

TITLE 29A RCW

ELECTIONS

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CHAPTER 29A.04 RCW

GENERAL PROVISIONS

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DEFINITIONS

RCW 29A.04.001 Scope of definitions. Words and phrases as defined in this chapter, wherever used in Title 29A RCW, shall have the meaning as in this chapter ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part. [2003 c 111 § 101. Prior: 1965 c 9 § 29.01.005. For like prior law see 1907 c 209 § 1, part; RRS § 5177, part. Formerly RCW 29.01.005.]

RCW 29A.04.008 Ballot and related terms. As used in this title:

- (1) "Ballot" means, as the context implies, either:
 - (a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;
 - (b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;
 - (c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or
 - (d) The physical document on which the voter's choices are to be recorded;

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

Intent--1990 c 59: "By this act the legislature intends to unify and simplify the laws and procedures governing filing for elective office, ballot layout, ballot format, voting equipment, and canvassing." [1990 c 59 § 1.]

Effective date--1990 c 59: "Sections 1 through 6, 8 through 96, and 98 through 112 of this act shall take effect July 1, 1992." [1990 c 59 § 113.]

RCW 29A.04.019 Counting center. "Counting center" means the facility or facilities designated by the county auditor to count and canvass ballots. [2011 c 10 § 3; 2003 c 111 § 104. Prior: 1999 c 158 § 1; 1990 c 59 § 4. Formerly RCW 29.01.042.]

NOTES:

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.04.025 County auditor. "County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration and to conduct state and local elections in a charter county. [2003 c 111 § 105; 1984 c 106 § 1. Formerly RCW-29.01.043.]

RCW 29A.04.031 Date of mailing. For registered voters voting by mail, "date of mailing" means the date of the postal cancellation on the envelope in which the ballot is returned to the election official by whom it was issued. For all service and overseas voters, "date of mailing" means the date stated by the voter on the declaration. [2011 c 10 § 4; 2003 c 111 § 106; 1987 c 346 § 3. Formerly RCW 29.01.045.]

NOTES:

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

Legislative intent--Effective date--1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.04.037 Disabled voter. "Disabled voter" means any registered voter who qualifies for special parking privileges under RCW 46.19.010, or who is defined as blind under RCW

NOTES:

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

RCW 29A.04.073 General election. "General election" means an election required to be held on a fixed date recurring at regular intervals. [2003 c 111 § 113. Prior: 1965 c 9 § 29.01.070. Formerly RCW 29.01.070.]

RCW 29A.04.079 Infamous crime. An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. Neither an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a conviction for a misdemeanor or gross misdemeanor, is an "infamous crime." [2009 c 369 § 1; 2003 c 111 § 114. Prior: 1992 c 7 § 31; 1965 c 9 § 29.01.080; prior: Code 1881 § 3054; 1865 p 25 § 5; RRS § 5113. Formerly RCW 29.01.080.]

NOTES:

Contests, conviction of felony without reversal or restoration of civil rights as grounds for: RCW 29A.68.020.

Denial of civil rights for conviction of infamous crime: State Constitution Art. 6 § 3.

RCW 29A.04.086 Major political party. "Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year. A political party qualifying as a major political party under this section retains such status until the next even-year election at which a candidate of that party does not achieve at least five percent of the vote for one of the previously specified offices. If none of these offices appear on the ballot in an even-year general election, the major party retains its status as a major party through that election. However, a political party of which no nominee received at least ten percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section, or within fifteen days of June 10, 2004, whichever is later. [2004 c 271 § 103.]

RCW 29A.04.091 Measures. "Measure" includes any proposition or question submitted to the voters. [2003 c 111 § 117; 1965 c 9 § 29.01.110. Formerly RCW 29.01.110.]

Start 8pt

RCW 29A.04.127 Primary. "Primary" or "primary election" means a procedure for winnowing candidates for public office to a final list of two as part of a special or general election. Each voter has the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate. [2005 c 2 § 5 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 122. Prior: 1965 c 9 § 29.01.130; prior: 1907 c 209 § 1, part; RRS § 5177(a). See also 1950 ex.s. c 14 § 2. Formerly RCW 29.01.130.]

NOTES:

Reviser's note: (1) RCW 29A.04.127 was amended by 2005 c 2 § 5 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

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

Nonpartisan primaries: RCW 29A.52.210 through 29A.52.240.

Partisan primaries: RCW 29A.52.111 through 29A.52.130.

Presidential primary: RCW 29A.56.010 through 29A.56.060.

Times for holding primaries: RCW 29A.04.311.

End 8pt

Start 8pt

RCW 29A.04.127 Primary. [2003 c 111 § 122. Prior: 1965 c 9 § 29.01.130; prior: 1907 c 209 § 1, part; RRS § 5177(a). See also 1950 ex.s. c 14 § 2. Formerly RCW 29.01.130.] Repealed by 2004 c 271 § 193.

NOTES:

Reviser's note: (1) RCW 29A.04.127 was amended by 2005 c 2 § 5 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

End 8pt

Code 1881 § 3053; 1866 p 8 § 11; 1865 p 25 § 4; RRS § 5111.
Formerly RCW 29.01.140.]

NOTES:

Residence, contingencies affecting: State Constitution Art. 6 §
4.

RCW 29A.04.163 Service voter. "Service voter" means any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a member of a reserve component of the armed forces, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States. [2009 c 369 § 3; 2003 c 111 § 127. Prior: 1991 c 23 § 13; 1987 c 346 § 8. Formerly RCW 29.01.155.]

NOTES:

Legislative intent--Effective date--1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.04.169 Short term. "Short term" means the brief period of time starting upon the completion of the certification of election returns and ending with the start of the full term and is applicable only when the office concerned is being held by an appointee to fill a vacancy. The vacancy must have occurred after the last election at which such office could have been voted upon for an unexpired term. Short term elections are always held in conjunction with elections for the full term for the office. [2003 c 111 § 130; 1975-'76 2nd ex.s. c 120 § 14. Formerly RCW 29.01.180.]

NOTES:

Severability--1975-'76 2nd ex.s. c 120: See note following RCW 29A.52.210.

RCW 29A.04.175 Special election. "Special election" means any election that is not a general election and may be held in conjunction with a general election or primary. [2003 c 111 § 129; 1965 c 9 § 29.01.170. Prior: Code 1881 § 3056; 1865 p 27 § 2; RRS § 5155. Formerly RCW 29.01.170.]

GENERAL PROVISIONS

RCW 29A.04.205 State policy. It is the policy of the state of Washington to encourage every eligible person to register to

Subversive activities, disqualification from voting: RCW
9.81.040.

RCW 29A.04.216 County auditor--Duties--Exceptions. The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer will be on the ballot. The auditor shall also apportion to each city, town, or district, and to the state of Washington in the odd-numbered year, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. [2011 c 10 § 6; 2004 c 271 § 104.]

NOTES:

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

RCW 29A.04.220 County auditor--Public notice of availability of services. The county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and disabled persons, and procedures for voting calculated to reach elderly and disabled persons not later than public notice of the closing of registration for a primary or election. [2011 c 10 § 7; 2003 c 111 § 135; 1999 c 298 § 18; 1985 c 205 § 10. Formerly RCW 29.57.140.]

NOTES:

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

Effective dates--1985 c 205: "(1) Sections 1, 2, and 13 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 15 and 16 of this act shall take effect as provided by Article II, section 1(c) of the state Constitution.

(3) Sections 3 through 12 and 14 of this act shall take effect on January 1, 1986." [1985 c 205 § 18.]

indexed, and disclosed in a manner consistent with the rules of the public disclosure commission adopted under *RCW 42.17.375. [2005 c 274 § 248; 2003 c 111 § 136. Prior: 1983 c 294 § 2. Formerly RCW 29.04.025.]

NOTES:

***Reviser's note:** RCW 42.17.375 was repealed by 2010 c 205 § 10; and by 2010 c 204 § 1103, effective January 1, 2012.

Part headings not law--Effective date--2005 c 274: See RCW 42.56.901 and 42.56.902.

