

**Chapter 29A.36 RCW
BALLOTS AND OTHER VOTING FORMS**

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No link between voter and ballot choice—Exception: RCW 29A.08.161.

RCW 29A.36.010 Certifying primary candidates. Not later than the Tuesday following the regular filing period, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party preference, if any, provided on filed declarations. [2013 c 11 s 39; 2011 c 349 s 15. Prior: 2005 c 2 s 12 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 s 901; prior: 1990 c 59 s 8; 1965 ex.s. c 103 s 4; 1965 c 9 s 29.27.020; prior: 1949 c 161 s 10, part; 1947 c 234 s 2, part; 1935 c 26 s 1, part; 1921 c 178 s 4, part; 1907 c 209 s 8, part; Rem. Supp. 1949 s 5185, part. Formerly RCW 29.27.020.]

Effective date—2011 c 349: See note following RCW 29A.04.255.

Short title—Intent—Contingent effective date—2005 c 2
(Initiative Measure No. 872): See notes following RCW 29A.52.112.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.36.020 Constitutional measures—Ballot title—Formulation, ballot display, certification. (1) When a proposed constitutional amendment is to be submitted to the people of the state for statewide popular vote, the ballot title consists of: (a) A statement of the subject of the amendment; (b) a concise description of the amendment; and (c) a question in the form prescribed in this section. The statement of the subject of a constitutional amendment must be sufficiently broad to reflect the nature of the amendment, sufficiently precise to give notice of the amendment's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, give a true and impartial description of the amendment's essential contents, clearly identify the amendment to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the amendment.

The ballot title for a proposed constitutional amendment must be displayed on the ballot substantially as follows:

"The legislature has proposed a constitutional amendment on (statement of subject). This amendment would (concise description). Should this constitutional amendment be:

Approved
Rejected

(2) When a proposed new constitution is submitted to the people of the state by a constitutional convention for statewide popular vote, the ballot title consists of: (a) A concise description of the new constitution; and (b) a question in the form prescribed in this section. The concise description must contain no more than thirty words, give a true and impartial description of the new constitution's essential contents, clearly identify the proposed constitution to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the new constitution.

The ballot title for a proposed new constitution must be displayed on the ballot substantially as follows:

"The constitutional convention approved a new proposed state constitution that (concise description). Should this proposed constitution be:

Approved
Rejected

(3) The legislature may specify the statement of subject or concise description, or both, in a constitutional amendment that it submits to the people. If the legislature fails to specify the statement of subject or concise description, or both, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the concise description for a proposed new constitution that is submitted to the people by a

constitutional convention, and the concise description as so provided must be included as part of the ballot title unless changed on appeal.

(4) The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other statewide question at the same time and in the same manner as the ballot titles to initiatives and referendums. [2003 c 111 s 902. Prior: 2000 c 197 s 7. Formerly RCW 29.27.057.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.36.030 Constitutional measures—Ballot title—Filing.

The ballot title for a constitutional amendment or proposed constitution must be filed with the secretary of state in the same manner as the ballot title and summary for a state initiative or referendum are filed. [2003 c 111 s 903. Prior: 2000 c 197 s 8. Formerly RCW 29.27.061.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.36.040 Constitutional questions—Notice of ballot title and summary. Upon the filing of a ballot title under RCW 29A.36.020, the secretary of state shall provide notice of the exact language of the ballot title and summary to the chief clerk of the house of representatives, the secretary of the senate, and the prime sponsor of measure. [2013 c 11 s 92; 2003 c 111 s 904. Prior: 2000 c 197 s 9; 1993 c 256 s 11; 1965 c 9 s 29.27.065; prior: 1953 c 242 s 3. Formerly RCW 29.27.065.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.36.060 Constitutional questions—Ballot title—Appeal.

