

PROPOSED 2ND SUBSTITUTE HOUSE BILL 1860 BY REPRESENTATIVE TAYLOR

1 AN ACT Relating to partisan elections; adding a new section;
2 amending RCW 29A.24.311 and 29A.80.051, and adding a new section to
3 chapter 29A.52 RCW.

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5 NEW SECTION. **Sec. 1.** The United States district court, western
6 district of Washington, ruled that Washington's method of electing
7 political party precinct committee officers is unconstitutional based
8 on the associational rights of political parties. Washington has
9 included the election of precinct committee officers on the primary
10 ballot that allows voters to select those precinct committee officers
11 regardless of the party affiliation of the voter. The court concluded
12 that this method of electing precinct committee officers is
13 unconstitutional because it allows nonparty members to vote for
14 officers of the political parties. Therefore, it is the intent of the
15 legislature to remedy the unconstitutional method of selecting
16 precinct committee officers by requiring voters to affiliate with the
17 appropriate party in order to vote for a race for precinct committee
18 officer. The legislature finds that the office of precinct committee
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1 officer itself is both a constitutionally recognized and authorized
2 office.

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4 **Sec. 2.** RCW 29A.24.311 and 2011 c 349 s 13 are each amended to
5 read as follows:

6 Any person who desires to be a write-in candidate and have such
7 votes counted at a primary or election may file a declaration of
8 candidacy with the officer designated in RCW 29A.24.070 not later than
9 the day ballots must be mailed according to RCW 29A.40.070.
10 Declarations of candidacy for write-in candidates must be accompanied
11 by a filing fee in the same manner as required of other candidates
12 filing for the office as provided in RCW 29A.24.091.

13 Votes cast for write-in candidates who have filed such
14 declarations of candidacy and write-in votes for persons appointed by
15 major political parties pursuant to RCW 29A.28.021 need only specify
16 the name of the candidate in the appropriate location on the ballot in
17 order to be counted. Write-in votes cast for any other candidate, in
18 order to be counted, must designate the office sought and position
19 number or political party, if the manner in which the write-in is done
20 does not make the office or position clear.

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

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

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

30 (3) The name of the person attempting to file already appears on
31 the ballot as a candidate for another office, unless one of the two
32 offices for which he or she is a candidate is precinct
33 committeeperson;

34 (4) The office filed for is precinct committee officer.

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

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10 NEW SECTION. Sec. 3. A new section is added to chapter 29A.52 RCW
11 to read as follows: (1) The office of precinct committee officer must
12 be voted upon at the primary election in each even-numbered year. If
13 no one files for the office, the office shall be filled in accordance
14 with RCW 29A.28.071.

15 (2) The ballot format may be either a consolidated ballot or a
16 physically separate ballot.

17 (a) If a consolidated ballot is used, a race for precinct
18 committee officer must be clearly delineated from other races on the
19 ballot. A voter's affiliation with a major political party is
20 inferred from selecting that party in the check-off box. A vote cast
21 for precinct committee officer may only be tabulated and reported if
22 the voter affiliated with that same political party by checking the
23 appropriate box. Instructions must indicate that only those voters
24 who affiliate with a major political party may vote for precinct
25 committee officer candidates of that same major political party.

26 (b) If a physically separate ballot is used, it must be
27 distinguishable from the top two primary ballot and must include
28 instructions to the voter indicating that the office of precinct
29 committee officer is a partisan election and that the voter may vote
30 only for the precinct committee officer of the party that he or she
31 wishes to affiliate. A voter's affiliation with a major political
32 party is inferred from selecting that party in the check-off box
33 included on the ballot. The return envelope for the partisan ballot
34 must include the same declaration and information, including a space

1 for a return address, required pursuant to RCW 29A.40.091. The county
2 auditor must compile a list of the names of voters who returned a
3 partisan ballot, separated by precinct, for each major political
4 party.

5 (3) A vote cast for a major political party candidate will only be
6 tabulated and reported if cast by a voter who affiliated with that
7 same major political party by checking the appropriate box and voting
8 for the candidate or candidates of that party.

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10 **Sec. 4.** RCW 29A.80.051 and 2004 c 271 s 149 are each amended to
11 read as follows:

12 The statutory requirements for filing as a candidate at the
13 primaries apply to candidates for precinct committee officer. The
14 office must be voted upon at the primaries, and the names of all
15 candidates must appear under the proper party and office designations
16 on the ballot for the primary for each even-numbered year (~~(, and the~~
17 ~~one)~~). The candidate receiving the highest number of votes will be
18 declared elected. (~~However, to be declared elected, a candidate must~~
19 ~~receive at least ten percent of the number of votes cast for the~~
20 ~~candidate of the candidate's party receiving the greatest number of~~
21 ~~votes in the precinct.~~) The term of office of precinct committee
22 officer is two years, commencing the first day of December following
23 the primary.

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25 NEW SECTION. **Sec. 5.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected.

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30 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes
33 effect immediately.

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