee
8 of any major political party (~~((that will use the primary results for~~
9 ~~candidates of that party))~~) may propose an alternative date for that
10 primary.

11 (3) If an alternative date is proposed under subsection (1) or (2)
12 of this section, a committee consisting of the chair and the vice-chair
13 of the state committee of each major political party, the secretary of
14 state, the majority leader and minority leader of the senate, and the
15 speaker and the minority leader of the house of representatives shall
16 meet and, if affirmed by a two-thirds vote of the members of the
17 committee, the date of the primary shall be changed. The committee
18 shall meet and decide on the proposed alternate date not later than the
19 first day of October of the year before the year in which a
20 presidential nominee is selected. The secretary of state shall convene
21 and preside over the meeting of the committee. A committee member
22 other than a legislator may appoint, in writing, a designee to serve on
23 his or her behalf. A legislator who is a member of the committee may
24 appoint, in writing, another legislator to serve on his or her behalf.

25 (4) If an alternate date is approved under this section, the
26 secretary of state shall adopt rules under RCW 29A.04.620 to adjust the
27 deadlines in RCW 29A.56.030 and related provisions of this chapter to
28 correspond with the date that has been approved.

29 (5) No presidential primary may be held in 2004.

30 **Sec. 60.** RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to
31 read as follows:

32 The name of any candidate for a major political party nomination
33 for president of the United States shall be printed on the presidential
34 preference primary ballot of a major political party only:

35 (1) By direction of the secretary of state, who in the secretary's
36 sole discretion has determined that the candidate's candidacy is
37 generally advocated or is recognized in national news media; or

1 (2) If registered party members of the political party of the
2 candidate have presented a petition for nomination of the candidate
3 that has attached to the petition a sheet or sheets containing the
4 signatures of at least one thousand registered (~~voters who declare~~
5 ~~themselves in the petition as being~~) party members affiliated with the
6 same political party as the presidential candidate. The petition shall
7 be filed with the secretary of state not later than the thirty-ninth
8 day before the presidential (~~preference~~) primary. The signature
9 sheets shall also contain the residence address and name or number of
10 the precinct of each registered (~~voter~~) party member whose signature
11 appears thereon and shall be certified in the manner prescribed in RCW
12 29A.72.230 and 29A.72.240.

13 The secretary of state shall place the name of the candidate on the
14 ballot unless the candidate, at least thirty-five days before the
15 presidential (~~preference~~) primary, executes and files with the
16 secretary of state an affidavit stating without qualification that he
17 or she is not now and will not become a candidate for the office of
18 president of the United States at the forthcoming presidential
19 election. The secretary of state shall certify the names of all
20 candidates who will appear on the presidential (~~preference~~) primary
21 ballot to the respective county auditors on or before the fourth
22 Tuesday in April of each presidential election year.

23 **Sec. 61.** RCW 29A.56.040 and 2003 c 111 s 1404 are each amended to
24 read as follows:

25 (1) Except where necessary to accommodate the national or state
26 rules of a major political party or where this chapter specifically
27 provides otherwise, the presidential primary must be conducted in
28 substantially the same manner as a state partisan primary under this
29 title. Only registered party members of a major political party may
30 participate in that party's presidential primary.

31 (2) Except as provided under this chapter or by rule of the
32 secretary of state adopted under RCW 29A.04.620, the arrangement and
33 form of presidential primary ballots must be substantially as provided
34 for a partisan primary under this title. (~~Whenever requested by a~~
35 ~~major political party, a separate ballot containing only the candidates~~
36 ~~of that party who have qualified under RCW 29A.56.030 must be provided~~
37 ~~for a voter who requests a ballot of that party. A primary ballot,~~

1 containing the names of all the candidates who have qualified for a
2 place on the ballot under RCW 29A.56.030, must be provided for
3 nonaffiliated voters.)) All ballots used in a presidential primary
4 must be party ballots.

5 (3) The ballot must list alphabetically the names of all candidates
6 for the office of president. The ballot must indicate the political
7 party of each candidate adjacent to the name of that candidate. Each
8 ballot must include a blank space to allow the voter to write in the
9 name of any other candidate.

10 (4) A presidential primary ballot with votes for more than one
11 candidate is void, and notice to this effect, stated in clear, simple
12 language and printed in large type, must appear on the face of each
13 presidential primary ballot or on or about each voting device.