RCW 29A.04.230 Secretary of state as chief election officer. The secretary of state through the election division shall be the chief election officer for all federal, state, county, city, town, and district elections that are subject to this title. The secretary of state shall keep records of elections held for which he or she is required by law to canvass the results, make such records available to the public upon request, and coordinate those state election activities required by federal law. [2003 c 111 § 137; 1994 c 57 § 4; 1965 c 9 § 29.04.070. Prior: 1963 c 200 § 23; 1949 c 161 § 12; Rem. Supp. 1949 § 5147-2. Formerly RCW 29.04.070.]

NOTES:

Severability--1994 c 57: See note following RCW 29A.16.040.

RCW 29A.04.235 Election laws for county auditors. The secretary of state shall ensure that each county auditor is provided with the most recent version of the election laws of the state, as contained in this title. Where amendments have been enacted after the last compilation of the election laws, he or she shall ensure that each county auditor receives a copy of those amendments before the next primary or election. [2011 c 10 § 8; 2003 c 111 § 138; 1965 c 9 § 29.04.060. Prior: (i) 1907 c 209 § 16; RRS § 5193. (ii) 1889 p 413 § 34; RRS § 5299. Formerly RCW 29.04.060.]

NOTES:

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

RCW 29A.04.240 Information in foreign languages. In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the foreign languages required of state agencies. [2003 c 111 § 139; 2001 c 41 § 3. Formerly RCW 29.04.085.]

RCW 29A.04.311 Primaries. Primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the first Tuesday of the preceding August. [2011 c 349 § 2; 2006 c 344 § 1; 2004 c 271 § 105.]

NOTES:

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

Effective date--2006 c 344 §§ 1-16 and 18-40: "Sections 1 through 16 and 18 through 40 of this act take effect January 1, 2007." [2006 c 344 § 41.]

RCW 29A.04.321 State and local general elections--Statewide general election--Exceptions--Special county elections. (1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

- (a) The second Tuesday in February;
- (b) The third Tuesday in April until January 1, 2013;
- (c) The fourth Tuesday in April on or after January 1, 2013;

elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW; and

(d) Special flood control districts consisting of three or more counties.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The second Tuesday in February;

(b) The third Tuesday in April until January 1, 2013;

(c) The fourth Tuesday in April on or after January 1, 2013;

(d) The day of the primary election as specified by RCW

29A.04.311; or

(e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2) (a) through (c) of this section must be presented to the county auditor at least forty-six days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2) (d) of this section must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on a date set forth in subsection (2) (e) of this section must be presented to the county auditor no later than the day of the primary.

(4) In addition to subsection (2) (a) through (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2) (d) and (e) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections. [2011 c 349 § 4. Prior: 2009 c 413 § 4; (2009 c 413 § 3 expired July 1, 2011); 2009 c 144 § 3; 2006 c 344 § 3; 2004 c 266 § 6; 2003 c 111 § 145; 2002 c 43 § 2; 1994 c 142 § 2; 1992 c 37 § 2; 1990 c 33 § 562; 1989 c 4 § 10 (Initiative Measure No. 99); 1986 c 167 § 6; 1980 c 3 § 2; 1975-'76 2nd ex.s. c 111 § 2; 1965 c 123 § 3; 1965 c 9 § 29.13.020; prior: 1963 c 200 § 1; 1955 c 55 § 1; 1951 c 101 § 1; 1949 c 161 § 1; 1927 c 182 § 1; 1923 c 53 § 2; 1921 c 61 § 2; Rem. Supp. 1949 § 5144. Formerly RCW 29.13.020.]

NOTES:

RCW 29A.04.340 Elections in certain first-class school districts. (1) In each county with a population of two hundred ten thousand or more, first-class school districts containing a city of the first-class shall hold their elections biennially as provided in RCW 29A.04.330.

(2) Except as provided in RCW 28A.343.610, the directors to be elected may be elected for terms of six years and until their successors are elected, qualified, and assume office in accordance with RCW 29A.20.040.

(3) If the board of directors of a school district pursuant to subsection (1) of this section reduces the length of the term of office for school directors in the district from six to four years, the reduction in the length of term must not affect the term of office of any incumbent director without his or her consent, and a provision must be made to appropriately stagger future elections of school directors. [2009 c 107 § 4.]

NOTES:

Retroactive application--2009 c 107 §§ 1-4: See note following RCW 28A.343.300.

Effective date--2009 c 107: See note following RCW 28A.343.300.

ELECTION COSTS

RCW 29A.04.410 Costs borne by constituencies. Every city, town, and district is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW *29A.04.320 and 29A.04.330.

Whenever any city, town, or district holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the city, town, or district concerned.

The purpose of this section is to clearly establish that the county is not responsible for any costs involved in the holding of any city, town, or district election.

In recovering such election expenses, including a reasonable pro-ration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned. Upon receipt of such certification, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for

1975-'76 2nd ex.s. c 4 § 1; 1973 c 4 § 2. Formerly RCW 29.13.047.]

NOTES:

***Reviser's note:** RCW 29A.04.320 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.04.321.

Legislative intent--1985 c 45: "It is the intention of the legislature that sections 2 through 7 of this act shall provide an orderly and predictable election procedure for filling vacancies in the offices of United States representative and United States senator." [1985 c 45 § 1.]

RCW 29A.04.430 Interest on reimbursement. For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420. [2003 c 111 § 148; 1986 c 167 § 7. Formerly RCW 29.13.048.]

NOTES:

Severability--1986 c 167: See note following RCW 29A.16.040.

RCW 29A.04.440 Election account. (1) The election account is created in the state treasury.

(2) The following receipts must be deposited into the account:

Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act;

amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act;

and such other amounts as may be appropriated by the legislature to the account.

(3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252. [2004 c 266 § 2. Prior: 2003 c 48 § 1. Formerly RCW 29.04.260.]

grant program, which may include a preference for grants that include a match of local funds.

(2) The advisory committee shall review grant proposals and establish a prioritized list of projects to be considered for funding by the third Tuesday in May of each year beginning in 2004 and continuing as long as funds in the election account established by RCW 29A.04.440 are available. The grant award may have an effective date other than the date the project is placed on the prioritized list, including money spent previously by the county that would qualify for reimbursement under the Help America Vote Act (P.L. 107-252).

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:

(a) Replacement or upgrade of voting equipment, including the replacement of punch card voting systems;

(b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);

(c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);

(d) Development and production of election worker training materials;

(e) Voter education programs;

(f) Publication of a local voters' pamphlet;

(g) Toll-free access system to provide notice of the outcome of provisional ballots; and

(h) Training for local election officials. [2011 c 10 § 10; 2004 c 267 § 203.]

NOTES:

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

Effective dates--2004 c 267: See note following RCW 29A.08.010.

ADMINISTRATION

RCW 29A.04.510 Election administration and certification board--Generally.

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

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

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

(c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such

RCW 29A.04.530 Duties of secretary of state. The secretary of state shall:

(1) Establish and operate, or provide by contract, training and certification programs for state and county elections administration officials and personnel, including training on election laws, the various types of election law violations, and discrimination;

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

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

(4) Provide the staffing and support services required by the board created under RCW 29A.04.510. [2009 c 415 § 8; 2006 c 206 § 1; 2005 c 243 § 2; 2003 c 111 § 151. Prior: 2001 c 41 § 11; 1992 c 163 § 5. Formerly RCW 29.60.030.]

NOTES:

Effective date--1992 c 163 §§ 5-13: "Sections 5 through 13 of this act shall take effect July 1, 1993." [1992 c 163 § 15.]

RCW 29A.04.540 Training of administrators. A person having responsibility for the administration or conduct of elections shall, within eighteen months of undertaking those responsibilities, receive general training regarding the conduct of elections and specific training regarding their responsibilities and duties as prescribed by this title or by rules adopted by the secretary of state under this title. Included among those persons for whom such training is mandatory are the following:

- (1) Secretary of state elections division personnel;
- (2) County elections administrators under RCW 36.22.220; and
- (3) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

Neither this section nor RCW 29A.04.530 may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties. [2011 c 10 § 11; 2009 c 415 § 9; 2003 c 111 § 152; 1992 c 163 § 6. Formerly RCW 29.60.040.]