If any persons are dissatisfied with the ballot title for a proposed constitution or constitutional amendment, they may at any time within ten days from the time of the filing of the ballot title and summary, not including Saturdays, Sundays, or legal holidays, appeal to the superior court of Thurston county by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of the ballot title. The time of the filing of the ballot title, as used in this section for establishing the time for appeal, is the time the ballot title is first filed with the secretary of state.

A copy of the petition on appeal together with a notice that an appeal has been taken must be served upon the secretary of state, the attorney general, the chief clerk of the house of representatives, and the secretary of the senate. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed

measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the secretary of state a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title so certified will be the established ballot title. The appeal must be heard without cost to either party. [2013 c 11 s 40; 2003 c 111 s 906. Prior: 2000 c 197 s 11. Formerly RCW 29.27.0655.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.36.071 Local measures—Ballot title—Formulation—Advertising. (1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district or a proposed fire protection district, as provided in RCW 52.02.160, may exceed seventy-five words. If the local governmental unit is a city or a town, or if the ballot title is for a referendum under RCW 35.13A.115, the concise statement must be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement must be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement must be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

(2) A referendum measure on the enactment of a unit of local government must be advertised in the manner provided for nominees for elective office.

(3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition. [2017 c 328 s 4; 2015 c 172 s 3; 2006 c 311 s 9; 2004 c 271 s 169.]

Findings—2006 c 311: See note following RCW 36.120.020.

RCW 29A.36.080 Local measures—Ballot title—Notice. Upon the filing of a ballot title of a question to be submitted to the people of a county or municipality, the county auditor shall provide notice of the exact language of the ballot title to the persons proposing the measure, the county or municipality, and to any other person requesting a copy of the ballot title. [2003 c 111 s 908. Prior: 2000 c 197 s 13. Formerly RCW 29.27.0665.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.36.090 Local measures—Ballot title—Appeal. If any persons are dissatisfied with the ballot title for a local ballot measure that was formulated by the city attorney or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title, not including Saturdays, Sundays, and legal holidays, appeal to the superior court of the county where the question is to appear on the ballot, by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of it. The time of the filing of the ballot title, as used in this section in determining the time for appeal, is the time the ballot title is first filed with the county auditor.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the county auditor and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the county auditor a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title or statement so certified will be the established ballot title. The appeal must be heard without cost to either party. [2003 c 111 s 909. Prior: 2000 c 197 s 14; 1993 c 256 s 12; 1965 c 9 s 29.27.067; prior: 1953 c 242 s 4. Formerly RCW 29.27.067.]

Part headings not law—2000 c 197: See note following RCW 29A.72.050.

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.36.101 Names on primary ballot. Except for the candidates for president and vice president, or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who, under this title, filed a declaration of candidacy must appear on the appropriate ballot at the primary throughout the jurisdiction for which they filed. [2013 c 11 s 41; 2004 c 271 s 125.]

RCW 29A.36.111 Uniformity, arrangement, contents required—Contracts with vendors. (1) Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked by or at the direction of an election official in any way that would permit the identification of the person who voted that ballot.

(2) An elections [election] official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot. [2009 c 414 s 1; 2004 c 271 s 128.]

RCW 29A.36.115 Provisional ballots. All provisional ballots must be visually distinguishable from other ballots and incapable of being tabulated by a voting system. [2011 c 10 s 31; 2005 c 243 s 3.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

RCW 29A.36.121 Order of positions or offices. (1) The positions or offices on a primary consolidated ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

(2) The order of the positions or offices on a general election ballot shall be substantially the same as on a primary ballot except that state ballot issues must be placed before all offices. The offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule. [2013 c 11 s 42; 2004 c 271 s 129.]

RCW 29A.36.131 Order of candidates on ballots. After the close of business on the last day for candidates to file for office, the filing officer shall determine by lot the order in which the names of those candidates will appear on all ballots. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required, the names shall appear on the general election ballot in the order determined by lot. [2013 c 11 s 43; 2011 c 10 s 32; 2004 c 271 s 130.]

Notice to registered poll voters—Elections by mail—2011 c 10:
See note following RCW 29A.04.008.