14 **Sec. 62.** RCW 29A.56.050 and 2003 c 111 s 1405 are each amended to
15 read as follows:

16 ((~~1~~)) A major political party ((~~may, under national or state~~
17 ~~party rules,~~) must base the allocation of delegates from this state to
18 the national nominating convention of that party ((~~in whole or in part~~
19 ~~on the participation in precinct caucuses and conventions conducted~~
20 ~~under the rules of that party~~)) on the results of the presidential
21 primary.

22 ((~~2~~) If requested by a major political party, the secretary of
23 state shall adopt rules under RCW 29A.04.620 to provide for any
24 declaration required by that party.

25 (~~3~~) Voters who subscribe to a specific political party declaration
26 under this section must be given ballots that are readily
27 distinguishable from those given to other voters. Votes cast by
28 persons making these declarations must be tabulated and reported
29 separately from other votes cast at the primary and may be used by a
30 major political party in its allocation of delegates under the rules of
31 that party.

32 (~~4~~) For a political party that requires a specific voter
33 declaration under this section, the secretary of state shall prescribe
34 rules for providing, to the state and county committees of that
35 political party, a copy of the declarations or a list of the voters who
36 participated in the presidential nominating process of that party.))

1 **Sec. 63.** RCW 29A.56.060 and 2003 c 111 s 1406 are each amended to
2 read as follows:

3 Subject to available funds specifically appropriated for this
4 purpose, (~~whenever a presidential primary is held as provided by this~~
5 ~~chapter,~~) the state of Washington shall assume all costs of holding
6 the primary if it is held alone. If any other election or elections
7 are held at the same time, the state is liable only for a prorated
8 share of the costs. The county auditor shall determine the costs,
9 including the state's prorated share, if applicable, in the same manner
10 as provided under RCW 29A.04.410 and shall file a certified claim with
11 the secretary of state. The secretary of state shall include in his or
12 her biennial budget requests sufficient funds to carry out this
13 section. Reimbursements for primary costs must be from appropriations
14 specifically provided by law for that purpose.

15 **Sec. 64.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
16 read as follows:

17 (1) For any office at any election or primary, any voter may write
18 in on the ballot the name of any person for an office who has filed as
19 a write-in candidate for the office in the manner provided by RCW
20 29A.24.310 and such vote shall be counted the same as if the name had
21 been printed on the ballot and marked by the voter. In a partisan
22 primary, a voter may write in only the name of a write-in candidate
23 affiliated with the same major political party as designated on the
24 party ballot. No write-in vote made for any person who has not filed
25 a declaration of candidacy pursuant to RCW 29A.24.310 is valid if that
26 person filed for the same office, either as a regular candidate or a
27 write-in candidate, at the preceding primary. Any abbreviation used to
28 designate office, position, or political party shall be accepted if the
29 canvassing board can determine, to their satisfaction, the voter's
30 intent.

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

33 (3) Write-in votes cast for an individual candidate for an office
34 need not be tallied if the total number of write-in votes cast for the
35 office is not greater than the number of votes cast for the candidate
36 apparently nominated or elected, and the write-in votes could not have
37 altered the outcome of the primary or election. In the case of write-

1 in votes for statewide office or for any office whose jurisdiction
2 encompasses more than one county, write-in votes for an individual
3 candidate must be tallied whenever the county auditor is notified by
4 either the office of the secretary of state or another auditor in a
5 multicounty jurisdiction that it appears that the write-in votes could
6 alter the outcome of the primary or election.

7 (4) In the case of statewide offices or jurisdictions that
8 encompass more than one county, if the total number of write-in votes
9 cast for an office within a county is greater than the number of votes
10 cast for a candidate apparently nominated or elected in a primary or
11 election, the auditor shall tally all write-in votes for individual
12 candidates for that office and notify the office of the secretary of
13 state and the auditors of the other counties within the jurisdiction,
14 that the write-in votes for individual candidates should be tallied.

15 **Sec. 65.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to
16 read as follows:

17 Any registered party member of a major political party who is a
18 registered voter in the precinct may upon payment of a fee of one
19 dollar file his or her declaration of candidacy as prescribed under RCW
20 29A.24.030 with the county auditor for the office of precinct committee
21 officer of his or her party in that precinct. When elected, the
22 precinct committee officer shall serve so long as the committee officer
23 remains an eligible voter in that precinct and until a successor has
24 been elected at the next ensuing state (~~general~~) primary election in
25 the even-numbered year.