NOTES:

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

Effective date--1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

Effective date--1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.570 Review of county election procedures.

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

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

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

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

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

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

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

(3) The county auditor or the county canvassing board shall respond to the review report in writing, listing the steps that will be taken to correct any problems listed in the report.

Effective date--1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.590 Election assistance and clearinghouse program. The secretary of state shall establish within the elections division an election assistance and clearinghouse program, which shall provide regular communication between the secretary of state, local election officials, and major and minor political parties regarding newly enacted elections legislation, relevant judicial decisions affecting the administration of elections, and applicable attorney general opinions, and which shall respond to inquiries from elections administrators, political parties, and others regarding election information. This section does not empower the secretary of state to offer legal advice or opinions, but the secretary may discuss the construction or interpretation of election law, case law, or legal opinions from the attorney general or other competent legal authority. [2003 c 111 § 157. Prior: 1992 c 163 § 11. Formerly RCW 29.60.090.]

NOTES:

Effective date--1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RULE-MAKING AUTHORITY

RCW 29A.04.611 Rules by secretary of state. The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.

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

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for certification;
- (5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (6) Standards and procedures for the acceptance testing of voting systems by counties;

(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of ballots;

(35) Uniformity among the counties of the state in the conduct of elections;

(36) Standards and procedures to accommodate overseas voters and service voters;

(37) The tabulation of paper ballots;

(38) The accessibility of voting centers;

(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

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

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

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

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

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting on accessible voting devices;

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

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

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

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

c 111 § 158. Prior: 1965 c 9 § 29.98.010. Formerly RCW 29.98.010.]

RCW 29A.04.901 Headings and captions not part of law.
Chapter headings, part, subpart, and section or subsection captions, as used in this title do not constitute any part of the law. [2003 c 111 § 159; 1965 c 9 § 29.98.020. Formerly RCW 29.98.020.]

RCW 29A.04.902 Invalidity of part not to affect remainder.
If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [2003 c 111 § 160. Prior: 1965 c 9 § 29.98.030. Formerly RCW 29.98.030.]

RCW 29A.04.903 Effective date--2003 c 111. This act takes effect July 1, 2004. [2003 c 111 § 2405.]

RCW 29A.04.904 Severability--2004 c 271. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [2004 c 271 § 204.]

RCW 29A.04.905 Effective date--2004 c 271. Except for sections 102 through 193 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 1, 2004]. [2004 c 271 § 205.]

NOTES:

Reviser's note: Sections 1 through 57 and 101 were vetoed by the governor. Sections 102 through 193 took effect June 10, 2004.

CHAPTER 29A.08 RCW

VOTERS AND REGISTRATION

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DEFINITIONS

RCW 29A.08.010 Minimum information required for voter registration. (1) The minimum information provided on a voter registration application that is required in order to place a voter registration applicant on the voter registration rolls includes:

- (a) Name;

(1) "By mail" means delivery of a completed original voter registration application by mail to the office of the secretary of state.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of application. If an application is received by the elections official by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration. [2004 c 267 § 103; 2003 c 111 § 204; 1994 c 57 § 30; 1993 c 434 § 1. Formerly RCW 29.08.010.]

NOTES:

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--1994 c 57: See note following RCW 29A.16.040.

RCW 29A.08.030 Notices, various. The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgment notice may be a voter registration card.

(3) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

(4) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information. [2009 c 369 § 7; 2005 c 246 § 3; 2004 c 267 § 104; 2003 c 111 § 203. Prior: 1994 c 57 § 33. Formerly RCW 29.10.011.]

registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:

- (a) Valid photo identification;
- (b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
- (c) A copy of a current utility bill;
- (d) A current bank statement;
- (e) A copy of a current government check;
- (f) A copy of a current paycheck; or
- (g) A government document, other than a voter registration card, that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a social security number that matches the information maintained by the Washington department of licensing or the social security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to registered.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered voter transferring his or her registration. [2009 c 369 § 9; 2005 c 246 § 4; 2004 c 267 § 106.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.110 Auditor's procedure. (1) An application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days

RCW 29A.08.115 Registration by other than auditor or secretary of state. A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. [2009 c 369 § 11; 2005 c 246 § 8; 2004 c 267 § 108; 2003 c 111 § 207; 1971 ex.s. c 202 § 15; 1965 c 9 § 29.07.110. Prior: 1957 c 251 § 11; prior: 1947 c 68 § 1, part; 1945 c 95 § 1, part; 1933 c 1 § 6, part; Rem. Supp. 1947 § 5114-6, part; prior: 1919 c 163 § 6, part; 1915 c 16 § 6, part; 1901 c 135 § 5, part; 1893 c 45 § 1, part; 1889 p 415 § 6, part; RRS § 5124, part. Formerly RCW 29.07.110.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.120 Registration by mail. Any elector of this state may register to vote by mail under this title. [2004 c 267 § 109; 2003 c 111 § 208. Prior: 1993 c 434 § 3. Formerly RCW 29.08.030.]

NOTES:

Effective dates--2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.123 Registration electronically. (1) A person who has a valid Washington state driver's license or state identification card may submit a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) The applicant must affirmatively assent to use of his or her driver's license or state identification card signature for voter registration purposes.

(4) A voter registration application submitted electronically is otherwise considered a registration by mail.

(5) For each electronic application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically. [2007 c 157 § 1.]

(h) Provide for the cancellation of registrations of voters who have moved out of state.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list. [2009 c 369 § 12; 2005 c 246 § 9; 2004 c 267 § 110; 2003 c 111 § 209; 1993 c 408 § 11; 1991 c 81 § 22; 1974 ex.s. c 127 § 12. Formerly RCW 29.07.220.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--Effective dates--1993 c 408: See notes following RCW 2.36.054.

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.08.130 Count of registered voters--Inactive voters. Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters. [2011 c 10 § 14; 2009 c 369 § 13; 2003 c 111 § 210; 1994 c 57 § 40. Formerly RCW 29.10.081.]

NOTES:

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

Effective dates--2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.150 Expense of registration. The expense of registration in all rural precincts must be paid by the county. The expense of registration in all precincts lying wholly within a city or town must be paid by the city or town. Registration expenses for this section include both active and inactive voters. [2003 c 111 § 214; 1965 c 9 § 29.07.030. Prior: 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part; prior: 1891 c 104 § 4; RRS § 5119. Formerly RCW 29.07.030.]

RCW 29A.08.161 No link between voter and ballot choice. No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation. [2004 c 271 § 107.]

RCW 29A.08.166 Party affiliation not required. Under no circumstances may an individual be required to affiliate with, join, adhere to, express faith in, or declare a preference for, a political party or organization upon registering to vote. [2004 c 271 § 108.]

FORMS

RCW 29A.08.210 Application--Contents. An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

- (1) The former address of the applicant if previously registered to vote;
- (2) The applicant's full name;
- (3) The applicant's date of birth;
- (4) The address of the applicant's residence for voting purposes;
- (5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;
- (6) The sex of the applicant;
- (7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if he or she does not have a Washington state driver's license or Washington state identification card;
- (8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

Subversive activities as disqualification for voting: RCW
9.81.040.

RCW 29A.08.220 Application--Format--Production. (1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than his or her signature no more than one time. These applications shall also contain information for the voter to transfer his or her registration.

Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.

(2) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing. [2004 c 267 § 115; 2003 c 111 § 217. Prior: 1994 c 57 § 18; 1990 c 143 § 9; 1973 1st ex.s. c 21 § 7; 1971 ex.s. c 202 § 18; 1965 c 9 § 29.07.140; prior: (i) 1933 c 1 § 30; RRS § 5114-30. (ii) 1933 c 1 § 13, part; RRS § 5114-13, part. Formerly RCW 29.07.140.]

NOTES:

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--1994 c 57: See note following RCW 29A.16.040.

RCW 29A.08.230 Oath of applicant. For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote." [2009 c 369 § 17; 2003 c 111 § 218; 1994 c 57 § 12; 1990 c 143 § 8; 1973 1st ex.s. c 21 § 4; 1971 ex.s. c 202 § 10; 1965 c 9 § 29.07.080. Prior: 1933 c 1 § 12; RRS § 5114-12. Formerly RCW 29.07.080.]

