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**SENATE BILL 5994**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By Senators Sheldon and McCaslin**

Read first time 02/12/2007. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to primaries and elections; amending RCW  
2 29A.24.031, 29A.36.011, 29A.36.101, 29A.36.121, 29A.36.161, 29A.36.171,  
3 29A.52.111, 29A.52.130, 29A.52.231, 29A.04.008, 29A.04.128, 29A.04.210,  
4 29A.04.216, 29A.04.311, 29A.04.321, 29A.04.510, 29A.04.530, 29A.04.540,  
5 29A.04.570, 29A.04.590, 29A.04.630, 29A.08.040, 29A.08.161, 29A.08.260,  
6 29A.12.080, 29A.12.120, 29A.12.130, 29A.16.040, 29A.20.021, 29A.24.081,  
7 29A.24.091, 29A.24.101, 29A.24.131, 29A.24.141, 29A.24.151, 29A.24.161,  
8 29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.24.311, 29A.28.021,  
9 29A.28.041, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.131, 29A.36.151,  
10 29A.36.201, 29A.40.020, 29A.40.061, 29A.40.091, 29A.40.100, 29A.44.050,  
11 29A.44.201, 29A.44.221, 29A.44.231, 29A.44.410, 29A.44.420, 29A.44.430,  
12 29A.48.020, 29A.48.060, 29A.52.011, 29A.52.210, 29A.52.220, 29A.52.311,  
13 29A.52.351, 29A.60.110, 29A.60.170, 29A.60.221, 29A.60.240, 29A.64.011,  
14 29A.64.030, 29A.68.011, 36.16.110, 36.16.115, 36.32.0558, 36.32.070,  
15 42.12.040, and 42.12.040; reenacting and amending RCW 29A.04.611;  
16 adding new sections to chapter 29A.56 RCW; creating new sections; and  
17 repealing RCW 29A.04.086, 29A.04.097, 29A.20.111, 29A.20.121,  
18 29A.20.131, 29A.20.141, 29A.20.151, 29A.20.161, 29A.20.171, 29A.20.181,  
19 29A.20.191, 29A.20.201, 29A.24.210, 29A.28.011, 29A.28.071, 29A.32.036,  
20 29A.36.104, 29A.36.106, 29A.36.191, 29A.52.106, 29A.52.116, 29A.52.141,  
21 29A.52.151, 29A.52.161, 29A.52.321, 29A.80.011, 29A.80.020, 29A.80.030,

1 29A.80.041, 29A.80.051, and 29A.80.061.

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

3 **INTENT**

4 NEW SECTION. **Sec. 1.** The legislature recognizes that a majority  
5 of the voters of the state of Washington are opposed to the continued  
6 use of the party primary nominating system adopted in 2004. At the  
7 2004 state general election, the voters adopted Initiative Measure No.  
8 872 to replace the party nominating system with a nonpartisan primary  
9 in which a voter could vote for any candidate in each office. The  
10 ninth circuit court of appeals has ruled in *Washington State Republican*  
11 *Party v. Washington*, 460 F.3d 1108 (2006), that one feature of the  
12 initiative violates the constitutional guarantee of freedom of  
13 association, and the court declined to sever that provision from the  
14 rest of the initiative. By removing the provisions of the initiative  
15 that allows a candidate to declare a party preference and have that  
16 preference appear on the ballot and by removing the party primary  
17 nominating provisions adopted in 2004, the legislature intends to  
18 restore the remainder of the nonpartisan primary system the voters  
19 approved in 2004.

20 **REMOVING PARTY DESIGNATIONS FROM THE BALLOT**

21 **Sec. 2.** RCW 29A.24.031 and 2004 c 271 s 158 are each amended to  
22 read as follows:

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

32 (1) A place for the candidate to declare that he or she is a

1 registered voter within the jurisdiction of the office for which he or  
2 she is filing, and the address at which he or she is registered;

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

5 ~~((A place for the candidate to indicate a party designation, if  
6 applicable;~~

7 ~~(4))~~ A place for the candidate to indicate the amount of the  
8 filing fee accompanying the declaration of candidacy or for the  
9 candidate to indicate that he or she is filing a nominating petition in  
10 lieu of the filing fee under RCW 29A.24.091;

11 ~~((5))~~ (4) A place for the candidate to sign the declaration of  
12 candidacy, stating that the information provided on the form is true  
13 and swearing or affirming that he or she will support the Constitution  
14 and laws of the United States and the Constitution and laws of the  
15 state of Washington.

16 In the case of a declaration of candidacy filed electronically,  
17 submission of the form constitutes agreement that the information  
18 provided with the filing is true, that he or she will support the  
19 Constitutions and laws of the United States and the state of  
20 Washington, and that he or she agrees to electronic payment of the  
21 filing fee established in RCW 29A.24.091.

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

24 **Sec. 3.** RCW 29A.36.011 and 2004 c 271 s 124 are each amended to  
25 read as follows:

26 On ~~((or before))~~ the day following the last day for ~~((major  
27 political parties to fill vacancies in the ticket as provided by RCW  
28 29A.28.011))~~ candidates to withdraw under RCW 29A.24.131, the secretary  
29 of state shall certify to each county auditor a list of the candidates  
30 who have filed declarations of candidacy in his or her office for the  
31 primary. For each office, the certificate shall include the name of  
32 each candidate~~((7))~~ and his or her address~~((, and his or her party  
33 designation, if any. Minor political party and independent candidates  
34 may appear only on the general election ballot))~~.

35 **Sec. 4.** RCW 29A.36.101 and 2004 c 271 s 125 are each amended to  
36 read as follows:

1 Except for the candidates for the positions of president and vice  
2 president (~~(, for a partisan or nonpartisan)~~) or an office for which no  
3 primary is required, (~~((or for independent or minor party candidates,))~~)  
4 the names of all candidates who, under this title, filed a declaration  
5 of candidacy (~~((or were certified as a candidate to fill a vacancy on a~~  
6 ~~major party ticket))~~) will appear on the appropriate ballot at the  
7 primary throughout the jurisdiction (~~((in which they are to be~~  
8 ~~nominated))~~) of the office for which they have filed.

9 **Sec. 5.** RCW 29A.36.121 and 2004 c 271 s 129 are each amended to  
10 read as follows:

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

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

32 ~~(ii) The positions or offices on a primary nonpartisan ballot must~~  
33 ~~be arranged in substantially the following order: Superintendent of~~  
34 ~~public instruction; justices of the supreme court; judges of the court~~  
35 ~~of appeals; judges of the superior court; and judges of the district~~  
36 ~~court. For all other jurisdictions on the primary nonpartisan ballot,~~

1 ~~the offices in each jurisdiction must be grouped together and be in the~~  
2 ~~order of the position numbers assigned to those offices, if any.)~~)

3 (2) The order of the positions or offices on an election ballot  
4 shall be substantially the same as on a primary consolidated ballot  
5 except that state ballot issues must be placed before all offices. The  
6 offices of president and vice president of the United States shall  
7 precede all other offices on a presidential election ballot. The  
8 positions on a ballot (~~to be assigned to~~) of ballot measures  
9 regarding local units of government shall be established by the  
10 secretary of state by rule.

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

26 **Sec. 6.** RCW 29A.36.161 and 2004 c 271 s 132 are each amended to  
27 read as follows:

28 (1) On the top of each ballot must be printed clear and concise  
29 instructions directing the voter how to mark the ballot, including  
30 write-in votes. (~~On the top of each primary ballot must be printed~~  
31 ~~the instructions required by this chapter.)~~)

32 (2) The questions of adopting constitutional amendments or any  
33 other state measure authorized by law to be submitted to the voters at  
34 that election must appear after the instructions and before any  
35 offices.

36 (3) In a year that president and vice president appear on the

1 general election ballot, the names of candidates for president and vice  
2 president for each political party must be grouped together with a  
3 single response position for a voter to indicate his or her choice.

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

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

17 **Sec. 7.** RCW 29A.36.171 and 2004 c 271 s 170 are each amended to  
18 read as follows:

19 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of  
20 this section, on the ballot at the general election for ((a  
21 ~~nonpartisan~~)) an office for which a primary was held, only the names of  
22 the candidate who received the greatest number of votes and the  
23 candidate who received the next greatest number of votes for that  
24 office shall appear under the title of that office, and the names shall  
25 appear in that order. If a primary was conducted, no candidate's name  
26 may be printed on the subsequent general election ballot unless he or  
27 she receives at least one percent of the total votes cast for that  
28 office at the preceding primary. On the ballot at the general election  
29 for any ((~~other nonpartisan~~)) office for which no primary was held, the  
30 names of the candidates shall be listed in the order determined under  
31 RCW 29A.36.131.

32 (2) On the ballot at the general election for the office of justice  
33 of the supreme court, judge of the court of appeals, judge of the  
34 superior court, judge of the district court, or state superintendent of  
35 public instruction, if a candidate in a contested primary receives a  
36 majority of all the votes cast for that office or position, only the

1 name of that candidate may be printed under the title of the office for  
2 that position.

3 **Sec. 8.** RCW 29A.52.111 and 2004 c 271 s 173 are each amended to  
4 read as follows:

5 Candidates for the following offices shall ~~((be nominated at~~  
6 ~~partisan))~~ appear on the ballot at primaries held pursuant to the  
7 provisions of this chapter:

8 (1) Congressional offices;

9 (2) All state offices except ~~((a))~~ judicial offices ~~((and (b) the~~  
10 ~~office of superintendent of public instruction))~~;

11 (3) All county offices except ~~((a) judicial offices and (b))~~  
12 those offices where a county home rule charter provides otherwise.

13 **Sec. 9.** RCW 29A.52.130 and 2003 c 111 s 1304 are each amended to  
14 read as follows:

15 Except as provided otherwise in chapter 29A.56 RCW, all properly  
16 registered voters may vote for their choice at any primary held under  
17 this title, for any candidate for each office~~((, regardless of~~  
18 ~~political affiliation and without a declaration of political faith or~~  
19 ~~adherence on the part of the voter))~~.

20 **Sec. 10.** RCW 29A.52.231 and 2004 c 271 s 174 are each amended to  
21 read as follows:

22 ~~((The))~~ All offices ~~((of superintendent of public instruction,~~  
23 ~~justice of the supreme court, judge of the court of appeals, judge of~~  
24 ~~the superior court, and judge of the district court))~~ other than  
25 president and vice president of the United States shall be nonpartisan  
26 ~~((and the candidates therefor shall be nominated and elected as such))~~.

27 All city, town, and special purpose district elective offices shall  
28 be nonpartisan ~~((and the candidates therefor shall be nominated and~~  
29 ~~elected as such))~~.

#### 30 CONFORMING AMENDMENTS

31 **Sec. 11.** RCW 29A.04.008 and 2005 c 243 s 1 are each amended to  
32 read as follows:

33 As used in this title:

1 (1) "Ballot" means, as the context implies, either:  
2 (a) The issues and offices to be voted upon in a jurisdiction or  
3 portion of a jurisdiction at a particular primary, general election, or  
4 special election;  
5 (b) A facsimile of the contents of a particular ballot whether  
6 printed on a paper ballot or ballot card or as part of a voting machine  
7 or voting device;  
8 (c) A physical or electronic record of the choices of an individual  
9 voter in a particular primary, general election, or special election;  
10 or  
11 (d) The physical document on which the voter's choices are to be  
12 recorded;  
13 (2) "Paper ballot" means a piece of paper on which the ballot for  
14 a particular election or primary has been printed, on which a voter may  
15 record his or her choices for any candidate or for or against any  
16 measure, and that is to be tabulated manually;  
17 (3) "Ballot card" means any type of card or piece of paper of any  
18 size on which a voter may record his or her choices for any candidate  
19 and for or against any measure and that is to be tabulated on a vote  
20 tallying system;  
21 (4) "Sample ballot" means a printed facsimile of all the issues and  
22 offices on the ballot in a jurisdiction and is intended to give voters  
23 notice of the issues, offices, and candidates that are to be voted on  
24 at a particular primary, general election, or special election;  
25 (5) "Provisional ballot" means a ballot issued at the polling place  
26 on election day by the precinct election board to a voter who would  
27 otherwise be denied an opportunity to vote a regular ballot, for any  
28 reason authorized by the Help America Vote Act, including but not  
29 limited to the following:  
30 (a) The voter's name does not appear in the poll book;  
31 (b) There is an indication in the poll book that the voter has  
32 requested an absentee ballot, but the voter wishes to vote at the  
33 polling place;  
34 (c) There is a question on the part of the voter concerning the  
35 issues or candidates on which the voter is qualified to vote;  
36 (d) Any other reason allowed by law( (+  
37 ~~(6) "Party ballot" means a primary election ballot specific to a~~

1 ~~particular major political party that lists all partisan offices to be~~  
2 ~~voted on at that primary, and the candidates for those offices who~~  
3 ~~affiliate with that same major political party;~~

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

7 **Sec. 12.** RCW 29A.04.128 and 2004 c 271 s 152 are each amended to  
8 read as follows:

9 "Primary" (~~or "primary election"~~) means a statutory procedure  
10 conducted prior to a general election for ((nominating)) the purpose of  
11 determining which of the candidates ((to)) for a public office ((at the  
12 polls)) will appear on the subsequent general election ballot for that  
13 office.

14 **Sec. 13.** RCW 29A.04.210 and 2003 c 111 s 133 are each amended to  
15 read as follows:

- 16 Only a registered voter shall be permitted to vote:
- 17 (1) At any election held for the purpose of electing persons to
  - 18 public office;
  - 19 (2) At any recall election of a public officer;
  - 20 (3) At any election held for the submission of a measure to any
  - 21 voting constituency;
  - 22 (4) At any primary ((election)).

