



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

**Agency:** Office of the Secretary of State, Elections Division

- Permanent Rule  
 Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.  
 Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this rule is to implement candidate filing for the 2008 Primary and General Elections.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: 434-215-012, 434-215-020.  
 Suspended:

**Statutory authority for adoption:** RCW 29A.24.031

**Other authority :**

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
 Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

On March 18, 2008, the United States Supreme Court issued *Washington State Grange v. Washington State Republican Party, et al.* 552 U.S. \_\_\_, 128 S. Ct. 1184, 170 L. Ed. 2d 151 (2008). In this opinion, the Court reversed a Ninth Circuit opinion that had declared Washington's Top Two Primary system unconstitutional. The impact of this ruling is that the primary system enacted by Initiative 872 (Chapter 2, Laws of 2005) is now in effect. This change in primary election systems necessitates a change in the declarations of candidacy. Pursuant to RCW 29A.24.081, the Secretary of State's Office and county auditors may begin to accept declarations of candidacy beginning May 16, 2008. Therefore, approximately 1,600 copies of the declaration of candidacy must be printed and distributed to the 40 filing offices in time for candidates to pick up the declarations starting May 12, 2008. There is insufficient time to adopt these rules through the standard rulemaking process. The Secretary of State's Office did send a draft of the proposed rules to stakeholders and interested parties on April 16, 2008 and accepted public comment through April 22, 2008.

**Date adopted:** April 24, 2008

**NAME (TYPE OR PRINT)**  
Steve Excell

**SIGNATURE**

**TITLE**  
Assistant Secretary of State

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** April 24, 2008

**TIME:** 3:28 PM

**WSR 08-10-010**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 06-14-049, filed 6/28/06,  
effective 7/29/06)

**WAC 434-215-012 Declaration of candidacy--Offices subject to  
a primary.** Declarations of candidacy (~~(for all partisan and  
nonpartisan offices)~~) filed either in person or by mail shall be in  
substantially the following form:

FILING DATA . . . FOR OFFICE USE ONLY

Date \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ File No. \_\_\_\_\_ Office Code \_\_\_\_\_
[ ] Check [ ] Debit/Credit
[ ] Cash [ ] Filing Fee Petition Voter Registration # \_\_\_\_\_ Clerk Initials \_\_\_\_\_

DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_ (STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP CODE)
(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)
(TELEPHONE NUMBER) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for the office of:
(NAME OF OFFICE)
(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)
(PPOSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:
[ ] A full term or a full term and a short term, or
[ ] An unexpired term

5. This office is:
[ ] Nonpartisan, or
[ ] Partisan, and I am (check one): [ ] a candidate of the \_\_\_\_\_ party, or
[ ] an independent candidate.

6. Filing Fee (check one):
[ ] There is no filing fee because the office has no fixed annual salary, or
[ ] I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less, or
[ ] I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary, or
[ ] I am without sufficient assets or income to pay the filing fee required by law and I have attached a filing fee petition in lieu of this fee, pursuant to RCW 29A.24.091.

7. Please print my name on the ballot exactly as follows: \_\_\_\_\_ (PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.
Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.
8. Sign Here X \_\_\_\_\_ (SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)
STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_ SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_ (DATE)
by \_\_\_\_\_ (CANDIDATE)
(SIGNATURE OF NOTARY)
(TITLE) MY APPOINTMENT EXPIRES \_\_\_\_\_
(SEAL OR STAMP)

FOR OFFICE USE ONLY			
Date _____	Fee Paid \$ _____	Filing No. _____	Office Code _____
<input type="checkbox"/> Check	<input type="checkbox"/> Debit/Credit	Voter Registration # _____	
<input type="checkbox"/> Cash	<input type="checkbox"/> Filing Fee Petition	Clerk Initials _____	

## DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_ am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

2. \_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) (ZIP)

and, at the time of filing this declaration, I am legally qualified to assume office if elected.

3. My campaign contact information is:

\_\_\_\_\_  
(MAILING ADDRESS) (CITY) (STATE) (ZIP)

\_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)

4. I declare myself as a candidate for the office of:  
 \_\_\_\_\_  
(NAME OF OFFICE including DISTRICT or POSITION NUMBER)

\_\_\_\_\_  
(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

5. Filing Fee (check one):

There is no filing fee because the office has no fixed annual salary;

I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;

I am submitting a filing fee of \$\_\_\_\_\_, an amount equal to 1% of the annual salary; or

I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.

6. Please print my name on the ballot exactly as follows: \_\_\_\_\_  
(PLEASE PRINT)

7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:

(Prefers  Party) or

(States No Party Preference)

If you fail to check a box or provide a party name, "(States No Party Preference)" will be printed.