NOTES:

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Effective date--1990 c 143 §§ 1-8: See note following RCW 29A.08.340.

(2) Each state agency designated shall provide voter registration services for employees and the public within each office of that agency.

(3) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.

(4) Each institution of higher education shall put in place an active prompt on its course registration web site, or similar web site that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration web site. The prompt must ask the student if he or she wishes to register to vote. [2009 c 369 § 19; 2003 c 111 § 222; 2002 c 185 § 3; 1994 c 57 § 10; 1984 c 211 § 2. Formerly RCW 29.07.025.]

NOTES:

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Intent--1984 c 211: "It is the intention of the legislature, in order to encourage the broadest possible participation in the electoral process by the citizens of the state of Washington, to make voter registration services available in state offices which have significant contact with the public." [1984 c 211 § 1.]

RCW 29A.08.320 Registration or transfer at designated agencies--Form and application. (1) A person may register to vote or transfer a voter registration when he or she applies for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.

(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.

The form shall also contain a box that may be checked by the applicant to indicate that he or she declines to register.

If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330. [2004 c 267 § 119; 2004 c 266 § 7; 2003 c 111 § 223. Prior: 1994 c 57 § 27. Formerly RCW 29.07.430.]

NOTES:

Reviser's note: This section was amended by 2004 c 266 § 7 and by 2004 c 267 § 119, 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).

111 § 224. Prior: 2001 c 41 § 7; 1994 c 57 § 28. Formerly RCW 29.07.440.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.340 Registration with driver's license application or renewal. (1) A person may register to vote, transfer a voter registration, or change his or her name for voter registration purposes when he or she applies for or renews a driver's license or identification card under chapter 46.20 RCW.

(2) To register to vote, transfer his or her voter registration, or change his or her name for voter registration purposes under this section, the applicant shall provide the information required by RCW 29A.08.210.

(3) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration. [2003 c 111 § 225; 2001 c 41 § 16; 1999 c 298 § 6; 1994 c 57 § 21; 1990 c 143 § 1. Formerly RCW 29.07.260.]

NOTES:

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Effective date--1990 c 143 §§ 1-8: "Sections 1 through 8 of this act shall take effect January 1, 1992." [1990 c 143 § 13.]

Civil rights

loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.

restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

Driver licensing agents duties regarding voter registration: RCW 46.20.155.

RCW 29A.08.350 Duties of department of licensing, secretary of state. The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, and the date on which the application for voter registration or transfer was submitted. The secretary of state shall process the registrations and transfers as an electronic application. [2009 c 369 § 21; 2004 c 267 § 120; 2003 c 111 § 226; 1994 c 57 § 22; 1990 c 143 § 2. Formerly RCW 29.07.270.]

361 § 26; 1971 ex.s. c 202 § 26; 1965 c 9 § 29.10.040. Prior: 1933 c 1 § 15; RRS § 5114-15. Formerly RCW 29.10.040.]

NOTES:

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--1994 c 57: See note following RCW 29A.16.040.

Effective date--1991 c 81: See note following RCW 29A.84.540.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.08.440 Voter name change. A registered voter who changes his or her name shall notify the county auditor regarding the name change by submitting a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence, and providing a signature of the new name, or by submitting a voter registration application. [2011 c 10 § 16; 2009 c 369 § 25; 2003 c 111 § 231; 1994 c 57 § 37; 1991 c 81 § 25. Formerly RCW 29.10.051.]

NOTES:

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

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Effective date--1991 c 81: See note following RCW 29A.84.540.

CANCELLATIONS

RCW 29A.08.510 Death. The registrations of deceased voters may be canceled from voter registration lists as follows:

(1) Periodically, the registrar of vital statistics of the state shall prepare a list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the list to the secretary of state.

The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters.

(2) In addition, each county auditor may also use government agencies and newspaper obituary articles as a source of information for identifying deceased voters and canceling a registration. The auditor must verify the identity of the voter

state court other than a Washington state court, the right to vote is restored as long as the person is no longer incarcerated.

(2) (a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The ~~((canceling authority))~~ secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ~~((once all terms of sentencing have been completed))~~ and reregistering. ~~((If the person does not respond within thirty days, the registration must be canceled.))~~ To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

~~((+2+))~~ (6) The right to vote may be permanently restored by ~~((, for each felony conviction,))~~ one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Restoration of civil rights: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

End 8pt

RCW 29A.08.540 Records preservation. Registration records of persons whose voter registrations have been canceled as authorized under this title must be preserved in the manner prescribed by rule by the secretary of state. Information from such canceled registration records is available for public inspection and copying to the same extent established by RCW 29A.08.710 for other voter registration information. [2004 c 267 § 127; 2003 c 111 § 235. Prior: 1991 c 81 § 26; 1971 ex.s. c 202 § 32; 1965 ex.s. c 156 § 1; 1965 c 9 § 29.10.110; prior: 1961 c 32 § 2; 1947 c 85 § 5; 1933 c 1 § 21; Rem. Supp. 1947 § 5114-21. Formerly RCW 29.10.110.]

NOTES:

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Effective date--1991 c 81: See note following RCW 29A.84.540.

LIST MAINTENANCE

RCW 29A.08.610 Dual registration or voting detection. The secretary of state shall conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the state and must be nondiscriminatory in its application.

The office of the secretary of state shall search the statewide voter registration list to find registered voters with the same date of birth and similar names. Once the potential duplicate registrations are identified, the secretary of state shall refer the potential duplicate registrations to the appropriate county auditors, who shall compare the signatures on each voter registration record and, after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate

NOTES:

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

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Effective date--2004 c 266: See note following RCW 29A.04.575.

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.625 Voting by inactive or canceled voters. (1)

A voter whose registration has been made inactive under this chapter and who requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to the registration address, and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted. [2009 c 369 § 30; 2003 c 111 § 240; 1994 c 57 § 47. Formerly RCW 29.10.220.]

NOTES:

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.630 Return of inactive voter to active status--Cancellation of registration. The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

- (1) Notifies the auditor of a change of address;
- (2) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or
- (3) Votes or attempts to vote in a primary, special election, or general election. If the inactive voter fails to provide such a notice or take such an action within that period,

RCW 29A.08.710 Originals and automated files. (1) The county auditor shall have custody of the original voter registration records for each county. The original voter registration form must be filed without regard to precinct and is considered confidential and unavailable for public inspection and copying. An automated file of all registered voters must be maintained pursuant to RCW 29A.08.125. An auditor may maintain the automated file in lieu of filing or maintaining the original voter registration forms if the automated file includes all of the information from the original voter registration forms including, but not limited to, a retrievable facsimile of each voter's signature.

(2) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060: The voter's name, address, political jurisdiction, gender, date of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying. [2005 c 246 § 17; 2004 c 267 § 133; 2003 c 111 § 246; 1994 c 57 § 17; 1991 c 81 § 21; 1971 ex.s. c 202 § 17; 1965 c 9 § 29.07.130. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part. Formerly RCW 29.07.130.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Severability--1994 c 57: See note following RCW 29A.16.040.

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.08.720 Registration, voting records--As public records--Information furnished--Restrictions, confidentiality.

(1) In the case of voter registration records received through the department of licensing or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, precinct lists and current lists of registered voters are public records and must be made available for public

the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not an indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) Each person furnished data under RCW 29A.08.720 shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data. [2005 c 246 § 19. Prior: 2003 c 111 § 249; 2003 c 53 § 176; 1999 c 298 § 2; 1992 c 7 § 32; 1974 ex.s. c 127 § 3; 1973 1st ex.s. c 111 § 4. Formerly RCW 29.04.120.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

Intent--Effective date--2003 c 53: See notes following RCW 2.48.180.