26 **Sec. 66.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
27 read as follows:

28 The statutory requirements for filing as a candidate at the
29 primaries apply to candidates for precinct committee officer, except
30 that the filing period for this office alone is extended to and
31 includes the Friday immediately following the last day for political
32 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.
33 The office (~~shall not~~) must be voted upon at the primaries in even-
34 numbered years, (~~but~~) and the names of all candidates must appear
35 under the proper (~~party and~~) office designation(~~s~~) on the party
36 ballots (~~for the general election for each even-numbered year, and~~).

1 The one receiving the highest number of votes will be declared elected.
2 (~~However, to be declared elected, a candidate must receive at least~~
3 ~~ten percent of the number of votes cast for the candidate of the~~
4 ~~candidate's party receiving the greatest number of votes in the~~
5 ~~precinct.~~) The term of office of precinct committee officer is two
6 years, commencing upon completion of the official canvass of votes by
7 the county canvassing board of election returns.

8 **Sec. 67.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
9 as follows:

10 (1) "Agency" includes all state agencies and all local agencies.
11 "State agency" includes every state office, department, division,
12 bureau, board, commission, or other state agency. "Local agency"
13 includes every county, city, town, municipal corporation, quasi-
14 municipal corporation, or special purpose district, or any office,
15 department, division, bureau, board, commission, or agency thereof, or
16 other local public agency.

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

21 (3) "Ballot proposition" means any "measure" as defined by RCW
22 (~~29.01.110~~) 29A.04.091, or any initiative, recall, or referendum
23 proposition proposed to be submitted to the voters of the state or any
24 municipal corporation, political subdivision, or other voting
25 constituency from and after the time when the proposition has been
26 initially filed with the appropriate election officer of that
27 constituency prior to its circulation for signatures.

28 (4) "Benefit" means a commercial, proprietary, financial, economic,
29 or monetary advantage, or the avoidance of a commercial, proprietary,
30 financial, economic, or monetary disadvantage.

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

32 (a) An organization that has filed a valid certificate of
33 nomination with the secretary of state under chapter (~~29.24~~) 29A.20
34 RCW;

35 (b) The governing body of the state organization of a major
36 political party, as defined in RCW (~~29.01.090~~) 29A.04.085, that is

1 the body authorized by the charter or bylaws of the party to exercise
2 authority on behalf of the state party; or

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

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

8 (7) "Treasurer" and "deputy treasurer" mean the individuals
9 appointed by a candidate or political committee, pursuant to RCW
10 42.17.050, to perform the duties specified in that section.

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

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

16 (b) Announces publicly or files for office;

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

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

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

24 (10) "Commercial advertiser" means any person who sells the service
25 of communicating messages or producing printed material for broadcast
26 or distribution to the general public or segments of the general public
27 whether through the use of newspapers, magazines, television and radio
28 stations, billboard companies, direct mail advertising companies,
29 printing companies, or otherwise.

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

31 (12) "Compensation" unless the context requires a narrower meaning,
32 includes payment in any form for real or personal property or services
33 of any kind: PROVIDED, That for the purpose of compliance with RCW
34 42.17.241, the term "compensation" shall not include per diem
35 allowances or other payments made by a governmental entity to reimburse
36 a public official for expenses incurred while the official is engaged
37 in the official business of the governmental entity.

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

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

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

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

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

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

19 (b) "Contribution" does not include:

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

22 (ii) Ordinary home hospitality;

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

26 (iv) A news item, feature, commentary, or editorial in a regularly
27 scheduled news medium that is of primary interest to the general
28 public, that is in a news medium controlled by a person whose business
29 is that news medium, and that is not controlled by a candidate or a
30 political committee;

31 (v) An internal political communication primarily limited to the
32 members of or contributors to a political party organization or
33 political committee, or to the officers, management staff, or
34 stockholders of a corporation or similar enterprise, or to the members
35 of a labor organization or other membership organization;

36 (vi) The rendering of personal services of the sort commonly
37 performed by volunteer campaign workers, or incidental expenses
38 personally incurred by volunteer campaign workers not in excess of

1 fifty dollars personally paid for by the worker. "Volunteer services,"
2 for the purposes of this section, means services or labor for which the
3 individual is not compensated by any person;

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

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

11 (A) A political party or caucus political committee if the person
12 paying for the services is the regular employer of the person rendering
13 such services; or

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

18 (c) Contributions other than money or its equivalent are deemed to
19 have a monetary value equivalent to the fair market value of the
20 contribution. Services or property or rights furnished at less than
21 their fair market value for the purpose of assisting any candidate or
22 political committee are deemed a contribution. Such a contribution
23 must be reported as an in-kind contribution at its fair market value
24 and counts towards any applicable contribution limit of the provider.