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.	
<p><i>Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.</i></p>	<p><b>8. Sign Here X</b> _____  <small>(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)</small></p>
STATE OF WASHINGTON, COUNTY OF _____	Signed or Attested before me on _____ <small>(DATE)</small>
(SEAL OR STAMP)	by _____ <small>(CANDIDATE)</small>
	_____ <small>(SIGNATURE OF NOTARY)</small>
	_____ <small>(TITLE)</small>
	MY APPOINTMENT EXPIRES: _____

Candidate: Return all copies to your Elections Dept.  
 Distribution: White—County; Yellow—PDC; Pink—Candidate

~~((The form shall measure eight and one-half inches by eleven inches and be printed on paper stock of good quality. The form shall also contain space for recording the date and time of filing and a sequential filing and receipt number. One copy of the form or an electronic file, in a format approved by the secretary of state and~~

~~acceptable to the public disclosure commission, containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be forwarded to the public disclosure commission as required by RCW 29A.24.070, and one copy of the form or an electronic file containing the information on the form of each properly executed and filed declaration and affidavit of candidacy shall be returned to the candidate.))~~ The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

AMENDATORY SECTION (Amending WSR 07-09-035, filed 4/11/07, effective 5/12/07)

**WAC 434-215-020 Declaration of candidacy--Precinct committee officer.** Declarations of candidacy for the ((office)) position of precinct committee officer((~~r~~)) shall be filed in substantially the following form:

((STRICKEN GRAPHIC))

### Filing Data ..... For Office Use Only

Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid By (check one)			
<input type="checkbox"/> Check	<input type="checkbox"/> Cash	<input type="checkbox"/> Other	Clerk/Cashier Initials _____ Voter Registration # _____

## DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

I, \_\_\_\_\_, declare that I am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

\_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) (COUNTY) WA (ZIP CODE)

\_\_\_\_\_  
(MAILING ADDRESS) (CITY) (COUNTY) WA (ZIP CODE)

\_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)

that, at the time of filing this declaration, I am a registered voter in \_\_\_\_\_ precinct and that I am legally qualified to assume office if elected; that I hereby declare myself a candidate for the office of Precinct Committee Officer to be elected at the Primary Election, and hereby request that my name be printed upon the official Primary Election ballot as a candidate of the \_\_\_\_\_ party, and:

I am submitting the sum of one dollar, the fee required by RCW 29A.24.091.

Please print my name on the ballot **exactly** as follows: \_\_\_\_\_

Further, I declare, under penalty of perjury, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

X \_\_\_\_\_  
(SIGNATURE OF CANDIDATE) (DATE)

\_\_\_\_\_  
(STRICKEN GRAPHIC))

***Filing Data For Office Use Only***

Date \_\_\_\_\_ Fee Paid \$ \_\_\_\_\_ Filing No. \_\_\_\_\_ Precinct # \_\_\_\_\_  
Paid by:  Check  Cash Staff Initials \_\_\_\_\_ Voter Registration ID \_\_\_\_\_

**DECLARATION OF CANDIDACY  
PRECINCT COMMITTEE OFFICER**

1. I, \_\_\_\_\_, declare that I am a registered voter residing at:  
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)

\_\_\_\_\_  
(STREET ADDRESS OR RURAL ROUTE) (CITY) WA (ZIP)

that I am a registered voter in \_\_\_\_\_ precinct, that I declare myself a candidate for  
the position of Precinct Committee Officer for the \_\_\_\_\_ Party,  
(DEMOCRATIC / REPUBLICAN)  
to be elected at the Primary Election, and I am paying the filing fee of one dollar required by RCW  
29A.24.091.

**Further, I declare, under penalty of perjury, that I will support the  
Constitution and laws of the United States and the Constitution and  
laws of the State of Washington.**

**X**

\_\_\_\_\_  
(SIGNATURE OF CANDIDATE) (DATE)

Contact Information: \_\_\_\_\_  
(TELEPHONE NUMBER) (EMAIL ADDRESS)

\_\_\_\_\_  
(MAILING ADDRESS, IF DIFFERENT FROM RESIDENTIAL ADDRESS)

2. Please print my name on the ballot exactly as follows:

\_\_\_\_\_

4/16/08

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((The forms shall measure eight and one half inches by eleven inches and be printed on paper stock of good quality. The form may also contain space for recording the date and time of filing, a receipt number, if applicable, and a sequential filing number.))  
County auditors may design and use a declaration of candidacy

different in form and style from that specified by this rule as long as it contains all of the information required by this rule.