RCW 29A.08.760 Computer file--Duplicate copy--Restrictions and penalties. The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the consolidated technology services agency for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740. [2011 1st sp.s. c 43 § 813; 2009 c 369 § 35; 2004 c 267 § 134; 2003 c 111 § 251; 1995 c 135 § 2. Prior: 1993 c 441 § 2; 1993 c 408 § 10; 1977 ex.s. c 226 § 1; 1975-'76 2nd ex.s. c 46 § 3. Formerly RCW 29.04.160.]

NOTES:

NOTES:

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

Effective date--2005 c 246: See note following RCW 10.64.140.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.785 Information services board, consultation.
In developing the technical standards of data formats for transferring voter registration data, the secretary shall consult with the *information services board. The *board shall review and make recommendations regarding proposed technical standards prior to implementation. [2004 c 267 § 140.]

NOTES:

***Reviser's note:** RCW 43.105.032, which created the "information services board," was repealed by 2011 1st sp.s. c 43 § 1013.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

CHALLENGES

RCW 29A.08.810 Basis for challenging a voter's registration--Who may bring a challenge--Challenger duties. (1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony and the voter's civil rights have not been restored;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;

(c) The challenged voter does not live at the residential address provided, in which case the challenger must either:

(i) Provide the challenged voter's actual residence on the challenge form; or

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including that the challenger personally:

(A) Sent a letter with return service requested to the challenged voter's residential address provided, and to the challenged voter's mailing address, if provided;

(B) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at

who changed residence less than sixty days before the election without transferring his or her registration, must be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration database, whichever is later, at the office of the appropriate county auditor. Challenges initiated by a registered voter or county prosecuting attorney must be filed not later than forty-five days before the election.

(2) (a) If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately in the voter registration system, and the county canvassing board presides over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election.

(3) If the challenge is filed at least forty-five days before an election at which the challenged voter is eligible to vote, the county auditor presides over the hearing. [2011 c 10 § 21; 2006 c 320 § 5; 2003 c 111 § 254; 1987 c 288 § 2; 1983 1st ex.s. c 30 § 3. Formerly RCW 29.10.127.]

NOTES:

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

Right to vote

loss of: State Constitution Art. 6 § 3, RCW 11.88.010, 11.88.090.

restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 29A.08.835 County auditor to publish voter challenges on the internet--Ongoing notification requirements. The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet web site the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis. [2006 c 320 § 1.]

RCW 29A.08.840 County auditor duties--Dismissal of challenges--Notification--Hearings--Counting or cancellation of ballots. (1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face

such forms available. A challenge is not required to be submitted on the provided voter challenge form, but may be prepared using an official electronic voter challenge form template provided by the auditor or secretary of state that has been printed and signed by the challenger for submission. [2006 c 320 § 7; 2003 c 111 § 257; 1991 c 81 § 27; 1971 ex.s. c 202 § 35; 1965 ex.s. c 156 § 4. Formerly RCW 29.10.150.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

CHAPTER 29A.12 RCW

VOTING SYSTEMS

Sections

29A.12.005	"Voting system."
29A.12.010	Authority for use.
29A.12.020	Inspection and test by secretary of state--Report.
29A.12.030	Submitting system or component for examination.
29A.12.040	Independent evaluation.
29A.12.050	Approval required--Modification.
29A.12.060	Maintenance and operation.
29A.12.070	Acceptance test.
29A.12.080	Requirements for approval.
29A.12.085	Paper record.
29A.12.101	Requirements of tallying systems for approval.
29A.12.110	Record of programming--Devices sealed.
29A.12.120	Counting center personnel--Instruction, requirements.
29A.12.130	Tallying systems--Programming tests.
29A.12.140	Operating procedures.
29A.12.150	Recording requirements.
29A.12.160	Blind or visually impaired voter accessibility.
29A.12.170	Consultation with information services board.

RCW 29A.12.005 "Voting system." As used in this chapter, "voting system" means:

(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:

- (a) To define ballots;
- (b) To cast and count votes;
- (c) To report or display election results from the voting system;

(d) To maintain and produce any audit trail information; and

(2) The practices and associated documentation used:
(a) To identify system components and versions of such components;

RCW 29A.12.030 Submitting system or component for examination. The manufacturer or distributor of a voting system or component of a voting system may submit that system or component to the secretary of state for examination under RCW 29A.12.020. [2003 c 111 § 303. Prior: 1990 c 59 § 19; 1982 c 40 § 2. Formerly RCW 29.33.051.]

NOTES:

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

Severability--1982 c 40: See note following RCW 29A.12.020.

RCW 29A.12.040 Independent evaluation. (1) The secretary of state may rely on the results of independent design, engineering, and performance evaluations in the examination under RCW 29A.12.020 if the source and scope of these independent evaluations are specified by rule.

(2) The secretary of state may contract with experts in mechanical or electrical engineering or data processing to assist in examining a voting system or component. The manufacturer or distributor who has submitted a voting system for testing under RCW 29A.12.030 shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation under this section and for any other unrecoverable costs associated with the examination of a voting system or component by the manufacturer or distributor who submitted the voting system or component for examination. [2003 c 111 § 304. Prior: 1990 c 59 § 20; 1982 c 40 § 3. Formerly RCW 29.33.061.]

NOTES:

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

Severability--1982 c 40: See note following RCW 29A.12.020.

RCW 29A.12.050 Approval required--Modification. If voting systems or devices or vote tallying systems are to be used for conducting a primary or election, only those that have the approval of the secretary of state or had been approved under this chapter or the former chapter 29.34 RCW before March 22, 1982, may be used. Any modification, change, or improvement to any voting system or component of a system that does not impair its accuracy, efficiency, or capacity or extend its function, may be made without reexamination or reapproval by the secretary of state under RCW 29A.12.020. [2003 c 111 § 305; 1990 c 59 § 21; 1982 c 40 § 4. Formerly RCW 29.33.081.]

NOTES:

NOTES:

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

Severability--1982 c 40: See note following RCW 29A.12.020.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

Severability--1971 ex.s. c 6: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 6 § 3.]

Voting devices, machines--Recording requirements: RCW 29A.12.150.

RCW 29A.12.085 Paper record. Beginning on January 1, 2006, all direct recording electronic voting devices must produce a paper record of each vote that may be accepted or rejected by the voter before finalizing his or her vote. This record may not be removed from the voting center, and must be human readable without an interface and machine readable for counting purposes. If the device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter. Rejected records must either be destroyed or marked in order to clearly identify the record as rejected. Paper records produced by direct recording electronic voting devices are subject to all the requirements of chapter 29A.60 RCW for ballot handling, preservation, reconciliation, transit, and storage. The paper records must be preserved in the same manner and for the same period of time as ballots. [2011 c 10 § 22; 2005 c 242 § 1.]

NOTES:

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

Preservation: RCW 29A.60.095.

Unauthorized removal from voting center: RCW 29A.84.545.

RCW 29A.12.101 Requirements of tallying systems for approval. The secretary of state shall not approve a vote tallying system unless it:

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

24; 2003 c 111 § 312. Prior: 1990 c 59 § 29; 1977 ex.s. c 361 § 69. Formerly RCW 29.33.340, 29.34.143.]

NOTES:

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.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.12.130 Tallying systems--Programming tests. At least three days before each state primary or general election, the office of the secretary of state shall provide for the conduct of tests of the programming for each vote tallying system to be used at that primary or general election. The test must verify that the system will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The test shall verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election. If any error is detected, the cause shall be determined and corrected, and an errorless total shall be produced before the primary or election.

Such tests shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective major political parties and are present at the test, and shall be open to candidates, the press, and the public. The county auditor and any political party observers shall certify that the test has been conducted in accordance with this section. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or general election. [2003 c 111 § 313; 1998 c 58 § 2; 1990 c 59 § 32; 1977 ex.s. c 361 § 73. Formerly RCW 29.33.350, 29.34.163.]

NOTES:

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

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.12.140 Operating procedures. The secretary of state may publish recommended procedures for the operation of the various vote tallying systems that have been approved. These procedures allow the office of the secretary of state to restrict or define the use of approved systems in elections. [2003 c 111

Effective dates--2004 c 267: See note following RCW 29A.08.010.

Effective date--2004 c 266: See note following RCW 29A.04.575.