23 This section does not apply to elections where being registered to  
24 vote is not a prerequisite to voting.

25 **Sec. 14.** RCW 29A.04.216 and 2004 c 271 s 104 are each amended to  
26 read as follows:

27 The county auditor of each county shall be ex officio the  
28 supervisor of all primaries and elections, general or special, and it  
29 shall be the county auditor's duty to provide places for holding such  
30 primaries and elections; to appoint the precinct election officers and  
31 to provide for their compensation; to provide the supplies and  
32 materials necessary for the conduct of elections to the precinct  
33 election officers; and to publish and post notices of calling such  
34 primaries and elections in the manner provided by law. (~~The notice of~~  
35 ~~a primary held in an even-numbered year must indicate that the office~~

1 ~~of precinct committee officer will be on the ballot.))~~ The auditor  
2 shall also apportion to each city, town, or district, and to the state  
3 of Washington in the odd-numbered year, its share of the expense of  
4 such primaries and elections. This section does not apply to general  
5 or special elections for any city, town, or district that is not  
6 subject to RCW 29A.04.321 and 29A.04.330, but all such elections must  
7 be held and conducted at the time, in the manner, and by the officials  
8 (with such notice, requirements for filing for office, and  
9 certifications by local officers) as provided and required by the laws  
10 governing such elections.

11 **Sec. 15.** RCW 29A.04.311 and 2006 c 344 s 1 are each amended to  
12 read as follows:

13 (~~Nominating primaries~~) Primaries for general elections to be held  
14 in November(~~, and the election of precinct committee officers,~~) must  
15 be held on the third Tuesday of the preceding August.

16 **Sec. 16.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to  
17 read as follows:

18 (1) All state, county, city, town, and district general elections  
19 for the election of federal, state, legislative, judicial, county,  
20 city, town, and district officers, and for the submission to the voters  
21 of the state, county, city, town, or district of any measure for their  
22 adoption and approval or rejection, shall be held on the first Tuesday  
23 after the first Monday of November, in the year in which they may be  
24 called. A statewide general election shall be held on the first  
25 Tuesday after the first Monday of November of each year. However, the  
26 statewide general election held in odd-numbered years shall be limited  
27 to (a) city, town, and district general elections as provided for in  
28 RCW 29A.04.330, or as otherwise provided by law; (b) the election of  
29 federal officers for the remainder of any unexpired terms in the  
30 membership of either branch of the Congress of the United States; (c)  
31 the election of state and county officers for the remainder of any  
32 unexpired terms of offices created by or whose duties are described in  
33 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,  
34 and 23, and Article IV, sections 3 and 5 of the state Constitution and  
35 RCW 2.06.080; (d) the election of county officers in any county  
36 governed by a charter containing provisions calling for general county

1 elections at this time; and (e) the approval or rejection of state  
2 measures, including proposed constitutional amendments, matters  
3 pertaining to any proposed constitutional convention, initiative  
4 measures and referendum measures proposed by the electorate, referendum  
5 bills, and any other matter provided by the legislature for submission  
6 to the electorate.

7 (2) A county legislative authority may call a special county  
8 election by presenting a resolution to the county auditor prior to the  
9 proposed election date. Except as provided in subsection ~~((+4))~~ (5)  
10 of this section, a special election called by the county legislative  
11 authority shall be held on one of the following dates as decided by  
12 such governing body:

- 13 (a) The first Tuesday after the first Monday in February;
- 14 (b) The second Tuesday in March;
- 15 (c) The fourth Tuesday in April;
- 16 (d) The third Tuesday in May;
- 17 (e) The day of the primary as specified by RCW 29A.04.311; or
- 18 (f) The first Tuesday after the first Monday in November.

19 (3) A resolution calling for a special election on a date set forth  
20 in subsection (2)(a) through (d) of this section must be presented to  
21 the county auditor at least fifty-two days prior to the election date.  
22 A resolution calling for a special election on a date set forth in  
23 subsection (2)(e) or (f) of this section must be presented to the  
24 county auditor at least eighty-four days prior to the election date.

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

30 (5) In a presidential election year, if a presidential preference  
31 primary is conducted in February, March, April, or May under chapter  
32 29A.56 RCW, the date on which a special election may be called by the  
33 county legislative authority under subsection (2) of this section  
34 during the month of that primary is the date of the presidential  
35 primary.

36 (6) This section shall supersede the provisions of any and all  
37 other statutes, whether general or special in nature, having different  
38 dates for such city, town, and district elections, the purpose of this

1 section being to establish mandatory dates for holding elections except  
2 for those elections held pursuant to a home-rule charter adopted under  
3 Article XI, section 4 of the state Constitution. This section shall  
4 not be construed as fixing the time for holding (~~primary elections~~)  
5 primaries, or elections for the recall of any elective public officer.

6 **Sec. 17.** RCW 29A.04.510 and 2003 c 111 s 149 are each amended to  
7 read as follows:

8 (1) The Washington state election administration and certification  
9 board is established and has the responsibilities and authorities  
10 prescribed by this chapter. The board is composed of the following  
11 members:

12 (a) The secretary of state or the secretary's designee;

13 (b) The state director of elections or the director's designee;

14 (c) Four county auditors appointed by the Washington state  
15 association of county auditors or their alternates who are county  
16 auditors designated by the association to serve as such alternates,  
17 each appointee and alternate to serve at the pleasure of the  
18 association;

19 (d) (~~One~~) Two members (~~from each of the two largest political~~  
20 ~~party caucuses~~) of the house of representatives designated by and  
21 serving at the pleasure of the (~~legislative leader of the respective~~  
22 ~~caucus~~) speaker of the house of representatives; and

23 (e) (~~One~~) Two members from (~~each of the two largest political~~  
24 ~~party caucuses of~~) the senate designated by and serving at the  
25 pleasure of the (~~legislative leader of the respective caucus; and~~

26 ~~(f) One representative from each major political party, designated~~  
27 ~~by and serving at the pleasure of the chair of the party's state~~  
28 ~~central committee~~) president of the senate.

29 (2) The board shall elect a chair from among its number; however,  
30 neither the secretary of state nor the state director of elections nor  
31 their designees may serve as the chair of the board. A majority of the  
32 members appointed to the board constitutes a quorum for conducting the  
33 business of the board. Chapter 42.30 RCW, the Open Public Meetings  
34 Act, and RCW 42.32.030 regarding minutes of meetings, apply to the  
35 meetings of the board.

36 (3) Members of the board shall serve without compensation. The  
37 secretary of state shall reimburse members of the board, other than

1 those who are members of the legislature, for travel expenses in  
2 accordance with RCW 43.03.050 and 43.03.060. Members of the board who  
3 are members of the legislature shall be reimbursed as provided in  
4 chapter 44.04 RCW.

5 **Sec. 18.** RCW 29A.04.530 and 2006 c 206 s 1 are each amended to  
6 read as follows:

7 The secretary of state shall:

8 (1) Establish and operate, or provide by contract, training and  
9 certification programs for state and county elections administration  
10 officials and personnel, including training on the various types of  
11 election law violations and discrimination, (~~and training programs for~~  
12 ~~political party observers~~)) which conform to the rules for such  
13 programs established under RCW 29A.04.630;

14 (2) Administer tests for state and county officials and personnel  
15 who have received such training and issue certificates to those who  
16 have successfully completed the training and passed such tests;

17 (3) Maintain a record of those individuals who have received such  
18 training and certificates; and

19 (4) Provide the staffing and support services required by the board  
20 created under RCW 29A.04.510.

21 **Sec. 19.** RCW 29A.04.540 and 2003 c 111 s 152 are each amended to  
22 read as follows:

23 A person having responsibility for the administration or conduct of  
24 elections, other than precinct election officers, shall, within  
25 eighteen months of undertaking those responsibilities, receive general  
26 training regarding the conduct of elections and specific training  
27 regarding their responsibilities and duties as prescribed by this title  
28 or by rules adopted by the secretary of state under this title.  
29 Included among those persons for whom such training is mandatory are  
30 the following:

31 (1) Secretary of state elections division personnel;

32 (2) County elections administrators under RCW 36.22.220;

33 (3) County canvassing board members; and

34 (4) (~~Persons officially designated by each major political party~~  
35 ~~as elections observers; and~~

1       ~~(5))~~ Any other person or group charged with election  
2 administration responsibilities if the person or group is designated by  
3 rule adopted by the secretary of state as requiring the training.

4       ~~((The secretary of state shall reimburse election observers in  
5 accordance with RCW 43.03.050 and 43.03.060 for travel expenses  
6 incurred to receive training required under subsection (4) of this  
7 section.))~~

8       Neither this section nor RCW 29A.04.530 may be construed as  
9 requiring an elected official to receive training or a certificate of  
10 training as a condition for seeking or holding elective office or as a  
11 condition for carrying out constitutional duties.

12       **Sec. 20.** RCW 29A.04.570 and 2005 c 240 s 1 are each amended to  
13 read as follows:

14       (1)(a) The election review staff of the office of the secretary of  
15 state shall conduct a review of election-related policies, procedures,  
16 and practices in an affected county or counties:

17       (i) If the unofficial returns of a primary or general election for  
18 a position in the state legislature indicate that a mandatory recount  
19 is likely for that position; or

20       (ii) If unofficial returns indicate a mandatory recount is likely  
21 in a statewide election or an election for federal office.

22       Reviews conducted under (ii) of this subsection shall be performed  
23 in as many selected counties as time and staffing permit. Reviews  
24 conducted as a result of mandatory recounts shall be performed between  
25 the time the unofficial returns are complete and the time the recount  
26 is to take place, if possible.

27       (b) In addition to conducting reviews under (a) of this subsection,  
28 the election review staff shall also conduct such a review in a county  
29 at least once in each three-year period, in conjunction with a county  
30 primary or special or general election, at the direction of the  
31 secretary of state or at the request of the county auditor. If  
32 staffing or budget levels do not permit a three-year election cycle for  
33 reviews, then reviews must be done as often as possible. If any  
34 resident of this state believes that an aspect of a primary or election  
35 has been conducted inappropriately in a county, the resident may file  
36 a complaint with the secretary of state. The secretary shall consider  
37 such complaints in scheduling periodic reviews under this section.

1 (c) Before an election review is conducted in a county, the  
2 secretary of state shall provide the county auditor of the affected  
3 county (~~and the chair of the state central committee of each major~~  
4 ~~political party~~) with notice that the review is to be conducted. When  
5 a periodic review is to be conducted in a county at the direction of  
6 the secretary of state under (b) of this subsection, the secretary  
7 shall provide the affected county auditor not less than thirty days'  
8 notice.

9 (2) Reviews shall be conducted in conformance with rules adopted  
10 under RCW 29A.04.630. In performing a review in a county under this  
11 chapter, the election review staff shall evaluate the policies and  
12 procedures established for conducting the primary or election in the  
13 county and the practices of those conducting it. As part of the  
14 review, the election review staff shall issue to the county auditor and  
15 the members of the county canvassing board a report of its findings and  
16 recommendations regarding such policies, procedures, and practices. A  
17 review conducted under this chapter shall not include any evaluation,  
18 finding, or recommendation regarding the validity of the outcome of a  
19 primary or election or the validity of any canvass of returns nor does  
20 the election review staff have any jurisdiction to make such an  
21 evaluation, finding, or recommendation under this title.

22 (3) The county auditor or the county canvassing board shall respond  
23 to the review report in writing, listing the steps that will be taken  
24 to correct any problems listed in the report. The secretary of state  
25 shall visit the county before the next state primary or general  
26 election to verify that the county has taken the steps they listed to  
27 correct the problems noted in the report.

28 (4) The county auditor of the county in which a review is conducted  
29 under this section or a member of the canvassing board of the county  
30 may appeal the findings or recommendations of the election review staff  
31 regarding the review by filing an appeal with the board created under  
32 RCW 29A.04.510.

33 **Sec. 21.** RCW 29A.04.590 and 2003 c 111 s 157 are each amended to  
34 read as follows:

35 The secretary of state shall establish within the elections  
36 division an election assistance and clearinghouse program, which shall  
37 provide regular communication between the secretary of state, local

1 election officials, and (~~major and minor~~) political parties regarding  
2 newly enacted elections legislation, relevant judicial decisions  
3 affecting the administration of elections, and applicable attorney  
4 general opinions, and which shall respond to inquiries from elections  
5 administrators(~~, political parties,~~) and others regarding election  
6 information. This section does not empower the secretary of state to  
7 offer legal advice or opinions, but the secretary may discuss the  
8 construction or interpretation of election law, case law, or legal  
9 opinions from the attorney general or other competent legal authority.

10 **Sec. 22.** RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s 2 are  
11 each reenacted and amended to read as follows:

12 The secretary of state as chief election officer shall make  
13 reasonable rules in accordance with chapter 34.05 RCW not inconsistent  
14 with the federal and state election laws to effectuate any provision of  
15 this title and to facilitate the execution of its provisions in an  
16 orderly, timely, and uniform manner relating to any federal, state,  
17 county, city, town, and district elections. To that end the secretary  
18 shall assist local election officers by devising uniform forms and  
19 procedures.