RCW 29A.36.151 Sample ballots. Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one

million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the primary, but the names of candidates for the individual positions need not be shown. [2004 c 271 s 131.]

**RCW 29A.36.161 Arrangement of instructions, measures, offices—
Order of candidates.**

(1) On the top of each ballot must be printed:

(a) Clear and concise instructions directing the voter how to mark the ballot, including write-in votes; and

(b) The following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section. Alternately, at the discretion of the county auditor or local election official, the statement required by this subsection (1)(b) may be printed in a prominent position on the ballot envelope and in the materials that accompany the ballot.

(2) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type. The secretary of state shall establish standards for ballot design and layout consistent with this section and RCW 29A.04.611.

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

(4) In a year that president and vice president appear on the general election ballot, the names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election. Independent candidates and minor parties must follow major parties and be listed in the order of their qualification with the secretary of state. [2013 c 283 s 3; 2013 c 11 s 44; 2011 c 10 s 33; 2010 c 32 s 1; 2004 c 271 s 132.]

Reviser's note: This section was amended by 2013 c 11 s 44 and by 2013 c 283 s 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2013 c 283: See note following RCW 29A.32.031.

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.36.170 Top two candidates qualified for general election
—Exception (as amended by 2013 c 11). (1) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW (~~29A.36.130~~) 29A.36.131.

(2) For the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, judge of the district court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed for that position on the ballot at the general election. [2013 c 11 s 45. Prior: 2005 c 2 s 6 (Initiative Measure No. 872, approved November 2, 2004); (2004 c 271 s 193 repealed by the legislature); 2003 c 111 s 917; prior: 1992 c 181 s 2; 1990 c 59 s 95. Formerly RCW 29.30.085.]

RCW 29A.36.170 Top two candidates qualified for general election
(as amended by 2013 c 143). (~~((1))~~) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined (~~(under)~~) pursuant to RCW (~~29A.36.130~~) 29A.36.131.

~~((2) For the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed for that position on the ballot at the general election.)~~ [2013 c 143 s 1. Prior: 2005 c 2 s 6 (Initiative Measure No. 872, approved November 2, 2004); (2004 c 271 s 193 repealed by the legislature); 2003 c 111 s 917; prior: 1992 c 181 s 2; 1990 c 59 s 95. Formerly RCW 29.30.085.]

Reviser's note: RCW 29A.36.170 was amended twice during the 2013 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

Short title—Intent—Contingent effective date—2005 c 2
(Initiative Measure No. 872): See notes following RCW 29A.52.112.

Effective date—1992 c 181: See note following RCW 29A.36.180.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.36.180 Disqualified candidates in nonpartisan elections—Special procedures for conduct of election. This section applies if a candidate for an elective office of a city, town, or special purpose district would, under this chapter, otherwise qualify to have his or her name printed on the general election ballot for the office, but the candidate has been declared to be unqualified to hold the office by a court of competent jurisdiction.

(1) In a case in which a primary is conducted for the office:

(a) If ballots for the general election for the office have not been ordered by the county auditor, the candidate who received the third greatest number of votes for the office at the primary shall qualify as a candidate for general election and that candidate's name shall be printed on the ballot for the office in lieu of the name of the disqualified candidate.

(b) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office shall not be counted for that office.

(2) In a case in which a primary is not conducted for the office:

(a) If ballots for the general election for the office have not been ordered by the county auditor, the name of the disqualified candidate shall not appear on the general election ballot for the office.

(b) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office shall not be counted for that office.

(3) If the disqualified candidate is the only candidate to have filed for the office during a regular or special filing period for the office, a void in candidacy for the office exists. [2003 c 111 s 918. Prior: 1992 c 181 s 1. Formerly RCW 29.30.086.]

Effective date—1992 c 181: "This act shall take effect July 1, 1992." [1992 c 181 s 3.]

RCW 29A.36.201 Names qualified to appear on election ballot.