RCW 29A.12.170 Consultation with information services board. In developing technical standards for voting technology and systems to be accessible for individuals with disabilities, the secretary shall consult with the *information services board. The *board shall review and make recommendations regarding proposed technical standards prior to implementation. [2004 c 267 § 321.]

NOTES:

***Reviser's note:** RCW 43.105.032, which created the "information services board," was repealed by 2011 1st sp.s. c 43 § 1013.

Effective dates--2004 c 267: See note following RCW 29A.08.010.

CHAPTER 29A.16 RCW

PRECINCTS

(Formerly: Precinct and polling place determination and accessibility)

Sections

29A.16.040 Precincts--Boundaries may be altered.
29A.16.050 Precincts--Restrictions on precinct boundaries--Designated by number.

RCW 29A.16.040 Precincts--Boundaries may be altered. The county legislative authority of each county in the state shall divide the county into election precincts and establish the boundaries of the precincts.

(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (3) of this section, no precinct changes may be made during the period starting fourteen days prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(2) The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The number may be less than the number established by law, but in no case may the number exceed one thousand five hundred active registered voters.

Effective date--1977 ex.s. c 361: "This 1977 amendatory act shall take effect January 1, 1978." [1977 ex.s. c 361 § 113.]

Severability--1977 ex.s. c 361: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 361 § 112.]

Severability--1977 ex.s. c 128: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 128 § 6.]

Effective date--Severability--1975-'76 2nd ex.s. c 129: See notes following RCW 29A.76.040.

"Precinct" defined: RCW 29A.04.121.

RCW 29A.16.050 Precincts--Restrictions on precinct boundaries--Designated by number. (1) Every voting precinct must be wholly within a single congressional district, a single legislative district, a single district of a county legislative authority, and, if applicable, a single city.

(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.

(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.

(4) After a change to precinct boundaries is adopted by the county legislative authority, if the change does not follow visible physical features, the county auditor shall send to the secretary of state an electronic or paper copy of the description, a map or maps of the changes, and a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.

(5) Every voting precinct within each county shall be designated by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.

RCW 29A.20.010 Preservation of declarations of candidacy.

The secretary of state and each county auditor shall preserve all declarations of candidacy filed in their respective offices for six months. All declarations of candidacy must be open to public inspection. [2003 c 111 § 501; 1965 c 9 § 29.27.090. Prior: 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. Formerly RCW 29.27.090.]

RCW 29A.20.021 Qualifications for filing, appearance on ballot. (1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.

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

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

(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution. [2004 c 271 § 153.]

NOTES:

***Reviser's note:** RCW 3.46.067 was repealed by 2008 c 227 § 12, effective July 1, 2008.

RCW 29A.20.030 Local officers, beginning of terms--Organization of district boards of directors. The term of every city, town, and district officer elected to office on the first Tuesday following the first Monday in November of the odd-numbered years begins in accordance with RCW 29A.20.040. However, a person elected to less than a full term shall assume office as soon as the election returns have been certified and he or she is qualified in accordance with RCW 29A.04.133.

MINOR PARTY AND INDEPENDENT CANDIDATE NOMINATIONS

RCW 29A.20.111 Definitions--"Convention" and "election jurisdiction." A "convention" for the purposes of this chapter, is an organized assemblage of registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a countywide basis, legislative districts for members of the legislature, congressional districts for members of Congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a statewide basis. [2004 c 271 § 188.]

RCW 29A.20.121 Nomination by convention or write-in--Dates--Special filing period. (1) Any nomination of a candidate for partisan public office by other than a major political party may be made only: (a) In a convention held not earlier than the first Saturday in May and not later than the second Saturday in May or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as otherwise provided in this section. Minor political party and independent candidates may appear only on the general election ballot.

(2) Nominations of candidates for president and vice president of the United States other than by a major political party may be made either at a convention conducted under subsection (1) of this section, or at a similar convention taking place not earlier than the first Saturday in June and not later than the fourth Saturday in July. Conventions held during this time period may not nominate candidates for any public office other than president and vice president of the United States, except as provided in subsection (3) of this section.

(3) If a special filing period for a partisan office is opened under *RCW 29A.24.211, candidates of minor political parties and independent candidates may file for office during that special filing period. The names of those candidates may not appear on the general election ballot unless they are nominated by convention held no later than five days after the close of the special filing period and a certificate of nomination is filed with the filing officer no later than three days after the convention. The requirements of RCW 29A.20.131 do not apply to such a convention.

(4) A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of

under this chapter for an office for an election. [2004 c 271 § 112.]

RCW 29A.20.161 Certificate of nomination--Requisites. A certificate evidencing nominations made at a convention must:

(1) Be in writing;

(2) Contain the name of each person nominated, his or her residence, and the office for which he or she is named, and if the nomination is for the offices of president and vice president of the United States, a sworn statement from both nominees giving their consent to the nomination;

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

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

(5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of registered voters equal in number to that required by RCW 29A.20.141;

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

(7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state. [2004 c 271 § 154.]

RCW 29A.20.171 Multiple certificates of nomination. (1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for the same position using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.

(2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same

or she pays the fee required by law to be paid by candidates for the same office to be nominated at a primary. [2004 c 271 § 113.]

CHAPTER 29A.24 RCW

FILING FOR OFFICE

Sections

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WRITE-IN CANDIDATES

- 29A.24.311 Write-in voting--Candidates, declaration.
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GENERAL

RCW 29A.24.010 Officials to designate position numbers, when--Effect. Not less than thirty days before the first day for filing declarations of candidacy under RCW 29A.24.050 for

RCW 29A.24.030 Declaration of candidacy. A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

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

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

(3) For partisan offices only, a place for the candidate to indicate his or her major or minor party preference, or independent status;

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

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

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

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process. [2005 c 2 § 9 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 603; 2002 c 140 § 1; 1990 c 59 § 82. Formerly RCW 29.15.010.]

NOTES:

Reviser's note: *(1) RCW 29A.24.090 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.24.091.

(2) RCW 29A.24.030 was amended by 2005 c 2 § 9 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(3) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

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

the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.091.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process. [2004 c 271 § 158.]

RCW 29A.24.040 Declaration of candidacy--Electronic filing.

A candidate may file his or her declaration of candidacy for an office by electronic means on a system specifically designed and authorized by a filing officer to accept filings.

(1) Filings that are received electronically must capture all information specified in RCW 29A.24.031 (1) through (4).

(2) Electronic filing may begin at 9:00 a.m. the first day of the filing period and continue through 4:00 p.m. the last day of the filing period. [2011 c 349 § 6; 2006 c 344 § 5; 2003 c 111 § 604. Prior: 2002 c 140 § 2. Formerly RCW 29.15.044.]

NOTES:

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

Effective date--2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

Implementation--2002 c 140: "The secretary of state may take the necessary steps to ensure that this act is implemented on its effective date." [2002 c 140 § 5.]

Captions not law--2002 c 140: "Section captions used in this act are not part of the law." [2002 c 140 § 6.]

RCW 29A.24.050 Declaration of candidacy--Certain offices, when filed. Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed during regular business hours with the filing officer beginning the Monday two weeks before Memorial day and ending the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices. [2011 c 349 § 7; 2006 c 344 § 6; 2003 c 111 § 605. Prior: 1990 c 59 § 81; 1986 c 167 § 8; 1984 c 142 § 2. Formerly RCW 29.15.020, 29.18.025.]

Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his or her receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission. [2009 c 106 § 1; 2006 c 263 § 614; 2005 c 221 § 1; 2003 c 111 § 607; 2002 c 140 § 4; 1998 c 22 § 1; 1990 c 59 § 84; 1977 ex.s. c 361 § 30; 1975-'76 2nd ex.s. c 112 § 1; 1965 c 9 § 29.18.040. Prior: 1907 c 209 § 7; RRS § 5184. Formerly RCW 29.15.030, 29.18.040.]

NOTES:

Findings--Purpose--Part headings not law--2006 c 263: See notes following RCW 28A.150.230.

Implementation--Captions not law--2002 c 140: See notes following RCW 29A.24.040.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

Construction--1975-'76 2nd ex.s. c 112: RCW 42.17A.907.