20 In addition to the rule-making authority granted otherwise by this  
21 section, the secretary of state shall make rules governing the  
22 following provisions:

- 23 (1) The maintenance of voter registration records;
- 24 (2) The preparation, maintenance, distribution, review, and filing  
25 of precinct maps;
- 26 (3) Standards for the design, layout, and production of ballots;
- 27 (4) The examination and testing of voting systems for  
28 certification;
- 29 (5) The source and scope of independent evaluations of voting  
30 systems that may be relied upon in certifying voting systems for use in  
31 this state;
- 32 (6) Standards and procedures for the acceptance testing of voting  
33 systems by counties;
- 34 (7) Standards and procedures for testing the programming of vote  
35 tallying software for specific primaries and elections;
- 36 (8) Standards and procedures for the preparation and use of each

1 type of certified voting system including procedures for the operation  
2 of counting centers where vote tallying systems are used;

3 (9) Standards and procedures to ensure the accurate tabulation and  
4 canvassing of ballots;

5 (10) Consistency among the counties of the state in the preparation  
6 of ballots, the operation of vote tallying systems, and the canvassing  
7 of primaries and elections;

8 (11) Procedures to ensure the secrecy of a voter's ballot when a  
9 small number of ballots are counted at the polls or at a counting  
10 center;

11 (12) The use of substitute devices or means of voting when a voting  
12 device at the polling place is found to be defective, the counting of  
13 votes cast on the defective device, the counting of votes cast on the  
14 substitute device, and the documentation that must be submitted to the  
15 county auditor regarding such circumstances;

16 (13) Procedures for the transportation of sealed containers of  
17 voted ballots or sealed voting devices;

18 (14) The acceptance and filing of documents via electronic  
19 facsimile;

20 (15) Voter registration applications and records;

21 (16) The use of voter registration information in the conduct of  
22 elections;

23 (17) The coordination, delivery, and processing of voter  
24 registration records accepted by driver licensing agents or the  
25 department of licensing;

26 (18) The coordination, delivery, and processing of voter  
27 registration records accepted by agencies designated by the governor to  
28 provide voter registration services;

29 (19) Procedures to receive and distribute voter registration  
30 applications by mail;

31 (20) Procedures for a voter to change his or her voter registration  
32 address within a county by telephone;

33 (21) Procedures for a voter to change the name under which he or  
34 she is registered to vote;

35 (22) Procedures for canceling dual voter registration records and  
36 for maintaining records of persons whose voter registrations have been  
37 canceled;

- 1 (23) Procedures for the electronic transfer of voter registration  
2 records between county auditors and the office of the secretary of  
3 state;
- 4 (24) Procedures and forms for declarations of candidacy;
- 5 (25) Procedures and requirements for the acceptance and filing of  
6 declarations of candidacy by electronic means;
- 7 (26) Procedures for the circumstance in which two or more  
8 candidates have a name similar in sound or spelling so as to cause  
9 confusion for the voter;
- 10 (27) Filing for office;
- 11 (28) The order of positions and offices on a ballot;
- 12 (29) Sample ballots;
- 13 (30) Independent evaluations of voting systems;
- 14 (31) The testing, approval, and certification of voting systems;
- 15 (32) The testing of vote tallying software programming;
- 16 (33) Standards and procedures to prevent fraud and to facilitate  
17 the accurate processing and canvassing of absentee ballots and mail  
18 ballots, including standards for the approval and implementation of  
19 hardware and software for automated signature verification systems;
- 20 (34) Standards and procedures to guarantee the secrecy of absentee  
21 ballots and mail ballots;
- 22 (35) Uniformity among the counties of the state in the conduct of  
23 absentee voting and mail ballot elections;
- 24 (36) Standards and procedures to accommodate out-of-state voters,  
25 overseas voters, and service voters;
- 26 (37) The tabulation of paper ballots before the close of the polls;
- 27 (38) The accessibility of polling places and registration  
28 facilities that are accessible to elderly people and (~~disabled~~  
29 ~~persons~~) people with a disability;
- 30 (39) The aggregation of precinct results if reporting the results  
31 of a single precinct could jeopardize the secrecy of a person's ballot;
- 32 (40) Procedures for conducting a statutory recount;
- 33 (41) Procedures for filling vacancies in congressional offices if  
34 the general statutory time requirements for availability of absentee  
35 ballots, certification, canvassing, and related procedures cannot be  
36 met;
- 37 (42) Procedures for the statistical sampling of signatures for

1 purposes of verifying and canvassing signatures on initiative,  
2 referendum, and recall election petitions;

3 (43) Standards and deadlines for submitting material to the office  
4 of the secretary of state for the voters' pamphlet;

5 (44) Deadlines for the filing of ballot titles for referendum bills  
6 and constitutional amendments if none have been provided by the  
7 legislature;

8 (45) Procedures for the publication of a state voters' pamphlet;

9 (46) Procedures for conducting special elections regarding nuclear  
10 waste sites if the general statutory time requirements for availability  
11 of absentee ballots, certification, canvassing, and related procedures  
12 cannot be met;

13 (47) Procedures for conducting (~~partisan primary elections~~)  
14 primaries;

15 (48) Standards and procedures for the proper conduct of voting  
16 during the early voting period to provide (~~accessability~~)  
17 accessibility for the blind or visually impaired;

18 (49) Standards for voting technology and systems used by the state  
19 or any political subdivision to be accessible for individuals with  
20 disabilities, including nonvisual accessibility for the blind and  
21 visually impaired, in a manner that provides the same opportunity for  
22 access and participation, including privacy and independence, as other  
23 voters;

24 (50) All data formats for transferring voter registration data on  
25 electronic or machine-readable media for the purpose of administering  
26 the statewide voter registration list required by the Help America Vote  
27 Act (P.L. 107-252);

28 (51) Defining the interaction of electronic voter registration  
29 election management systems employed by each county auditor to maintain  
30 a local copy of each county's portion of the official state list of  
31 registered voters;

32 (52) Provisions and procedures to implement the state-based  
33 administrative complaint procedure as required by the Help America Vote  
34 Act (P.L. 107-252);

35 (53) Facilitating the payment of local government grants to local  
36 government election officers or vendors; and

37 (54) Standards for the verification of signatures on absentee,  
38 mail, and provisional ballot envelopes.

1           **Sec. 23.** RCW 29A.04.630 and 2003 c 111 s 163 are each amended to  
2 read as follows:

3           (1) The secretary of state and the board created in RCW 29A.04.510  
4 shall jointly adopt rules, in the manner specified for the adoption of  
5 rules under the Administrative Procedure Act, chapter 34.05 RCW,  
6 governing:

7           (a) The training of persons (~~officially designated by major~~  
8 ~~political parties as elections observers~~) under this title, and the  
9 training and certification of election administration officials and  
10 personnel;

11           (b) The policies and procedures for conducting election reviews  
12 under RCW 29A.04.570; and

13           (c) The policies and standards to be used by the board in reviewing  
14 and rendering decisions regarding appeals filed under RCW 29A.04.570.

15           (2) The board created in RCW 29A.04.510 may adopt rules governing  
16 its procedures.

17           **Sec. 24.** RCW 29A.08.040 and 2003 c 111 s 202 are each amended to  
18 read as follows:

19           For purposes of this chapter, the following words have the  
20 following meanings:

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

26           (2) "Political purpose" means a purpose concerned with the support  
27 of or opposition to any candidate for (~~any partisan or nonpartisan~~)  
28 office or concerned with the support of or opposition to any ballot  
29 proposition or issue; "political purpose" includes, but is not limited  
30 to, such activities as the advertising for or against any candidate or  
31 ballot measure or the solicitation of financial support.

32           **Sec. 25.** RCW 29A.08.161 and 2004 c 271 s 107 are each amended to  
33 read as follows:

34           No (~~record may be created or maintained by a~~) state or local  
35 (~~governmental~~) agency, individual, or (~~a political~~) organization  
36 may create or maintain any record that identifies a voter with the

1 information marked on the voter's ballot(~~(, including the choice that~~  
2 ~~a voter makes on a partisan primary ballot regarding political party~~  
3 ~~affiliation))~~).

4 **Sec. 26.** RCW 29A.08.260 and 2004 c 267 s 118 are each amended to  
5 read as follows:

6 The county auditor shall distribute forms by which a person may  
7 register to vote by mail and transfer any previous registration in this  
8 state. The county auditor shall keep a supply of voter registration  
9 forms in his or her office at all times for (~~political parties and~~  
10 ~~others~~) individuals or groups interested in assisting in voter  
11 registration, and shall make every effort to make these forms generally  
12 available to the public. The county auditor shall provide voter  
13 registration forms to city and town clerks, state offices, schools,  
14 fire stations, and any other locations considered appropriate by the  
15 auditor or secretary of state for extending registration opportunities  
16 to all areas of the county. After the initial distribution of voter  
17 registration forms to a given location, a representative designated by  
18 the official in charge of that location shall notify the county auditor  
19 of the need for additional voter registration supplies.

20 **Sec. 27.** RCW 29A.12.080 and 2006 c 207 s 2 are each amended to  
21 read as follows:

22 No voting device shall be approved by the secretary of state unless  
23 it:

24 (1) Secures to the voter secrecy in the act of voting;

25 (2) Permits the voter to vote for any person for any office and  
26 upon any measure that he or she has the right to vote for;

27 (~~(3) ((Permits the voter to vote for all the candidates of one~~  
28 ~~party;~~

29 ~~(4))~~) Correctly registers all votes cast for any and all persons  
30 and for or against any and all measures;

31 (~~(5))~~) (4) Provides that a vote for more than one candidate cannot  
32 be cast by one single operation of the voting device or vote tally  
33 system except when voting for president and vice president of the  
34 United States; and

35 (~~(6))~~) (5) Except for functions or capabilities unique to this

1 state, has been tested and certified by an independent testing  
2 authority designated by the United States election assistance  
3 commission.

4 **Sec. 28.** RCW 29A.12.120 and 2003 c 111 s 312 are each amended to  
5 read as follows:

6 (1) Before each state primary or general election at which voting  
7 systems are to be used, the county auditor shall instruct all precinct  
8 election officers appointed under RCW 29A.44.410((~~7~~)) and counting  
9 center personnel(~~((7 and political party observers designated under RCW~~  
10 ~~29A.60.170))~~) in the proper conduct of their duties.

11 (2) The county auditor may waive instructional requirements for  
12 precinct election officers(~~((7))~~) and counting center personnel(~~((7 and~~  
13 ~~political party observers))~~) who have previously received instruction  
14 and who have served for a sufficient length of time to be fully  
15 qualified to perform their duties. The county auditor shall keep a  
16 record of each person who has received instruction and is qualified to  
17 serve at the subsequent primary or election.

18 (3) As compensation for the time spent in receiving instruction,  
19 each precinct election officer who qualifies and serves at the  
20 subsequent primary or election shall receive an additional two hours  
21 compensation, to be paid at the same time and in the same manner as  
22 compensation is paid for services on the day of the primary or  
23 election.

24 (4) Except for the appointment of a precinct election officer to  
25 fill a vacancy under RCW 29A.44.440, no inspector or judge may serve at  
26 any primary or election at which voting systems are used unless he or  
27 she has received the required instruction and is qualified to perform  
28 his or her duties in connection with the voting devices. No person may  
29 work in a counting center at a primary or election at which a vote  
30 tallying system is used unless that person has received the required  
31 instruction and is qualified to perform his or her duties in connection  
32 with the handling and tallying of ballots for that primary or election.  
33 (~~((No person may serve as a political party observer unless that person~~  
34 ~~has received the required instruction and is familiar with the~~  
35 ~~operation of the counting center and the vote tallying system and the~~  
36 ~~procedures to be employed to verify the accuracy of the programming for~~  
37 ~~that vote tallying system.))~~)

1       **Sec. 29.** RCW 29A.12.130 and 2003 c 111 s 313 are each amended to  
2 read as follows:

3       At least three days before each state primary or general election,  
4 the office of the secretary of state shall provide for the conduct of  
5 tests of the programming for each vote tallying system to be used at  
6 that primary or general election. The test must verify that the system  
7 will correctly count the vote cast for all candidates and on all  
8 measures appearing on the ballot at that primary or general election.  
9 The test shall verify the capability of the vote tallying system to  
10 perform all of the functions that can reasonably be expected to occur  
11 during conduct of that particular primary or election. If any error is  
12 detected, the cause shall be determined and corrected, and an errorless  
13 total shall be produced before the primary or election.

14       Such tests shall be (~~observed by at least one representative from~~  
15 ~~each major political party, if representatives have been appointed by~~  
16 ~~the respective major political parties and are present at the test, and~~  
17 ~~shall be~~) open to candidates, the press, and the public. The county  
18 auditor (~~and any political party observers~~) shall certify that the  
19 test has been conducted in accordance with this section. Copies of  
20 this certification shall be retained by the secretary of state and the  
21 county auditor. All programming materials, test results, and test  
22 ballots shall be securely sealed until the day of the primary or  
23 general election.

24       **Sec. 30.** RCW 29A.16.040 and 2004 c 266 s 10 are each amended to  
25 read as follows:

26       The county legislative authority of each county (~~in the state~~  
27 ~~hereafter formed~~) shall(~~, at their first session,~~) divide (~~their~~  
28 ~~respective counties~~) the county into election precincts and establish  
29 the boundaries of the precincts. The county auditor shall thereupon  
30 designate the voting place for each such precinct or whether the  
31 precinct is a vote by mail precinct.

32       (1) Precinct boundaries may be altered at any time as long as  
33 sufficient time exists prior to a given primary or election for the  
34 necessary procedural steps to be honored. Except as permitted under  
35 subsection (5) of this section, no precinct boundaries may be changed  
36 during the period starting on the thirtieth day prior to the first day

1 for candidates to file for the primary ((election)) and ending with the  
2 day of the general election.

3 (2) The county legislative authority may establish by ordinance a  
4 limitation on the maximum number of active registered voters in each  
5 precinct within its jurisdiction. The limitation may be different for  
6 precincts based upon the method of voting used for such precincts and  
7 the number may be less than the number established by law, but in no  
8 case may the number exceed that authorized by law.

9 (3) Precincts in which voting machines or electronic voting devices  
10 are used may contain as many as nine hundred active registered voters.  
11 The number of poll-site ballot counting devices at each polling place  
12 is at the discretion of the auditor. The number of devices must be  
13 adequate to meet the expected voter turnout.