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

28 (16) "Election" includes any primary, general, or special election
29 for public office and any election in which a ballot proposition is
30 submitted to the voters: PROVIDED, That an election in which the
31 qualifications for voting include other than those requirements set
32 forth in Article VI, section 1 (Amendment 63) of the Constitution of
33 the state of Washington shall not be considered an election for
34 purposes of this chapter.

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

1 (18) "Election cycle" means the period beginning on the first day
2 of December after the date of the last previous general election for
3 the office that the candidate seeks and ending on November 30th after
4 the next election for the office. In the case of a special election to
5 fill a vacancy in an office, "election cycle" means the period
6 beginning on the day the vacancy occurs and ending on November 30th
7 after the special election.

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

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

24 (21) "General election" for the purposes of RCW 42.17.640 means the
25 election that results in the election of a person to a state office.
26 It does not include a primary.

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

28 (23) "Immediate family" includes the spouse, dependent children,
29 and other dependent relatives, if living in the household. For the
30 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
31 an individual's spouse, and child, stepchild, grandchild, parent,
32 stepparent, grandparent, brother, half brother, sister, or half sister
33 of the individual and the spouse of any such person and a child,
34 stepchild, grandchild, parent, stepparent, grandparent, brother, half
35 brother, sister, or half sister of the individual's spouse and the
36 spouse of any such person.

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

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

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

16 (c) The expenditure, alone or in conjunction with another
17 expenditure or other expenditures of the same person in support of or
18 opposition to that candidate, has a value of five hundred dollars or
19 more. A series of expenditures, each of which is under five hundred
20 dollars, constitutes one independent expenditure if their cumulative
21 value is five hundred dollars or more.

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

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

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

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

34 (26) "Legislation" means bills, resolutions, motions, amendments,
35 nominations, and other matters pending or proposed in either house of
36 the state legislature, and includes any other matter that may be the
37 subject of action by either house or any committee of the legislature

1 and all bills and resolutions that, having passed both houses, are
2 pending approval by the governor.

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

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

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

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

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

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

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

35 (34) "Primary" for the purposes of RCW 42.17.640 means the
36 (~~procedure for nominating~~) election that nominates a candidate to
37 state office (~~under chapter 29.18 or 29.21 RCW or any other primary~~

1 ~~for an election that uses, in large measure, the procedures established~~
2 ~~in chapter 29.18 or 29.21 RCW)).~~

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

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

18 (37) "Recall campaign" means the period of time beginning on the
19 date of the filing of recall charges under RCW ((~~29.82.015~~)) 29A.56.120
20 and ending thirty days after the recall election.

21 (38) "State legislative office" means the office of a member of the
22 state house of representatives or the office of a member of the state
23 senate.

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

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

29 (41) "Surplus funds" mean, in the case of a political committee or
30 candidate, the balance of contributions that remain in the possession
31 or control of that committee or candidate subsequent to the election
32 for which the contributions were received, and that are in excess of
33 the amount necessary to pay remaining debts incurred by the committee
34 or candidate prior to that election. In the case of a continuing
35 political committee, "surplus funds" mean those contributions remaining
36 in the possession or control of the committee that are in excess of the
37 amount necessary to pay all remaining debts when it makes its final
38 report under RCW 42.17.065.

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

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

12 NEW SECTION. **Sec. 68.** The following acts or parts of acts are
13 each repealed:

14 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
15 2405;

16 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
17 2003 c 111 s 914;

18 (3) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;

19 (4) RCW 29A.52.120 (General election laws govern primaries) and
20 2003 c 111 s 1303;

21 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
22 1304;

23 (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1;
24 and

25 (7) RCW 29A.80.060 (Legislative district chair--Election--Term--
26 Removal) and 2003 c 111 s 2006, 1991 c 363 s 35, 1987 c 295 s 15, &
27 1967 ex.s. c 32 s 1.

28 NEW SECTION. **Sec. 69.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

32 NEW SECTION. **Sec. 70.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 immediately.

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