Severability--1975-'76 2nd ex.s. c 112: RCW 42.17A.903.

Public disclosure--Campaign finances, lobbying, records: Chapter 42.17A RCW.

RCW 29A.24.081 Declaration--Filing by mail. Any candidate may mail his or her declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:

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

(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before the close of business on the last day of the filing period shall be included with filings made in person during the filing period.

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

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

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

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

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

We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made) , hereby petition that the name of (candidate's name) be printed on the official general election ballot for the office of (insert name of office) . [2006 c 206 § 4; 2004 c 271 § 114.]

RCW 29A.24.111 Petitions--Rejection--Acceptance, canvass of signatures--Judicial review. Filing fee petitions may be rejected for the following reasons:

(1) The petition is not in the proper form;
(2) The petition clearly bears insufficient signatures;
(3) The petition is not accompanied by a declaration of candidacy;

(4) The time within which the petition and the declaration of candidacy could have been filed has expired.

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the filing fee petition is filed. He or she shall additionally reject any signature that appears on the filing fee petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.

If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined. [2006 c 206 § 5; 2004 c 271 § 161.]

RCW 29A.24.120 Date for withdrawal--Notice. Each person who files a declaration of candidacy for an elected office of a city, town, or special district shall be given written notice of the date by which a candidate may withdraw his or her candidacy

appear on the general election ballot, leaving an unexpired term, the election of the successor shall occur at the next succeeding general election that the office is allowed by law to have an election. [2011 c 349 § 10; 2006 c 344 § 7; 2004 c 271 § 165.]

NOTES:

Effective date--2011 c 349 §§ 10-12, 27, 28, and 30:

"Sections 10 through 12, 27, 28, and 30 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 16, 2011]." [2011 c 349 § 34.]

Effective date--2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.24.181 Regular filing period--Voids in candidacy.

(1) If a void in candidacy occurs following the regular filing period and deadline to withdraw, but prior to the day of the primary, filings for that office shall be reopened for a period of three normal business days, such three-day period to be fixed by the filing officer. The filing officer shall provide notice of the special filing period to newspapers, radio, and television in the county, and online. The candidate receiving a plurality of the votes cast for that office in the general election is deemed elected.

(2) This section does not apply to voids in candidacy in the office of precinct committee officer, which are filled by appointment pursuant to RCW 29A.28.071. [2011 c 349 § 11; 2006 c 344 § 8; 2004 c 271 § 166.]

NOTES:

Effective date--2011 c 349 §§ 10-12, 27, 28, and 30: See note following RCW 29A.24.171.

Effective date--2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.24.191 Scheduled election lapses, when. A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when a void in candidacy occurs following the special three-day filing period required by RCW 29A.24.181. [2011 c 349 § 12; 2006 c 344 § 9; 2004 c 271 § 167.]

NOTES:

Effective date--2011 c 349 §§ 10-12, 27, 28, and 30: See note following RCW 29A.24.171.

one of the two offices for which he or she is a candidate is precinct committeeperson;

(d) The office filed for is committee precinct officer.

(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets. [2012 c 89 § 2; 2011 c 349 § 13; 2004 c 271 § 117.]

NOTES:

Intent--Finding--2012 c 89: "The United States district court, western district of Washington, ruled that Washington's method of electing political party precinct committee officers is unconstitutional based on the associational rights of political parties. The court stated that Washington may decide to implement elections for precinct committee officer in a manner not yet conceived but ultimately satisfactory to the political parties. Washington may even implement these elections in a way that severely burdens the political parties' associational rights but does so in a manner narrowly tailored to serve a compelling governmental interest. The major political parties stated in court that they might be satisfied of party membership if a voter affirms affiliation with the particular party. Toward this end, the legislature has worked closely with the major political parties to develop a system of electing precinct committee officers that the parties support, that will protect the secrecy of the ballot, and will not increase burdens placed on local election officials. Therefore, it is the intent of the legislature to remedy the unconstitutional method of selecting precinct committee officers by implementing a provision requiring voters to affirm an affiliation with the appropriate party in order to vote in a race for precinct committee officer in that party. The legislature finds that the office of precinct committee officer itself is both a constitutionally recognized and authorized office with certain duties outlined in state law and the state Constitution." [2012 c 89 § 1.]

Effective date--2012 c 89: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 29, 2012]." [2012 c 89 § 7.]

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

RCW 29A.24.320 Write-in candidates--Notice to auditors, ballot counters. The secretary of state shall notify each county auditor of any declarations filed with the secretary under *RCW

state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or statewide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

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

If the vacancy occurs after the eleventh Tuesday prior to the state primary or general election and time does not exist in which to correct ballots (including absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

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

If the secretary of state has already sent forth the certificate when the appointment to fill a vacancy is filed, the secretary shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which the person is a candidate or nominee, the party the person represents, and all other pertinent facts pertaining to the vacancy. [2006 c 344 § 11; 2004 c 271 § 192.]

NOTES:

Effective date--2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.28.030 United States senate. When a vacancy occurs in the representation of this state in the senate of the United States, the governor shall make a temporary appointment to that office until the people fill the vacancy by election as provided in this chapter. [2003 c 111 § 703. Prior: 1985 c 45 § 3; 1965 c 9 § 29.68.070; prior: 1921 c 33 § 1; RRS § 3798. Formerly RCW 29.68.070.]

NOTES:

Legislative intent--1985 c 45: See note following RCW 29A.04.420.

RCW 29A.28.050 Congress--Notices of special primary and election. After calling a special primary and special vacancy election to fill a vacancy in the United States house of representatives or the United States senate from this state, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify the county auditor of each county wholly or partly within which the vacancy exists.

Each county auditor shall publish notices of the special primary and the special vacancy election at least once in any legal newspaper published in the county, as provided by *RCW 29A.52.310 and 29A.52.350 respectively. [2003 c 111 § 705; 1985 c 45 § 5; 1973 2nd ex.s. c 36 § 5; 1965 c 9 § 29.68.100. Prior: 1909 ex.s. c 25 § 2, part; RRS § 3800, part. Formerly RCW 29.68.100.]

NOTES:

***Reviser's note:** RCW 29A.52.310 and 29A.52.350 were repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.52.311 and 29A.52.351. RCW 29A.52.351 was subsequently repealed by 2011 c 10 § 86.

Legislative intent--1985 c 45: See note following RCW 29A.04.420.

RCW 29A.28.061 Congress--General, primary election laws to apply--Time deadlines, modifications. The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in chapter 29A.28 RCW to the extent that they are not inconsistent with the provisions of these sections. Minor political party and independent candidates may appear only on the general election ballot. Statutory time deadlines relating to availability of ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29A.04.611. [2011 c 10 § 28; 2004 c 271 § 119.]

NOTES:

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

RCW 29A.28.071 Precinct committee officer. If a vacancy occurs in the office of precinct committee officer by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall fill the vacancy by appointment. However, in a legislative district having a majority of its precincts in a county with a population of one million or more, the appointment may be made only upon the recommendation of the legislative district chair. The person so appointed must have

The secretary of state shall distribute the voters' pamphlet to each household in the state, to public libraries, and to any other locations he or she deems appropriate. The secretary of state shall also produce taped or Braille transcripts of the voters' pamphlet, publicize their availability, and mail without charge a copy to any person who requests one.

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data. [2003 c 111 § 801. Prior: 1999 c 260 § 1. Formerly RCW 29.81.210.]

RCW 29A.32.020 Prohibition against deceptively similar campaign materials. No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet that was published by the secretary of state during the ten-year period before the publication or distribution of the campaign material by the person or entity. The secretary of state shall take reasonable measures to prevent or to stop violations of this section. Such measures may include, among others, petitioning the superior court for a temporary restraining order or other appropriate injunctive relief. In addition, the secretary may request the superior court to impose a civil fine on a violator of this section. The court is authorized to levy on and recover from each violator a civil fine not to exceed the greater of: (1) Two dollars for each copy of the deceptive material distributed, or (2) one thousand dollars. In addition, the violator is liable for the state's legal expenses and other costs resulting from the violation. Any funds recovered under this section must be transmitted to the state treasurer for deposit in the general fund. [2003 c 111 § 802; 1984 c 41 § 1. Formerly RCW 29.04.035.]