14 (4) On petition of twenty-five or more voters resident more than  
15 ten miles from any polling site, the county legislative authority shall  
16 establish a separate voting precinct ((therefor)) or precincts for  
17 these voters.

18 (5) The county auditor shall temporarily adjust precinct boundaries  
19 when a city or town annexes unincorporated territory to the city or  
20 town, or whenever unincorporated territory is incorporated as a city or  
21 town. The adjustment must be made as soon as possible after the  
22 approval of the annexation or incorporation. The temporary adjustment  
23 must be limited to the minimum changes necessary to accommodate the  
24 addition of the territory to the city or town, or to establish the  
25 eligible voters within the boundaries of the new city or town, and  
26 remains in effect only until precinct boundary modifications reflecting  
27 the annexation or incorporation are adopted by the county legislative  
28 authority.

29 (6) In determining the number of active registered voters for the  
30 purposes of this section, persons who are ongoing absentee voters under  
31 RCW 29A.40.040 shall not be counted. Nothing in this subsection may be  
32 construed as altering the vote tallying requirements of RCW 29A.60.230.

33 **Sec. 31.** RCW 29A.20.021 and 2004 c 271 s 153 are each amended to  
34 read as follows:

35 (1) A person filing a declaration of candidacy for an office shall,  
36 at the time of filing, be a registered voter and possess the

1 qualifications specified by law for persons who may be elected to the  
2 office.

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

6 (3) Except as provided in RCW 3.46.067 and 3.50.057, the name of a  
7 candidate for an office shall not appear on a ballot for that office  
8 unless(~~(, except as provided in RCW 3.46.067 and 3.50.057,)~~) the  
9 candidate is, at the time the candidate's declaration of candidacy is  
10 filed, properly registered to vote in the geographic area represented  
11 by the office. For the purposes of this section, each geographic area  
12 in which registered voters may cast ballots for an office is  
13 represented by that office. If a person elected to an office must be  
14 (~~nominated~~) from a district or similar division of the geographic  
15 area represented by the office, the name of a candidate for the office  
16 shall not appear on a primary ballot for that office unless the  
17 candidate is, at the time the candidate's declaration of candidacy is  
18 filed, properly registered to vote in that district or division. The  
19 officer with whom declarations of candidacy must be filed under this  
20 title shall review each such declaration filed regarding compliance  
21 with this subsection.

22 (4) The requirements of voter registration and residence within the  
23 geographic area of a district do not apply to candidates for  
24 congressional office. Qualifications for the United States congress  
25 are specified in the United States Constitution.

26 **Sec. 32.** RCW 29A.24.081 and 2004 c 271 s 159 are each amended to  
27 read as follows:

28 Any candidate may mail his or her declaration of candidacy for an  
29 office to the filing officer. Such declarations of candidacy shall be  
30 processed by the filing officer in the following manner:

31 (1) Any declaration received by the filing officer by mail before  
32 the tenth business day immediately preceding the first day for  
33 candidates to file for office shall be returned to the candidate  
34 submitting it, together with a notification that the declaration of  
35 candidacy was received too early to be processed. The candidate shall  
36 then be permitted to resubmit his or her declaration of candidacy  
37 during the filing period.

1 (2) Any properly executed declaration of candidacy received by mail  
2 on or after the tenth business day immediately preceding the first day  
3 for candidates to file for office and before the close of business on  
4 the last day of the filing period shall be included with filings made  
5 in person during the filing period. (~~In partisan and judicial~~  
6 ~~elections~~) The filing officer shall determine by lot the order in  
7 which the names of those candidates shall appear upon sample and  
8 absentee primary ballots.

9 (3) Any declaration of candidacy received by the filing officer  
10 after the close of business on the last day for candidates to file for  
11 office shall be rejected and returned to the candidate attempting to  
12 file it.

13 **Sec. 33.** RCW 29A.24.091 and 2006 c 206 s 3 are each amended to  
14 read as follows:

15 A filing fee of (~~one dollar shall accompany each declaration of~~  
16 ~~candidacy for precinct committee officer; a filing fee of~~) ten dollars  
17 shall accompany the declaration of candidacy for any office with a  
18 fixed annual salary of one thousand dollars or less; a filing fee equal  
19 to one percent of the annual salary of the office at the time of filing  
20 shall accompany the declaration of candidacy for any office with a  
21 fixed annual salary of more than one thousand dollars per annum. No  
22 filing fee need accompany a declaration of candidacy for any office for  
23 which compensation is on a per diem or per meeting attended basis.

24 A candidate who lacks sufficient assets or income at the time of  
25 filing to pay the filing fee required by this section shall submit with  
26 his or her declaration of candidacy a filing fee petition. The  
27 petition shall contain not less than a number of signatures of  
28 registered voters equal to the number of dollars of the filing fee.  
29 The signatures shall be of voters registered to vote within the  
30 jurisdiction of the office for which the candidate is filing.

31 When the candidacy is for:

32 (1) A legislative or judicial office that includes territory from  
33 more than one county, the fee shall be paid to the secretary of state  
34 for equal division between the treasuries of the counties comprising  
35 the district.

36 (2) A legislative or judicial office that includes territory from  
37 only one county:

1 (a) The fee shall be paid to the county auditor if the candidate  
2 filed his or her declaration of candidacy with the county auditor;

3 (b) The fee shall be paid to the secretary of state if the  
4 candidate filed his or her declaration of candidacy with the secretary  
5 of state. The secretary of state shall then promptly transmit the fee  
6 to the county auditor of the county in which the legislative or  
7 judicial office is located.

8 (3) A city or town office, the fee shall be paid to the county  
9 auditor who shall transmit it to the city or town clerk for deposit in  
10 the city or town treasury.

11 **Sec. 34.** RCW 29A.24.101 and 2006 c 206 s 4 are each amended to  
12 read as follows:

13 (1) The filing fee petition authorized by RCW 29A.24.091 must be  
14 printed on sheets of uniform color and size, must include a place for  
15 each individual to sign and print his or her name and the address,  
16 city, and county at which he or she is registered to vote, and must  
17 contain no more than twenty numbered lines.

18 ~~((For candidates for nonpartisan office and candidates of a~~  
19 ~~major political party for partisan office,))~~ The filing fee petition  
20 must be in substantially the following form:

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

22 We, the undersigned registered voters of  (the state of  
23 Washington or the political subdivision for which the nomination is  
24 made) , hereby petition that the name of  (candidate's name)  be  
25 printed on the official primary ballot for the office of  (insert  
26 name of office) .

27 ~~((3) For independent candidates and candidates of a minor~~  
28 ~~political party for partisan office, the filing fee petition must be in~~  
29 ~~substantially the following form:~~

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

31 ~~We, the undersigned registered voters of~~  (the state of  
32 Washington or the political subdivision for which the nomination is  
33 made) , hereby petition that the name of  (candidate's name)  be  
34 printed on the official general election ballot for the office of  
35  (insert name of office) .)

1           **Sec. 35.** RCW 29A.24.131 and 2004 c 271 s 115 are each amended to  
2 read as follows:

3           A candidate may withdraw his or her declaration of candidacy at any  
4 time before the close of business on the Thursday following the last  
5 day for candidates to file under RCW 29A.24.050 by filing, with the  
6 officer with whom the declaration of candidacy was filed, a signed  
7 request that his or her name not be printed on the ballot. There shall  
8 be no withdrawal period for declarations of candidacy filed during  
9 special filing periods held under this title. (~~The filing officer may~~  
10 ~~permit the withdrawal of a filing for the office of precinct committee~~  
11 ~~officer at the request of the candidate at any time if no absentee~~  
12 ~~ballots have been issued for that office and the ballots for that~~  
13 ~~precinct have not been printed.)) The filing officer may permit the  
14 withdrawal of a filing for any elected office of a city, town, or  
15 special district at the request of the candidate at any time before a  
16 primary if the primary ballots for that city, town, or special district  
17 have not been ordered. No filing fee may be refunded to any candidate  
18 who withdraws under this section. Notice of the deadline for  
19 withdrawal of candidacy and that the filing fee is not refundable shall  
20 be given to each candidate at the time he or she files.~~

21           **Sec. 36.** RCW 29A.24.141 and 2004 c 271 s 162 are each amended to  
22 read as follows:

23           A void in candidacy for (~~a nonpartisan~~) an office occurs when an  
24 election for such office, except for the short term, has been scheduled  
25 and no valid declaration of candidacy has been filed for the position  
26 or all persons filing such valid declarations of candidacy have died or  
27 been disqualified.

28           **Sec. 37.** RCW 29A.24.151 and 2004 c 271 s 163 are each amended to  
29 read as follows:

30           The election officer with whom declarations of candidacy are filed  
31 shall give notice of a void in candidacy for (~~a nonpartisan~~) an  
32 office, by notifying press, radio, and television in the county and by  
33 such other means as may now or hereafter be provided by law. The  
34 notice shall state the office, and the time and place for filing  
35 declarations of candidacy.



1 (1) A void in candidacy for (~~such nonpartisan~~) the office occurs  
2 on or after the eleventh Tuesday prior to a primary but prior to the  
3 eleventh Tuesday before an election; or

4 (2) A nominee for judge of the superior court eligible after a  
5 contested primary for a certificate of election by Article 4, section  
6 29, Amendment 41 of the state Constitution, dies or is disqualified  
7 within the ten-day period immediately following the last day allotted  
8 for a candidate to withdraw; or

9 (3) A vacancy occurs in any (~~nonpartisan~~) office on or after the  
10 eleventh Tuesday prior to a primary but prior to the eleventh Tuesday  
11 before an election leaving an unexpired term to be filled by an  
12 election for which filings have not been held.

13 The candidate receiving a plurality of the votes cast for that  
14 office in the general election shall be deemed elected.

15 **Sec. 41.** RCW 29A.24.191 and 2006 c 344 s 9 are each amended to  
16 read as follows:

17 A scheduled election shall be lapsed, the office deemed stricken  
18 from the ballot, no purported write-in votes counted, and no candidate  
19 certified as elected, when:

20 (1) In an election for judge of the supreme court or superintendent  
21 of public instruction, a void in candidacy occurs on or after the  
22 eleventh Tuesday prior to a primary, public filings and the primary  
23 being an indispensable phase of the election process for such offices;

24 (2) Except as otherwise specified in RCW 29A.24.181, a nominee for  
25 judge of the superior court entitled to a certificate of election  
26 pursuant to Article 4, section 29, Amendment 41 of the state  
27 Constitution dies or is disqualified on or after the eleventh Tuesday  
28 prior to a primary;

29 (3) In other elections (~~for nonpartisan office~~), a void in  
30 candidacy occurs or a vacancy occurs involving an unexpired term to be  
31 filled on or after the eleventh Tuesday prior to an election.

32 **Sec. 42.** RCW 29A.24.211 and 2006 c 344 s 10 are each amended to  
33 read as follows:

34 Filings for (~~a partisan elective~~) an office shall be opened for  
35 a period of three normal business days whenever, on or after the first

1 day of the regular filing period and before the eleventh Tuesday prior  
2 to a primary, a vacancy occurs in that office, leaving an unexpired  
3 term to be filled by an election for which filings have not been held.

4 Any such special three-day filing period shall be fixed by the  
5 election officer with whom declarations of candidacy for that office  
6 are filed. The election officer shall give notice of the special  
7 three-day filing period by notifying the press, radio, and television  
8 in the county or counties involved, and by such other means as may be  
9 required by law.

10 Candidacies validly filed within the special three-day filing  
11 period shall appear on the ballot as if filed during the regular filing  
12 period.

13 **Sec. 43.** RCW 29A.24.311 and 2004 c 271 s 117 are each amended to  
14 read as follows:

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

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

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

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

35 (2) The person attempting to file as a write-in candidate has  
36 already filed a valid write-in declaration for that primary or

1 election(~~(, unless one or the other of the two filings is for the~~  
2 ~~office of precinct committee person))~~);

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

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

15 **Sec. 44.** RCW 29A.28.021 and 2006 c 344 s 11 are each amended to  
16 read as follows:

17 (~~(A vacancy caused by the death or disqualification of))~~ When any  
18 candidate (~~(or nominee of a major or minor political party may be~~  
19 ~~filled at any time up to and including the day prior to the election~~  
20 ~~for that position. For state partisan offices in any political~~  
21 ~~subdivision voted on solely by electors of a single county, an~~  
22 ~~individual shall be appointed to fill such vacancy by the county~~  
23 ~~central committee in the case of a major political party or by the~~  
24 ~~state central committee or comparable governing body in the case of a~~  
25 ~~minor political party. For other partisan offices, including federal~~  
26 ~~or statewide offices, an individual shall be appointed to fill such~~  
27 ~~vacancy by the state central committee or comparable governing body of~~  
28 ~~the appropriate political party.~~

29 ~~If the vacancy occurs))~~ dies or is disqualified no later than the  
30 eleventh Tuesday prior to the state primary or general election  
31 concerned and the ballots have been printed, it shall be mandatory that  
32 they be corrected by the appropriate election officers. In making such  
33 correction, it shall not be necessary to reprint complete ballots if  
34 any other less expensive technique can be used and the resulting  
35 correction is reasonably clear.

36 If the (~~(vacancy))~~ death or disqualification occurs after the  
37 eleventh Tuesday prior to the state primary or general election and

1 time does not exist in which to correct ballots (including absentee  
2 ballots), either in total or in part, then the votes cast or recorded  
3 for the person who has died or become disqualified shall not be counted  
4 (~~for the person who has been named to fill such vacancy~~), reported,  
5 or canvassed.