The names of candidates certified by the secretary of state or the county canvassing board as qualified to appear on the general election shall be printed on the general election ballot.

If a primary for an office was held, no name of any candidate shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board.

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear on a ballot more than once. [2013 c 11 s 46; 2004 c 271 s 171.]

RCW 29A.36.210 Property tax levies—Ballot form. (1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.68.525, 36.69.145, 67.38.130, 84.52.069, or 84.52.135 must contain in substance the following:

"Will the (insert the name of the taxing district) be authorized to impose regular property tax levies of (insert the maximum rate) or less per thousand dollars of assessed valuation for each of (insert the maximum number of years allowable) consecutive years?

Yes
No

Each voter may indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 must contain in substance the following:

"Will the (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of (insert the maximum rate) or less per thousand dollars of assessed valuation?

Yes
No

[2010 c 106 s 301; 2004 c 80 s 2; 2003 c 111 s 921. Prior: 1999 c 224 s 2; 1984 c 131 s 3. Formerly RCW 29.30.111.]

Effective date—2010 c 106: See note following RCW 35.102.145.

Effective date—2004 c 80: See note following RCW 84.52.135.

Application—1999 c 224: See note following RCW 84.52.069.

Purpose—1984 c 131 ss 3-9: "The purpose of sections 3 through 6 of this act is to clarify requirements necessary for voters to authorize certain local governments to impose regular property tax levies for a series of years. Sections 3 through 9 of this act only clarify the existing law to avoid credence being given to an erroneous opinion that has been rendered by the attorney general. As cogently expressed in Attorney General Opinion, Number 14, Addendum, opinions rendered by the attorney general are advisory only and are merely a "prediction of the outcome if the matter were to be litigated." Nevertheless, confusion has arisen from this erroneous opinion." [1984 c 131 s 2.]

RCW 29A.36.220 Expense of printing and mailing ballots, envelopes, and instructions. The cost of printing and mailing ballots, envelopes, and instructions shall be an election cost that shall be borne as determined under RCW 29A.04.410 and 29A.04.420, as appropriate. [2011 c 10 s 34; 2003 c 111 s 922. Prior: 1990 c 59 s 16; 1965 c 9 s 29.30.130; prior: 1889 p 400 s 1; RRS s 5269. Formerly RCW 29.30.130.]

Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.36.230 Regional transportation investment district and regional transit authority single ballot. The election on the single ballot proposition described in RCW 36.120.070 and 81.112.030(10) must be conducted by the auditor of each component county in accordance with the general election laws of the state, except as provided in this section. Notice of the election must be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. The single joint ballot proposition required under RCW 36.120.070 and 81.112.030(10) must be in substantially the following form:

**"REGIONAL TRANSPORTATION INVESTMENT DISTRICT (RTID)
AND
REGIONAL TRANSIT AUTHORITY (RTA)
PROPOSITION #1
REGIONAL ROADS AND TRANSIT SYSTEM**

To reduce transportation congestion, increase road capacity, promote safety, facilitate mobility, provide for an integrated regional transportation system, and improve the health, welfare, and safety of the citizens of Washington, shall a regional transit authority (RTA) implement a regional rail and transit system to link [insert geographic references] as described in [insert plan name], financed by [insert taxes] imposed by RTA, all as provided in Resolution No. [insert number]; and shall a regional transportation investment district (RTID) be formed and authorized to implement and invest in improving the regional transportation system by replacing vulnerable bridges, improving safety, and increasing capacity on state and local roads to further link major education, employment, and retail centers described in [insert plan name] financed by [insert taxes] imposed by RTID, all as provided in Resolution No. [insert number]; further provided that the RTA taxes shall be imposed only within the boundaries of the RTA, and the RTID taxes shall be imposed only within the boundaries of the RTID?

Yes
 No

[2007 c 509 s 4.]

Findings—Intent—Constitutional challenges—Expedited appeals—Severability—Effective date—2007 c 509: See notes following RCW 36.120.070.