6 (~~When the secretary of state is the person with whom the~~  
7 ~~appointment by the major or minor political party is filed, the~~  
8 ~~secretary shall, in certifying candidates or nominations to the various~~  
9 ~~county officers insert the name of the person appointed to fill a~~  
10 ~~vacancy.~~

11 ~~If the secretary of state has already sent forth the certificate~~  
12 ~~when the appointment to fill a vacancy is filed, the secretary shall~~  
13 ~~forthwith certify to the county auditors of the proper counties the~~  
14 ~~name and place of residence of the person appointed to fill a vacancy,~~  
15 ~~the office for which the person is a candidate or nominee, the party~~  
16 ~~the person represents, and all other pertinent facts pertaining to the~~  
17 ~~vacancy.)~~

18 **Sec. 45.** RCW 29A.28.041 and 2006 c 344 s 12 are each amended to  
19 read as follows:

20 (1) Whenever a vacancy occurs in the United States house of  
21 representatives or the United States senate from this state, the  
22 governor shall order a special election to fill the vacancy. (~~Minor~~  
23 ~~political party candidates and independent candidates may be nominated~~  
24 ~~through the convention procedures provided in chapter 29A.20 RCW.))~~

25 (2) Within ten days of such vacancy occurring, he or she shall  
26 issue a writ of election fixing a date for the special vacancy election  
27 not less than ninety days after the issuance of the writ, fixing a date  
28 for the primary (~~for nominating major political party candidates for~~  
29 ~~the special vacancy election)) not less than thirty days before the day  
30 fixed for holding the special vacancy election, fixing the dates for  
31 the special filing period, and designating the term or part of the term  
32 for which the vacancy exists. If the vacancy is in the office of  
33 United States representative, the writ of election shall specify the  
34 congressional district that is vacant.~~

35 (3) If the vacancy occurs less than six months before a state  
36 general election and before the second Friday following the close of  
37 the filing period for that general election, the special primary(~~(τ)~~)

1 and special vacancy election(~~(, and minor party and independent~~  
2 ~~candidate nominating conventions))~~ must be held in concert with the  
3 state primary and state general election in that year.

4 (4) If the vacancy occurs on or after the first day for filing  
5 under RCW 29A.24.050 and on or before the second Friday following the  
6 close of the filing period, a special filing period of three normal  
7 business days shall be fixed by the governor and notice thereof given  
8 to all media, including press, radio, and television within the area in  
9 which the vacancy election is to be held, to the end that, insofar as  
10 possible, all interested persons will be aware of such filing period.  
11 The last day of the filing period shall not be later than the sixth  
12 Tuesday before the primary (~~(at which major political party candidates~~  
13 ~~are to be nominated. The names of major political party candidates who~~  
14 ~~have filed valid declarations of candidacy during this three day period~~  
15 ~~shall appear on the approaching primary ballot. The requirements of~~  
16 ~~RCW 29A.20.131 do not apply to a minor political party or independent~~  
17 ~~candidate convention held under this subsection)).~~

18 (5) If the vacancy occurs later than the second Friday following  
19 the close of the filing period, a special primary(~~(,)~~) and special  
20 vacancy election(~~(, and the minor party and independent candidate~~  
21 ~~conventions))~~ to fill the position shall be held after the next state  
22 general election but, in any event, no later than the ninetieth day  
23 following the November election.

24 **Sec. 46.** RCW 29A.28.061 and 2004 c 271 s 119 are each amended to  
25 read as follows:

26 The general election laws and laws relating to (~~(partisan))~~  
27 primaries shall apply to the special primaries and vacancy elections  
28 provided for in chapter 29A.28 RCW to the extent that they are not  
29 inconsistent with the provisions of these sections. (~~(Minor political~~  
30 ~~party and independent candidates may appear only on the general~~  
31 ~~election ballot.))~~ Statutory time deadlines relating to availability  
32 of absentee ballots, certification, canvassing, and related procedures  
33 that cannot be met in a timely fashion may be modified for the purposes  
34 of a specific primary or vacancy election under this chapter by the  
35 secretary of state through emergency rules adopted under RCW  
36 29A.04.611.

1       **Sec. 47.** RCW 29A.32.031 and 2004 c 271 s 121 are each amended to  
2 read as follows:

3       The voters' pamphlet must contain:

4       (1) Information about each ballot measure initiated by or referred  
5 to the voters for their approval or rejection as required by RCW  
6 29A.32.070;

7       (2) In even-numbered years, statements, if submitted, advocating  
8 the candidacies of nominees for the offices of president and vice  
9 president of the United States, and candidates for the offices of  
10 United States senator, United States representative, governor,  
11 lieutenant governor, secretary of state, state treasurer, state  
12 auditor, attorney general, commissioner of public lands, superintendent  
13 of public instruction, insurance commissioner, state senator, state  
14 representative, justice of the supreme court, judge of the court of  
15 appeals, or judge of the superior court. Candidates may also submit a  
16 campaign mailing address and telephone number and a photograph not more  
17 than five years old and of a size and quality that the secretary of  
18 state determines to be suitable for reproduction in the voters'  
19 pamphlet;

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

24       (4) In even-numbered years, a section explaining how voters may  
25 participate in the election campaign process; the address and telephone  
26 number of the public disclosure commission established under RCW  
27 42.17.350; and a summary of the disclosure requirements that apply when  
28 contributions are made to candidates and political committees;

29       ~~(5) ((In even-numbered years the name, address, and telephone~~  
30 ~~number of each political party with nominees listed in the pamphlet, if~~  
31 ~~filed with the secretary of state by the state committee of a major~~  
32 ~~political party or the presiding officer of the convention of a minor~~  
33 ~~political party;~~

34       ~~(6))~~ In each odd-numbered year immediately before a year in which  
35 a president of the United States is to be nominated and elected,  
36 information explaining the precinct caucus and convention process used  
37 by each major political party to elect delegates to its national or  
38 state presidential candidate nominating convention(~~(. The pamphlet~~

1 ~~must also provide a description of the statutory procedures by which~~  
2 ~~minor political parties are formed and the statutory methods used by~~  
3 ~~the parties to nominate candidates for president));~~

4 ((+7)) (6) An application form for an absentee ballot;

5 ((+8)) (7) A brief statement explaining the deletion and addition  
6 of language for proposed measures under RCW 29A.32.080;

7 ((+9)) (8) Any additional information pertaining to elections as  
8 may be required by law or in the judgment of the secretary of state is  
9 deemed informative to the voters.

10 **Sec. 48.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to  
11 read as follows:

12 The local voters' pamphlet shall include but not be limited to the  
13 following:

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

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

19 (3) Information on how a person may register to vote and obtain an  
20 absentee ballot;

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

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

31 ~~(6) For partisan primary elections, information on how to vote the~~  
32 ~~applicable ballot format and an explanation that minor political party~~  
33 ~~candidates and independent candidates will appear only on the general~~  
34 ~~election ballot)).~~

35 **Sec. 49.** RCW 29A.36.131 and 2004 c 271 s 130 are each amended to  
36 read as follows:

1 After the close of business on the last day for candidates to file  
2 for office, the filing officer shall, from among those filings made in  
3 person and by mail, determine by lot the order in which the names of  
4 those candidates will appear on all primary, sample, and absentee  
5 ballots. The determination shall be done publicly and may be witnessed  
6 by the media and by any candidate. If no primary is required for any  
7 nonpartisan office under RCW 29A.52.011 or 29A.52.220, (~~or if any~~  
8 ~~independent or minor party candidate files a declaration of~~  
9 ~~candidacy,~~) the names shall appear on the general election ballot in  
10 the order determined by lot.

11 **Sec. 50.** RCW 29A.36.151 and 2004 c 271 s 131 are each amended to  
12 read as follows:

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

25 **Sec. 51.** RCW 29A.36.201 and 2004 c 271 s 171 are each amended to  
26 read as follows:

27 The names of the persons certified (~~as nominees~~) for each office  
28 by the secretary of state or the county canvassing board shall be  
29 printed on the ballot at the ensuing election.

30 No name of any candidate (~~whose nomination at a primary is~~  
31 ~~required by law~~) shall be placed upon the ballot at a general or  
32 special election unless it appears upon the certificate of either (1)  
33 the secretary of state(~~(7)~~) or (2) the county canvassing board(~~(7, or~~  
34 ~~(3) a minor party convention or the state or county central committee~~  
35 ~~of a major political party to fill a vacancy on its ticket under RCW~~  
36 ~~29A.28.021~~)).

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

6 **Sec. 52.** RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to  
7 read as follows:

8 (1) Except as otherwise provided by law, a registered voter or out-  
9 of-state voter, overseas voter, or service voter desiring to cast an  
10 absentee ballot at a single election or primary must request the  
11 absentee ballot from his or her county auditor no earlier than ninety  
12 days nor later than the day before the election or primary at which the  
13 person seeks to vote. Except as otherwise provided by law, the request  
14 may be made orally in person, by telephone, electronically, or in  
15 writing. An application or request for an absentee ballot made under  
16 the authority of a federal statute or regulation will be considered and  
17 given the same effect as a request for an absentee ballot under this  
18 chapter.

19 (2) A voter requesting an absentee ballot for a primary may also  
20 request an absentee ballot for the following general election. A  
21 request by an out-of-state voter, overseas voter, or service voter for  
22 an absentee ballot for a primary (~~election~~) will be considered as a  
23 request for an absentee ballot for the following general election.

24 (3) In requesting an absentee ballot, the voter shall state the  
25 address to which the absentee ballot should be sent. A request for an  
26 absentee ballot from an out-of-state voter, overseas voter, or service  
27 voter must include the address of the last residence in the state of  
28 Washington and either a written application or the oath on the return  
29 envelope must include a declaration of the other qualifications of the  
30 applicant as an elector of this state. A request for an absentee  
31 ballot from any other voter must state the address at which that voter  
32 is currently registered to vote in the state of Washington or the  
33 county auditor shall verify that information from the voter  
34 registration records of the county.

35 (4) A request for an absentee ballot from a registered voter who is  
36 within this state must be made directly to the auditor of the county in  
37 which the voter is registered. An absentee ballot request from a

1 registered voter who is temporarily outside this state or from an out-  
2 of-state voter, overseas voter, or service voter may be made either to  
3 the appropriate county auditor or to the secretary of state, who shall  
4 promptly forward the request to the appropriate county auditor.

5 (5) No person, organization, or association may distribute absentee  
6 ballot applications within this state that contain a return address  
7 other than that of the appropriate county auditor.

8 **Sec. 53.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to  
9 read as follows:

10 (1) The county auditor shall issue an absentee ballot for the  
11 primary or election for which it was requested, or for the next  
12 occurring primary or election when ongoing absentee status has been  
13 requested if the information contained in a request for an absentee  
14 ballot or ongoing absentee status received by the county auditor is  
15 complete and correct and the applicant is qualified to vote under  
16 federal or state law. Otherwise, the county auditor shall notify the  
17 applicant of the reason or reasons why the request cannot be accepted.  
18 ~~((Whenever two or more candidates have filed for the position of  
19 precinct committee officer for the same party in the same precinct, the  
20 contest for that position must be presented to absentee voters from  
21 that precinct by either including the contest on the regular absentee  
22 ballot or a separate absentee ballot. The ballot must provide space  
23 designated for writing in the name of additional candidates.))~~

24 (2) A registered voter may obtain a replacement ballot if the  
25 ballot is destroyed, spoiled, lost, or not received by the voter. The  
26 voter may obtain the ballot by telephone request, by mail,  
27 electronically, or in person. The county auditor shall keep a record  
28 of each replacement ballot provided under this subsection.

29 (3) A copy of the state voters' pamphlet must be sent to registered  
30 voters temporarily outside the state, out-of-state voters, overseas  
31 voters, and service voters along with the absentee ballot if such a  
32 pamphlet has been prepared for the primary or election and is available  
33 to the county auditor at the time of mailing. The county auditor shall  
34 mail all absentee ballots and related material to voters outside the  
35 territorial limits of the United States and the District of Columbia  
36 under 39 U.S.C. 3406.

1       **Sec. 54.** RCW 29A.40.091 and 2005 c 246 s 21 are each amended to  
2 read as follows:

3       The county auditor shall send each absentee voter a ballot, a  
4 security envelope in which to seal the ballot after voting, a larger  
5 envelope in which to return the security envelope, and instructions on  
6 how to mark the ballot and how to return it to the county auditor.  
7 (~~The instructions that accompany an absentee ballot for a partisan~~  
8 ~~primary must include instructions for voting the applicable ballot~~  
9 ~~style, as provided in chapter 29A.36 RCW.)) The absentee voter's name  
10 and address must be printed on the larger return envelope, which must  
11 also contain a declaration by the absentee voter reciting his or her  
12 qualifications and stating that he or she has not voted in any other  
13 jurisdiction at this election, together with a summary of the penalties  
14 for any violation of any of the provisions of this chapter. The  
15 declaration must clearly inform the voter that it is illegal to vote if  
16 he or she is not a United States citizen; it is illegal to vote if he  
17 or she has been convicted of a felony and has not had his or her voting  
18 rights restored; and, except as otherwise provided by law, it is  
19 illegal to cast a ballot or sign an absentee envelope on behalf of  
20 another voter. The return envelope must provide space for the voter to  
21 indicate the date on which the ballot was voted and for the voter to  
22 sign the oath. It must also contain a space so that the voter may  
23 include a telephone number. A summary of the applicable penalty  
24 provisions of this chapter must be printed on the return envelope  
25 immediately adjacent to the space for the voter's signature. The  
26 signature of the voter on the return envelope must affirm and attest to  
27 the statements regarding the qualifications of that voter and to the  
28 validity of the ballot. The return envelope must also have a secrecy  
29 flap that the voter may seal that will cover the voter's signature and  
30 optional telephone number. For out-of-state voters, overseas voters,  
31 and service voters, the signed declaration on the return envelope  
32 constitutes the equivalent of a voter registration for the election or  
33 primary for which the ballot has been issued. The voter must be  
34 instructed to either return the ballot to the county auditor by whom it  
35 was issued or attach sufficient first class postage, if applicable, and  
36 mail the ballot to the appropriate county auditor no later than the day  
37 of the election or primary for which the ballot was issued.~~

1        If the county auditor chooses to forward absentee ballots, he or  
2 she must include with the ballot a clear explanation of the  
3 qualifications necessary to vote in that election and must also advise  
4 a voter with questions about his or her eligibility to contact the  
5 county auditor. This explanation may be provided on the ballot  
6 envelope, on an enclosed insert, or printed directly on the ballot  
7 itself. If the information is not included, the envelope must clearly  
8 indicate that the ballot is not to be forwarded and that return postage  
9 is guaranteed.

10        **Sec. 55.** RCW 29A.40.100 and 2003 c 111 s 1010 are each amended to  
11 read as follows:

12        County auditors must ~~((request that))~~, under rules adopted by the  
13 secretary of state, permit observers ~~((be appointed by the major~~  
14 ~~political parties))~~ to be present during the processing of absentee  
15 ballots. The absence of the observers will not prevent the processing  
16 of absentee ballots ~~((if the county auditor has requested their~~  
17 ~~presence))~~.

18        **Sec. 56.** RCW 29A.44.050 and 2003 c 111 s 1105 are each amended to  
19 read as follows:

20        (1) At the direction of the county auditor, a team or teams  
21 ~~((composed of a representative of at least two major political~~  
22 ~~parties))~~ shall stop at designated polling places and pick up the  
23 sealed containers of voted, untallied ballots for delivery to the  
24 counting center. There may be more than one delivery from each polling  
25 place. Two precinct election officials~~((, representing two major~~  
26 ~~political parties,))~~ shall seal the voted ballots in containers  
27 furnished by the county auditor and properly identified with his or her  
28 address with uniquely prenumbered seals.

29        (2) At the counting center or the collection stations where the  
30 sealed ballot containers are delivered ~~((by the designated~~  
31 ~~representatives of the major political parties))~~, the county auditor or  
32 a designated representative of the county auditor shall receive the  
33 sealed ballot containers, record the time, date, precinct name or  
34 number, and seal number of each ballot container.

1           **Sec. 57.** RCW 29A.44.201 and 2004 c 271 s 136 are each amended to  
2 read as follows:

3           A voter desiring to vote shall give his or her name to the precinct  
4 election officer who has the precinct list of registered voters. This  
5 officer shall announce the name to the precinct election officer who  
6 has the copy of the inspector's poll book for that precinct. If the  
7 right of this voter to participate in the primary or election is not  
8 challenged, the voter must be issued a ballot or permitted to enter a  
9 voting booth or to operate a voting device. ~~((For a partisan primary  
10 in a jurisdiction using the physically separate ballot format, the  
11 voter must be issued a nonpartisan ballot and each party ballot.))~~ The  
12 number of the ballot or the voter must be recorded by the precinct  
13 election officers. If the right of the voter to participate is  
14 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

15           **Sec. 58.** RCW 29A.44.221 and 2004 c 271 s 137 are each amended to  
16 read as follows:

17           On signing the precinct list of registered voters or being issued  
18 a ballot, the voter shall, without leaving the polling place or  
19 disability access location, proceed to one of the voting booths or  
20 voting devices to cast his or her vote. When county election  
21 procedures so provide, the election officers may tear off and retain  
22 the numbered stub from the ballot before delivering it to the voter.  
23 If an election officer has not already done so, when the voter has  
24 finished, he or she shall either (1) remove the numbered stub from the  
25 ballot, place the ballot in the ballot box, and return the number to  
26 the election officers, or (2) deliver the entire ballot to the election  
27 officers, who shall remove the numbered stub from the ballot and place  
28 the ballot in the ballot box. ~~((For a partisan primary in a  
29 jurisdiction using the physically separate ballot format, the voter  
30 shall also return unvoted party ballots to the precinct election  
31 officers, who shall void the unvoted party ballots and return them to  
32 the county auditor.))~~ If poll-site ballot counting devices are used,  
33 the voter shall put the ballot in the device.

34           **Sec. 59.** RCW 29A.44.231 and 2004 c 271 s 138 are each amended to  
35 read as follows:

36           As each voter casts his or her vote, the precinct election officers

1 shall insert in the poll books or precinct list of registered voters  
2 opposite that voter's name, a notation to credit the voter with having  
3 participated in that primary or election. (~~No record may be made of~~  
4 ~~a voter's party affiliation in a partisan primary.~~) The precinct  
5 election officers shall record the voter's name so that a separate  
6 record is kept.

7 **Sec. 60.** RCW 29A.44.410 and 2003 c 111 s 1134 are each amended to  
8 read as follows:

9 (1) At least ten days prior to any primary or election, general or  
10 special, the county auditor shall appoint one inspector and two judges  
11 of election for each precinct (or each combination of precincts  
12 temporarily consolidated as a single precinct for that primary or  
13 election), other than those precincts designated as vote-by-mail  
14 precincts pursuant to RCW 29A.48.010. (~~Except as provided in~~  
15 ~~subsection (3) of this section, the persons appointed shall be among~~  
16 ~~those whose names are contained on the lists furnished under RCW~~  
17 ~~29A.44.430 by the chairpersons of the county central committees of the~~  
18 ~~political parties entitled to representation thereon.~~) Such precinct  
19 election officers, whenever possible, should be residents of the  
20 precinct in which they serve.

21 (2) (~~The county auditor may delete from the lists of names~~  
22 ~~submitted to the auditor by the chairpersons of the county central~~  
23 ~~committees under RCW 29A.44.430: (a) The names of those persons who~~  
24 ~~indicate to the auditor that they cannot or do not wish to serve as~~  
25 ~~precinct election officers for the primary or election or who otherwise~~  
26 ~~cannot so serve; and (b) the names of those persons who lack the~~  
27 ~~ability to conduct properly the duties of an inspector or judge of~~  
28 ~~election after training in that proper conduct has been made available~~  
29 ~~to them by the auditor. The lists which are submitted to the auditor~~  
30 ~~in a timely manner under RCW 29A.44.430, less the deletions authorized~~  
31 ~~by this subsection, constitute the official nomination lists for~~  
32 ~~inspectors and judges of election.~~

33 (3) ~~If the number of persons whose names are on the official~~  
34 ~~nomination list for a political party is not sufficient to satisfy the~~  
35 ~~requirements of subsection (4) of this section as it applies to that~~  
36 ~~political party or is otherwise insufficient to provide the number of~~  
37 ~~precinct election officials required from that political party, the~~

1 ~~auditor shall notify the chair of the party's county central committee~~  
2 ~~regarding the deficiency. The chair may, within five business days of~~  
3 ~~being notified by the auditor, add to the party's nomination list the~~  
4 ~~names of additional persons belonging to that political party who are~~  
5 ~~qualified to serve on the election boards. To the extent that,~~  
6 ~~following this procedure, the number of persons whose names appear on~~  
7 ~~the official nomination lists of the political parties is insufficient~~  
8 ~~to provide the number of election inspectors and judges required for a~~  
9 ~~primary or election, the auditor may appoint a properly trained person~~  
10 ~~whose name does not appear on such a list as an inspector or judge of~~  
11 ~~election for a precinct.~~

12 ~~(4) The county auditor shall designate the inspector and one judge~~  
13 ~~in each precinct from that political party which polled the highest~~  
14 ~~number of votes in the county for its candidate for president at the~~  
15 ~~last preceding presidential election and one judge from that political~~  
16 ~~party polling the next highest number of votes in the county for its~~  
17 ~~candidate for president at the same election. The provisions of this~~  
18 ~~subsection apply only if the number of names on the official nomination~~  
19 ~~list for inspectors and judges of election for a political party is~~  
20 ~~sufficient to satisfy the requirements imposed by this subsection.~~

21 ~~(5))~~ Except as provided in RCW 29A.44.440 for the filling of  
22 vacancies, this shall be the exclusive method for the appointment of  
23 inspectors and judges to serve as precinct election officers at any  
24 primary or election, general or special, and shall supersede the  
25 provisions of any and all other statutes, whether general or special in  
26 nature, having different requirements.

27 **Sec. 61.** RCW 29A.44.420 and 2003 c 111 s 1135 are each amended to  
28 read as follows:

29 At the same time the officer having jurisdiction of the election  
30 appoints the inspector and two judges as provided in RCW 29A.44.410, he  
31 or she may appoint one or more persons to act as clerks if in his or  
32 her judgment such additional persons are necessary(~~(, except that in~~  
33 ~~precincts in which voting machines are used, the judges of election~~  
34 ~~shall perform the duties required to be performed by clerks.~~

35 Each clerk appointed shall represent a major political party. The  
36 political party representation of a single set of precinct election

1 ~~officers shall, whenever possible, be equal but, in any event, no~~  
2 ~~single political party shall be represented by more than a majority of~~  
3 ~~one at each polling place)).~~

4 The election officer having jurisdiction of the election may  
5 designate at what hour the clerks shall report for duty. The hour may  
6 vary among the precincts according to the judgment of the appointing  
7 officer.

8 **Sec. 62.** RCW 29A.44.430 and 2003 c 111 s 1136 are each amended to  
9 read as follows:

10 ~~((The precinct committee officer of each major political party~~  
11 ~~shall certify to the officer's county chair a list of those persons~~  
12 ~~belonging to the officer's political party qualified to act upon the~~  
13 ~~election board in the officer's precinct.))~~

14 By the first day of June each year, the chair of the county central  
15 committee of ~~((each major))~~ a political party ~~((shall))~~ may certify to  
16 the officer having jurisdiction of the election a list of those persons  
17 ~~((belonging to the county chair's political party in each precinct))~~  
18 who are qualified to ~~((act))~~ serve on the election boards ~~((therein.~~

19 ~~The county chair shall compile this list from the names certified~~  
20 ~~by the various precinct committee officers unless no names or not a~~  
21 ~~sufficient number of names have been certified from a precinct, in~~  
22 ~~which event the county chair may include therein the names of qualified~~  
23 ~~members of the county chair's party selected by the county chair. The~~  
24 ~~county chair shall also have the authority to substitute names of~~  
25 ~~persons recommended by the precinct committee officers if in the~~  
26 ~~judgment of the county chair such persons are not qualified to serve as~~  
27 ~~precinct election officers))~~ of that county.

28 **Sec. 63.** RCW 29A.48.020 and 2004 c 266 s 15 are each amended to  
29 read as follows:

30 At any ~~((nonpartisan))~~ special election not being held in  
31 conjunction with a state primary or general election, the county, city,  
32 town, or district requesting the election pursuant to RCW  
33 ~~((29A.04.320))~~ 29A.04.321 or 29A.04.330 may also request that the  
34 special election be conducted by mail ballot. The county auditor may  
35 honor the request or may determine that the election is not to be

1 conducted by mail ballot. The decision of the county auditor in this  
2 regard is final.

3 For all special elections not being held in conjunction with a  
4 state primary or state general election where voting is conducted by  
5 mail ballot, the county auditor shall, not less than eighteen days  
6 before the date of such election, mail to each registered voter a mail  
7 ballot. The auditor shall handle inactive voters in the same manner as  
8 inactive voters in mail ballot precincts. The requirements regarding  
9 certification, reporting, and the mailing of overseas and military  
10 ballots in RCW (~~(29.36.270)~~) 29A.40.070 apply to mail ballot elections.

11 **Sec. 64.** RCW 29A.48.060 and 2003 c 111 s 1206 are each amended to  
12 read as follows:

13 All mail ballots authorized by RCW 29A.48.010, 29A.48.020, or  
14 29A.48.030 must contain the same offices, names of nominees or  
15 candidates, and propositions to be voted upon(~~(, including precinct~~  
16 ~~offices,~~) as if the ballot had been voted in person at the polling  
17 place. Except as otherwise provided by law, mail ballots must be  
18 treated in the same manner as absentee ballots issued at the request of  
19 the voter. If electronic vote tallying devices are used, (~~political~~  
20 ~~party~~) observers must be given the opportunity to be present, and a  
21 test of the equipment must be performed as required by RCW 29A.12.130  
22 before tabulating ballots. (~~Political party observers~~) Observers may  
23 select at random ballots to be counted manually as provided by RCW  
24 29A.60.170.

25 **Sec. 65.** RCW 29A.52.011 and 2006 c 344 s 14 are each amended to  
26 read as follows:

27 Whenever it shall be necessary to hold a special election in an  
28 odd-numbered year to fill an unexpired term of any office which is  
29 scheduled to be voted upon for a full term in an even-numbered year, no  
30 primary (~~election~~) shall be held in the odd-numbered year for that  
31 office if, after the last day allowed for candidates to withdraw(~~(,~~  
32 ~~either of the following circumstances exist:~~

33 ~~(1) No more than one candidate of each qualified political party~~  
34 ~~has filed a declaration of candidacy for the same partisan office to be~~  
35 ~~filled; or~~

1       ~~(2)~~) no more than two candidates have filed a declaration of  
2 candidacy for (~~(a single nonpartisan)~~) that office to be filled.

3       In either event, the officer with whom the declarations of  
4 candidacy were filed shall immediately notify all candidates concerned  
5 and the names of the candidates that would have been printed upon the  
6 primary ballot, but for the provisions of this section, shall be  
7 printed as (~~(nominees)~~) candidates for the (~~(positions sought upon)~~)  
8 position on the (~~(November)~~) general election ballot.

9       **Sec. 66.** RCW 29A.52.210 and 2003 c 111 s 1305 are each amended to  
10 read as follows:

11       All city and town primaries shall be nonpartisan. Primaries for  
12 special purpose districts, except those districts that require  
13 ownership of property within the district as a prerequisite to voting,  
14 shall be nonpartisan. City, town, and district primaries shall be held  
15 as provided in RCW (~~(29A.04.310)~~) 29A.04.311.

16       The purpose of this section is to establish the holding of a  
17 primary, subject to the exemptions in RCW 29A.52.220, as a uniform  
18 procedural requirement to the holding of city, town, and district  
19 elections. These provisions supersede any and all other statutes,  
20 whether general or special in nature, having different election  
21 requirements.

22       **Sec. 67.** RCW 29A.52.220 and 2005 c 153 s 10 are each amended to  
23 read as follows:

24       (1) No primary may be held for any single position (~~(in any city,~~  
25 ~~town, district, or district court,~~) as required by RCW 29A.52.210(~~(7)~~)  
26 if, after the last day allowed for candidates to withdraw, there are no  
27 more than two candidates filed for the position. The county auditor  
28 shall, as soon as possible, notify all the candidates so affected that  
29 the office for which they filed will not appear on the primary ballot.

30       (2) No primary may be held for nonpartisan offices in any first  
31 class city if the city:

32       (a) Is a qualifying city that has been certified to participate in  
33 the pilot project authorized by RCW 29A.53.020; and

34       (b) Is conducting an election using the instant runoff voting  
35 method for the pilot project authorized by RCW 29A.53.020.

36       (c) This subsection (2) expires July 1, 2013.

1 (3) No primary may be held for the office of commissioner of a park  
2 and recreation district or for the office of cemetery district  
3 commissioner.

4 (4) Names of candidates for offices that do not appear on the  
5 primary ballot shall be printed upon the general election ballot in the  
6 manner specified by RCW 29A.36.131.

7 **Sec. 68.** RCW 29A.52.311 and 2004 c 271 s 145 are each amended to  
8 read as follows:

9 Not more than ten nor less than three days before the primary, the  
10 county auditor shall publish notice of such primary in one or more  
11 newspapers of general circulation within the county. The notice must  
12 contain the ~~((proper party designations, the))~~ names and addresses of  
13 all persons who have filed a declaration of candidacy to be voted upon  
14 at that primary, instructions for voting the applicable ballot, as  
15 provided in chapter 29A.36 RCW, the hours during which the polls will  
16 be open, and the polling places for each precinct, giving the address  
17 of each polling place. ~~((The names of all candidates for nonpartisan  
18 offices must be published separately with designation of the offices  
19 for which they are candidates but without party designation.))~~ This is  
20 the only notice required for the holding of any primary.

21 **Sec. 69.** RCW 29A.52.351 and 2004 c 271 s 175 are each amended to  
22 read as follows:

23 Except as provided in RCW 29A.32.260, notice for any state, county,  
24 district, or municipal election, whether special or general, must be  
25 given by at least one publication not more than ten nor less than three  
26 days before the election by the county auditor or the officer  
27 conducting the election as the case may be, in one or more newspapers  
28 of general circulation within the county. The legal notice must  
29 contain the title of each office ~~((under the proper party  
30 designation))~~, the names and addresses of all ~~((officers who have been  
31 nominated for an office))~~ candidates to be voted upon at that election,  
32 together with the ballot titles of all measures, the hours during which  
33 the polls will be open, and the polling places for each precinct,  
34 giving the address of each polling place. ~~((The names of all  
35 candidates for nonpartisan offices must be published separately with  
36 designation of the offices for which they are candidates but without~~

1 ~~party designation.))~~ This is the only notice required for a state,  
2 county, district, or municipal general or special election and  
3 supersedes the provisions of any and all other statutes, whether  
4 general or special in nature, having different requirements for the  
5 giving of notice of any general or special election(~~(§)~~).

6 **Sec. 70.** RCW 29A.60.110 and 2003 c 111 s 1511 are each amended to  
7 read as follows:

8 Immediately after their tabulation, all ballots counted at a ballot  
9 counting center must be sealed in containers that identify the primary  
10 or election and be retained for at least sixty days or according to  
11 federal law, whichever is longer. All ballots tallied by poll-site  
12 ballot counting devices must be returned to the elections department in  
13 sealed ballot containers on election day. Counties composed entirely  
14 of islands or portions of counties composed of islands shall collect  
15 the ballots within twenty-four hours of the close of the polls.

16 Ballots tabulated in poll-site ballot counting devices must be  
17 sealed by two of the election precinct officers at the polling place,  
18 and a log of the seal and the names of the people sealing the container  
19 must be completed. One copy of this log must be retained by the  
20 inspector, one copy must be placed in the ballot transfer case, and one  
21 copy must be transported with the ballots to the elections department,  
22 where the seal number must be verified by the county auditor or a  
23 designated representative. Ballots may be transported by one election  
24 employee if the container is sealed at the poll and then verified when  
25 returned to the elections department. Auditors using poll-site ballot  
26 counting devices may conduct early pickup of counted ballots on  
27 election day.

28 In the presence of (~~major party~~) observers (~~who are available~~)  
29 under rules adopted by the secretary of state, ballots may be removed  
30 from the sealed containers at the elections department and consolidated  
31 into one sealed container for storage purposes. The containers may  
32 only be opened by the canvassing board as part of the canvass, or to  
33 conduct recounts, or under RCW 29A.60.170(3), or by order of the  
34 superior court in a contest or election dispute. If the canvassing  
35 board opens a ballot container, it shall make a full record of the  
36 additional tabulation or examination made of the ballots. This record

1 must be added to any other record of the canvassing process in that  
2 county.

3 **Sec. 71.** RCW 29A.60.170 and 2003 c 111 s 1517 are each amended to  
4 read as follows:

5 (1) The counting center in a county using voting systems is under  
6 the direction of the county auditor and ~~((must))~~ may be observed by  
7 ~~((one representative from each major political party, if  
8 representatives have been appointed by the respective major political  
9 parties and these representatives are present while the counting center  
10 is operating))~~ candidates and the public under rules adopted by the  
11 secretary of state. The proceedings must be open to the public, but no  
12 persons except those employed and authorized by the county auditor may  
13 touch any ballot or ballot container or operate a vote tallying system.

14 (2) In counties in which ballots are not counted at the polling  
15 place, the ~~((official political party observers, upon mutual  
16 agreement,))~~ county auditor may ~~((request that))~~ select a precinct ~~((be  
17 selected))~~ at random on receipt of the ballots from the polling place  
18 and request that a manual count be made of the number of ballots and of  
19 the votes cast on any office or issue. The ballots for that precinct  
20 must then be counted by the vote tallying system, and this result will  
21 be compared to the results of the manual count. This may be done as  
22 many as three times during the tabulation of ballots on the day of the  
23 primary or election.

24 (3) In counties using poll-site ballot counting devices, the  
25 ~~((political party observers, upon mutual agreement,))~~ county auditor  
26 may choose as many as three precincts and request that a manual count  
27 be made of the number of ballots and the votes cast on any office or  
28 issue. The results of this count will be compared to the count of the  
29 precinct made by the poll-site ballot counting device. These  
30 selections must be made no later than thirty minutes after the close of  
31 the polls. The manual count must be completed within forty-eight hours  
32 after the close of the polls. The process must take place at a  
33 location designated by the county auditor for that purpose. ~~((The  
34 political party observers must receive timely notice of the time and  
35 location, and have the right to be present. However, the process must  
36 proceed as scheduled if the observers are unable to attend.))~~

1       **Sec. 72.** RCW 29A.60.221 and 2004 c 271 s 176 are each amended to  
2 read as follows:

3       (1) If the requisite number of candidates for any federal, state,  
4 county, city, or district offices have not (~~been nominated in~~)  
5 qualified at a primary to have their names appear on the general  
6 election ballot by reason of two or more persons having an equal and  
7 requisite number of votes for being placed on the general election  
8 ballot, the official empowered by state law to certify candidates for  
9 the general election ballot shall give notice to the several persons so  
10 having the equal and requisite number of votes to attend at the  
11 appropriate office at the time designated by that official, who shall  
12 then and there proceed publicly to decide by lot which of those persons  
13 will be (~~declared nominated and~~) placed on the general election  
14 ballot.

15       (2) If the requisite number of candidates for any federal, state,  
16 county, city, or district(~~, or precinct officers~~) offices have not  
17 been elected by reason of two or more persons having an equal and  
18 highest number of votes for one and the same office, the official  
19 empowered by state law to issue the original certificate of election  
20 shall give notice to the several persons so having the highest and  
21 equal number of votes to attend at the appropriate office at the time  
22 to be appointed by that official, who shall then and there proceed  
23 publicly to decide by lot which of those persons will be declared duly  
24 elected, and the official shall make out and deliver to the person thus  
25 duly declared elected a certificate of election.

26       **Sec. 73.** RCW 29A.60.240 and 2003 c 111 s 1524 are each amended to  
27 read as follows:

28       The secretary of state shall, as soon as possible but in any event  
29 not later than the third Tuesday following the primary, canvass and  
30 certify the returns (~~of~~) for all (~~primary elections as to~~)  
31 candidates for state offices, United States senators and  
32 representatives in Congress, and all other candidates whose district  
33 extends beyond the limits of a single county.

34       **Sec. 74.** RCW 29A.64.011 and 2004 c 271 s 177 are each amended to  
35 read as follows:

36       (~~An officer of a political party or any~~) Any person for whom

1 votes were cast in a primary who (~~was not declared nominated~~) did not  
2 qualify to have his or her name printed on the subsequent general  
3 election ballot may file a written application for a recount of the  
4 votes or a portion of the votes cast at that primary for all persons  
5 for whom votes were cast for (~~nomination to~~) that office.

6 (~~An officer of a political party or any~~) Any person for whom  
7 votes were cast at any election may file a written application for a  
8 recount of the votes or a portion of the votes cast at that election  
9 for all candidates for election to that office.

10 Any group of five or more registered voters may file a written  
11 application for a recount of the votes or a portion of the votes cast  
12 upon any question or issue. They shall designate one of the members of  
13 the group as chair and shall indicate the voting residence of each  
14 member of the group.

15 An application for a recount of the votes cast for an office or on  
16 a ballot measure must be filed with the officer with whom filings are  
17 made for the jurisdiction.

18 An application for a recount must specify whether the recount will  
19 be done manually or by the vote tally system. A recount done by the  
20 vote tally system must use programming that recounts and reports only  
21 the office or ballot measure in question. The county shall also  
22 provide for a test of the logic and accuracy of that program.

23 An application for a recount must be filed within three business  
24 days after the county canvassing board or secretary of state has  
25 declared the official results of the primary or election for the office  
26 or issue for which the recount is requested.

27 This chapter applies to the recounting of votes cast by paper  
28 ballots and to the recounting of votes recorded on ballots counted by  
29 a vote tally system.

30 **Sec. 75.** RCW 29A.64.030 and 2005 c 243 s 20 are each amended to  
31 read as follows:

32 An application for a recount shall state the office for which a  
33 recount is requested and whether the request is for all or only a  
34 portion of the votes cast in that jurisdiction of that office. The  
35 person filing an application for a manual recount shall, at the same  
36 time, deposit with the county canvassing board or secretary of state,  
37 in cash or by certified check, a sum equal to twenty-five cents for

1 each ballot cast in the jurisdiction or portion of the jurisdiction for  
2 which the recount is requested as security for the payment of any costs  
3 of conducting the recount. If the application is for a machine  
4 recount, the deposit must be equal to fifteen cents for each ballot.  
5 These charges shall be determined by the county canvassing board or  
6 boards under RCW 29A.64.081.

7 The county canvassing board shall determine the date, time, and  
8 place or places at which the recount will be conducted. Not less than  
9 two days before the date of the recount, the county auditor shall mail  
10 a notice of the time and place of the recount to the applicant (~~(or~~  
11 ~~affected parties)~~) and, if the recount involves an office, to any  
12 person for whom votes were cast for that office. The county auditor  
13 shall also notify the (~~(affected parties)~~) applicant and other persons  
14 by either telephone, fax, e-mail, or other electronic means at the time  
15 of mailing. At least three attempts must be made over a two-day period  
16 to notify the (~~(affected parties)~~) applicant and other persons or until  
17 the (~~(affected parties)~~) applicant and other persons have received the  
18 notification. Each attempt to notify (~~(affected parties)~~) the  
19 applicant and other persons must request a return response indicating  
20 that the notice has been received. Each person entitled to receive  
21 notice of the recount may attend, witness the recount, and be  
22 accompanied by counsel.

23 Proceedings of the canvassing board are public under chapter 42.30  
24 RCW. Subject to reasonable and equitable guidelines adopted by the  
25 canvassing board, all interested persons may attend and witness a  
26 recount.

27 **Sec. 76.** RCW 29A.68.011 and 2005 c 243 s 22 are each amended to  
28 read as follows:

29 Any justice of the supreme court, judge of the court of appeals, or  
30 judge of the superior court in the proper county shall, by order,  
31 require any person charged with error, wrongful act, or neglect to  
32 forthwith correct the error, desist from the wrongful act, or perform  
33 the duty and to do as the court orders or to show cause forthwith why  
34 the error should not be corrected, the wrongful act desisted from, or  
35 the duty or order not performed, whenever it is made to appear to such  
36 justice or judge by affidavit of an elector that:

1 (1) An error or omission has occurred or is about to occur in  
2 printing the name of any candidate on official ballots; or

3 (2) An error other than as provided in subsections (1) and (3) of  
4 this section has been committed or is about to be committed in printing  
5 the ballots; or

6 (3) The name of any person has been or is about to be wrongfully  
7 placed upon the ballots; or

8 (4) A wrongful act other than as provided for in subsections (1)  
9 and (3) of this section has been performed or is about to be performed  
10 by any election officer; or

11 (5) Any neglect of duty on the part of an election officer other  
12 than as provided for in subsections (1) and (3) of this section has  
13 occurred or is about to occur; or

14 (6) An error or omission has occurred or is about to occur in the  
15 issuance of a certificate of election.

16 An affidavit of an elector under subsections (1) and (3) of this  
17 section when relating to a primary (~~(election)~~) must be filed with the  
18 appropriate court no later than the second Friday following the closing  
19 of the filing period for nominations for such office and shall be heard  
20 and finally disposed of by the court not later than five days after the  
21 filing thereof. An affidavit of an elector under subsections (1) and  
22 (3) of this section when relating to a general election must be filed  
23 with the appropriate court no later than three days following the  
24 official certification of the primary (~~(election)~~) returns and shall be  
25 heard and finally disposed of by the court not later than five days  
26 after the filing thereof. An affidavit of an elector under subsection  
27 (6) of this section shall be filed with the appropriate court no later  
28 than ten days following the official certification of the election as  
29 provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case  
30 of a recount, ten days after the official certification of the amended  
31 abstract as provided in RCW 29A.64.061.

32 **Sec. 77.** RCW 36.16.110 and 2003 c 238 s 1 are each amended to read  
33 as follows:

34 The county legislative authority in each county shall, at its next  
35 regular or special meeting after being appraised of any vacancy in any  
36 county, township, precinct, or road district office of the county, fill  
37 the vacancy by the appointment of some person qualified to hold such

1 office, and the officers thus appointed shall hold office until the  
2 next general election, and until their successors are elected and  
3 qualified.

4 If a vacancy occurs in a (~~(partisan)~~) county office after the  
5 general election in a year that the position appears on the ballot and  
6 before the start of the next term, the term of the successor (~~(who is~~  
7 ~~of the same party as the incumbent)~~) may commence once he or she has  
8 qualified as defined in RCW (~~(29.01.135)~~) 29A.04.133 and shall continue  
9 (~~(through the term for which he or she was)~~) until a successor is  
10 elected and qualified.

11 **Sec. 78.** RCW 36.16.115 and 1981 c 180 s 3 are each amended to read  
12 as follows:

13 Where a vacancy occurs in any (~~(partisan)~~) county elective office,  
14 other than a member of the county legislative authority, the county  
15 legislative authority may appoint an employee that was serving as a  
16 deputy or assistant in such office at the time the vacancy occurred as  
17 an acting official to perform all necessary duties to continue normal  
18 office operations. The acting official will serve until a successor is  
19 either elected or appointed as required by law. This section does not  
20 apply to any vacancy occurring in a charter county (~~(which)~~) that has  
21 charter provisions inconsistent with this section.

22 **Sec. 79.** RCW 36.32.0558 and 2003 c 238 s 2 are each amended to  
23 read as follows:

24 Vacancies on a board of county commissioners consisting of five  
25 members shall be filled as provided in RCW 36.32.070, except that:

26 (1) Whenever there are three or more vacancies, the governor shall  
27 appoint one or more commissioners until there are a total of three  
28 commissioners;

29 (2) Whenever there are two vacancies, the three commissioners shall  
30 fill one of the vacancies;

31 (3) Whenever there is one vacancy, the four commissioners shall  
32 fill the single vacancy; and

33 (4) Whenever there is a vacancy after the general election in a  
34 year that the position appears on the ballot and before the start of  
35 the next term, the term of the successor (~~(who is of the same party as~~

1 ~~the incumbent~~) may commence once he or she has qualified as defined in  
2 RCW ((29.01.135)) 29A.04.133 and shall continue ((~~through the term for~~  
3 ~~which he or she was~~) until a successor is elected and qualified.

4 **Sec. 80.** RCW 36.32.070 and 2003 c 238 s 3 are each amended to read  
5 as follows:

6 Whenever there is a vacancy in the board of county commissioners,  
7 except as provided in RCW 36.32.0558, it shall be filled as follows:

8 (1) If there are three vacancies, the governor of the state shall  
9 appoint two of the officers. The two commissioners thus appointed  
10 shall then meet and select the third commissioner. If the two  
11 appointed commissioners fail to agree upon selection of the third after  
12 the expiration of five days from the day they were appointed, the  
13 governor shall appoint the remaining commissioner.

14 (2) Whenever there are two vacancies in the office of county  
15 commissioner, the governor shall appoint one commissioner, and the two  
16 commissioners then in office shall appoint the third commissioner. If  
17 they fail to agree upon a selection after the expiration of five days  
18 from the day of the governor's appointment, the governor shall appoint  
19 the third commissioner.

20 (3) Whenever there is one vacancy in the office of county  
21 commissioner, the two remaining commissioners shall fill the vacancy.  
22 If the two commissioners fail to agree upon a selection after the  
23 expiration of five days from the day the vacancy occurred, the governor  
24 shall appoint the third commissioner.

25 (4) Whenever there is a vacancy in the office of county  
26 commissioner after the general election in a year that the position  
27 appears on the ballot and before the start of the next term, the term  
28 of the successor ((~~who is of the same party as the incumbent~~)) may  
29 commence once he or she has qualified as defined in RCW ((29.01.135))  
30 29A.04.133 and shall continue ((~~through the term for which he or she~~  
31 ~~was~~) until a successor is elected and qualified.

32 **Sec. 81.** RCW 42.12.040 and 2006 c 344 s 29 are each amended to  
33 read as follows:

34 (1) If a vacancy occurs in any ((~~partisan~~)) elective office in the  
35 executive or legislative branches of state government or in any  
36 ((~~partisan~~)) county elective office before the ((~~eleventh~~)) tenth

1 Tuesday prior to the (~~primary for the~~) next general election  
2 following the occurrence of the vacancy, a successor shall be elected  
3 to that office at that general election. Except during the last year  
4 of the term of office, if such a vacancy occurs on or after the  
5 (~~eleventh~~) tenth Tuesday prior to the (~~primary for that~~) general  
6 election, the election of the successor shall occur at the next  
7 succeeding general election. The elected successor shall hold office  
8 for the remainder of the unexpired term. This section shall not apply  
9 to any vacancy occurring in a charter county (~~which~~) that has charter  
10 provisions inconsistent with this section.

11 (2) If a vacancy occurs in any legislative office or in any  
12 (~~partisan~~) county office after the general election in a year that  
13 the position appears on the ballot and before the start of the next  
14 term, the term of the successor (~~who is of the same party as the~~  
15 ~~incumbent~~) may commence once he or she has qualified as defined in RCW  
16 29A.04.133 and shall continue (~~through the term for which he or she~~  
17 ~~was~~) until a successor is elected and qualified.

18 **Sec. 82.** RCW 42.12.040 and 2005 c 2 s 15 are each amended to read  
19 as follows:

20 (1) If a vacancy occurs in any (~~partisan~~) elective office in the  
21 executive or legislative branches of state government or in any  
22 (~~partisan~~) county elective office before the (~~sixth~~) tenth Tuesday  
23 prior to the next general election following the occurrence of the  
24 vacancy, a successor shall be elected to that office at that general  
25 election. Except during the last year of the term of office, if such  
26 a vacancy occurs on or after the (~~sixth~~) tenth Tuesday prior to the  
27 general election, the election of the successor shall occur at the next  
28 succeeding general election. The elected successor shall hold office  
29 for the remainder of the unexpired term. This section shall not apply  
30 to any vacancy occurring in a charter county that has charter  
31 provisions inconsistent with this section.

32 (2) If a vacancy occurs in any legislative office or in any  
33 (~~partisan~~) county office after the general election in a year that  
34 the position appears on the ballot and before the start of the next  
35 term, the term of the successor (~~who is of the same party as the~~  
36 ~~incumbent~~) may commence once he or she has qualified as defined in RCW

1 29A.04.133 and shall continue ((~~through the term for which he or she~~  
2 ~~was~~) until a successor is elected and qualified.

3 **NOMINATIONS FOR PRESIDENT AND VICE PRESIDENT**

4 NEW SECTION. **Sec. 83.** A new section is added to chapter 29A.56  
5 RCW to read as follows:

6 (1) Independent or political party candidates for president and  
7 vice president may be nominated and presidential electors for those  
8 candidates may be chosen at either national or state conventions as  
9 provided in sections 85 through 89 of this act.

10 (2) A "state nominating convention," for the purposes of sections  
11 85 through 89 of this act, is an organized assembly of registered  
12 voters of this state representing independent candidates for the  
13 offices of president and vice president or a political party that  
14 chooses to nominate candidates for the offices of president and vice  
15 president independently of any national nominating convention. State  
16 nominating conventions may not nominate candidates for any public  
17 office other than president and vice president of the United States.

18 NEW SECTION. **Sec. 84.** A new section is added to chapter 29A.56  
19 RCW to read as follows:

20 (1) A state nominating convention may be held not earlier than the  
21 first Saturday in June and not later than the fourth Saturday in June.

22 (2) A state nominating convention may consist of multiple  
23 conventions held in more than one location on the same day.

24 NEW SECTION. **Sec. 85.** A new section is added to chapter 29A.56  
25 RCW to read as follows:

26 A notice or notices of a prospective state nominating convention  
27 must be published in a newspaper of general circulation within any  
28 county or counties in which the convention or parts of the convention  
29 are to be held at least ten days before the convention. The notice  
30 shall state the date, time, and place or places of the convention and  
31 include the mailing address of the person or organization sponsoring or  
32 conducting the convention.



1 the signatures and addresses of at least one thousand registered voters  
2 of the state;

3 (6) Contain proof of publication of the notice of calling the  
4 convention; and

5 (7) Be submitted to the secretary of state not later than one week  
6 following the adjournment of the convention at which the nominations  
7 were made.

8 NEW SECTION. **Sec. 89.** A new section is added to chapter 29A.56  
9 RCW to read as follows:

10 (1) If two or more valid certificates of nomination are filed  
11 purporting to nominate different candidates for the offices of  
12 president and vice president using the same political party name, the  
13 secretary of state must give effect to both certificates. If  
14 conflicting claims to the use of a party name are not resolved either  
15 by mutual agreement or by a judicial determination of the right to the  
16 name as provided in this section, all of the candidates purported to  
17 have been nominated using that party name must be treated as  
18 independent candidates. Disputes over the right to the name must not  
19 be permitted to delay the printing of either ballots or a voters'  
20 pamphlet.

21 (2) A person affected by a dispute over the use of a party name  
22 under this section may petition the superior court of Thurston county  
23 for a judicial determination of the right to use the name of that  
24 political party, either before or after documents are filed with the  
25 secretary of state. The court shall resolve the conflict between  
26 competing claims to the use of the same party name according to the  
27 following principles: (a) The prior established public use of the name  
28 during previous elections by a party composed of or led by the same  
29 individuals or individuals in documented succession; (b) prior  
30 established public use of the name earlier in the same election cycle;  
31 (c) documented affiliation with a national or statewide party  
32 organization with an established use of the name; (d) the first date of  
33 filing of a certificate of nomination; and (e) such other indicia of an  
34 established right to use of the name as the court may deem relevant.  
35 Upon resolving the conflict between competing claims, the court may  
36 also address any ballot designation for the candidate who does not  
37 prevail.



1 (11) RCW 29A.20.191 (Certificate of nomination--Checking  
2 signatures--Appeal of determination) and 2004 c 271 s 157;  
3 (12) RCW 29A.20.201 (Declarations of candidacy required,  
4 exceptions--Payment of fees) and 2004 c 271 s 113;  
5 (13) RCW 29A.24.210 (Vacancy in partisan elective office--Special  
6 filing period) and 2003 c 111 s 621;  
7 (14) RCW 29A.28.011 (Major party ticket) and 2004 c 271 s 191;  
8 (15) RCW 29A.28.071 (Precinct committee officer) and 2004 c 271 s  
9 120;  
10 (16) RCW 29A.32.036 (Even year primary contents) and 2004 c 271 s  
11 122;  
12 (17) RCW 29A.36.104 (Partisan primary ballots--Formats) and 2004 c  
13 271 s 126;  
14 (18) RCW 29A.36.106 (Partisan primary ballots--Required statements)  
15 and 2004 c 271 s 127;  
16 (19) RCW 29A.36.191 (Partisan candidates qualified for general  
17 election) and 2004 c 271 s 133;  
18 (20) RCW 29A.52.106 (Intent) and 2004 c 271 s 140;  
19 (21) RCW 29A.52.116 (Application of chapter--Exceptions) and 2004  
20 c 271 s 139;  
21 (22) RCW 29A.52.141 (Instructions) and 2004 c 271 s 141;  
22 (23) RCW 29A.52.151 (Ballot format--Procedures) and 2004 c 271 s  
23 142;  
24 (24) RCW 29A.52.161 (One vote) and 2004 c 271 s 144;  
25 (25) RCW 29A.52.321 (Certification of nominees) and 2004 c 271 s  
26 146;  
27 (26) RCW 29A.80.011 (Authority--Generally) and 2004 c 271 s 183;  
28 (27) RCW 29A.80.020 (State committee) and 2003 c 111 s 2002, 1987  
29 c 295 s 11, 1972 ex.s. c 45 s 1, & 1965 c 9 s 29.42.020;  
30 (28) RCW 29A.80.030 (County central committee--Organization  
31 meetings) and 2003 c 111 s 2003, 1987 c 295 s 12, 1973 c 85 s 1, 1973  
32 c 4 s 5, & 1965 c 9 s 29.42.030;  
33 (29) RCW 29A.80.041 (Precinct committee officer, eligibility) and  
34 2004 c 271 s 148;  
35 (30) RCW 29A.80.051 (Precinct committee officer--Election--Term)  
36 and 2004 c 271 s 149; and  
37 (31) RCW 29A.80.061 (Legislative district chair--Election--Term--  
38 Removal) and 2004 c 271 s 150.

1

**MISCELLANEOUS**

2        NEW SECTION.   **Sec. 92.**   Subheadings used in this act are not any  
3 part of the law.

--- END ---