RCW 29A.32.031 Contents. The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, 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, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state

(3) An explanation that minor political party candidates and independent candidates will appear only on the general election ballot. [2004 c 271 § 122.]

RCW 29A.32.040 Explanatory statements. (1) Explanatory statements prepared by the attorney general under RCW 29A.32.070 (3) and (4) must be written in clear and concise language, avoiding legal and technical terms when possible, and filed with the secretary of state no later than the tenth day of August.

(2) When the explanatory statement for a measure initiated by petition is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the person proposing the measure and any others who have made written request for notification of the exact language of the explanatory statement. When the explanatory statement for a measure referred to the ballot by the legislature is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the presiding officer of the senate and the presiding officer of the house of representatives and any others who have made written request for notification of the exact language of the explanatory statement.

(3) A person dissatisfied with the explanatory statement may appeal to the superior court of Thurston County within five days of the filing date. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the explanatory statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state an explanatory statement it determines will meet the requirements of this chapter.

The decision of the superior court is final, and its explanatory statement is the established explanatory statement. The appeal must be heard without costs to either party. [2009 c 415 § 3; 2003 c 111 § 804. Prior: 1999 c 260 § 3. Formerly RCW 29.81.230.]

RCW 29A.32.050 Notice of constitutional amendments and state measures--Explanatory statement. The attorney general shall, by the tenth day of August preceding each general election, prepare the explanatory statements required under RCW 29A.32.070 (3) and (4). Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the proposed state measure, the explanatory statement prepared by the attorney general, and his or her objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the proposed state measure, the explanatory statement, and the objections

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of *the measure;

(11) Two pages shall be provided in the general election voters' pamphlet for each measure for an advisory vote of the people under RCW 43.135.041 and shall consist of the serial number assigned by the secretary of state under RCW 29A.72.040, the short description formulated by the attorney general under RCW 29A.72.283, the tax increase's most up-to-date ten-year cost projection, including a year-by-year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address. [2009 c 415 § 5. Prior: 2008 c 1 § 13 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 807; prior: 2002 c 139 § 2; 1999 c 260 § 5. Formerly RCW 29.81.250.]

NOTES:

Findings--Intent--Construction--Severability--Subheadings and part headings not law--Short title--Effective date--2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

RCW 29A.32.080 Amendatory style. Statewide ballot measures that amend existing law must be printed in the voters' pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined. A statement explaining the deletion and addition of language must appear as follows: "Any language in double parentheses with a line through it is existing state law

promptly provide any such revision to any committee entitled to submit a rebuttal argument. If that committee has not yet submitted its rebuttal, its deadline to submit a rebuttal is extended by five days. If it has submitted a rebuttal, it may revise it to address the change within five days of the filing of the revised argument with the secretary.

(5) In an action under this section the committee or candidate must be named as a defendant, and may be served with process by certified mail directed to the address contained in the secretary's records for that party. The secretary of state shall be a nominal party to an action brought under subsection (3) of this section, solely for the purpose of determining the content of the voters' pamphlet. The superior court shall give such an action priority on its calendar. [2009 c 222 § 3; 2003 c 111 § 809. Prior: 1999 c 260 § 8. Formerly RCW 29.81.280.]

NOTES:

Intent--Findings--2009 c 222: See note following RCW 42.17A.335.

RCW 29A.32.100 Arguments--Public inspection. (1) An argument or statement submitted to the secretary of state for publication in the voters' pamphlet is not available for public inspection or copying until:

(a) In the case of candidate statements, (i) all statements by all candidates who have filed for a particular office have been received, except those who informed the secretary that they will not submit statements, or (ii) the deadline for submission of statements has elapsed;

(b) In the case of arguments supporting or opposing a measure, (i) the arguments on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; and

(c) In the case of rebuttal arguments, (i) the rebuttals on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed.

(2) Nothing in this section prohibits the secretary from releasing information under *RCW 29A.32.090(2)(d). [2003 c 111 § 810. Prior: 1999 c 260 § 9. Formerly RCW 29.81.290.]

NOTES:

***Reviser's note:** RCW 29A.32.090 was amended by 2009 c 222 § 3, changing subsection (2)(d) to subsection (3)(d).

RCW 29A.32.110 Photographs. All photographs of candidates submitted for publication must conform to standards established by the secretary of state by rule. No photograph may reveal clothing or insignia suggesting the holding of a public office. [2003 c 111 § 811. Prior: 1999 c 260 § 10. Formerly RCW 29.81.300.]

county, the county auditor shall notify each city, town, or special taxing district located wholly within that county that a pamphlet will be produced.

(2) If a voters' pamphlet is published by the county for a primary or general election, the pamphlet shall be published for the elective offices and ballot measures of the county and for the elective offices and ballot measures of each unit of local government located entirely within the county which will appear on the ballot at that primary or election. However, the offices and measures of a first-class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than sixty days before the publication of the pamphlet and it finds that the requirement would create such hardship.

(3) If a city, town, or district is located within more than one county, the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county.

(4) If a first-class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located wholly within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

(5) A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a county's pamphlet. [2003 c 111 § 814; 1994 c 191 § 1; 1984 c 106 § 4. Formerly RCW 29.81A.020.]

RCW 29A.32.230 Administrative rules. The county auditor or, if applicable, the city clerk of a first-class or code city shall, in consultation with the participating jurisdictions, adopt and publish administrative rules necessary to facilitate the provisions of any ordinance authorizing production of a local voters' pamphlet. Any amendment to such a rule shall also be adopted and published. Copies of the rules shall identify the date they were adopted or last amended and shall be made available to any person upon request. One copy of the rules adopted by a county auditor and one copy of any amended rules shall be submitted to the county legislative authority. One copy

[2003 c 111 § 817. Prior: 1984 c 106 § 7. Formerly RCW 29.81A.050.]

RCW 29A.32.260 Mailing. As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. [2011 c 10 § 30; 2003 c 111 § 818. Prior: 1984 c 106 § 8. Formerly RCW 29.81A.060.]

NOTES:

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

RCW 29A.32.270 Cost. The cost of a local voters' pamphlet shall be considered an election cost to those local jurisdictions included in the pamphlet and shall be prorated in the manner provided in RCW 29A.04.410. [2003 c 111 § 819. Prior: 1984 c 106 § 9. Formerly RCW 29.81A.070.]

RCW 29A.32.280 Arguments advocating approval or disapproval--Preparation by committees. For each measure from a unit of local government that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than forty-five days before the publication of the pamphlet, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall whenever possible make the appointments. [2003 c 111 § 820. Prior: 1994 c 191 § 2; 1984 c 106 § 10. Formerly RCW 29.81A.080.]

CHAPTER 29A.36 RCW

BALLOTS AND OTHER VOTING FORMS

(Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 901; prior: 1990 c 59 § 8; 1965 ex.s. c 103 § 4; 1965 c 9 § 29.27.020; prior: 1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part. Formerly RCW 29.27.020.]

NOTES:

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al.*, 552 U.S. . . . (2008).

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

under RCW 29A.36.020 or 29A.36.050, 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. [2003 c 111 § 904. Prior: 2000 c 197 § 9; 1993 c 256 § 11; 1965 c 9 § 29.27.065; prior: 1953 c 242 § 3. Formerly RCW 29.27.065.]

NOTES:

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.36.050 Statewide question--Ballot title--Formulation, ballot display. (1) If the legislature submits a question to the people for a statewide popular vote that is not governed by RCW 29A.72.050 or 29A.36.020, the ballot title on the question consists of: (a) A description of the subject; and (b) a question in the form prescribed in this section. The statement of the subject of the question must be sufficiently broad to reflect the subject of the question, sufficiently precise to give notice of the question's subject matter, and not exceed ten words. The question must contain no more than thirty words.

The ballot title for such a question must be displayed on the ballot substantially as follows:

"The following question concerning (description of subject) has been submitted to the voters: (Question as submitted).

Ye ...

s

No ...

(2) The legislature may specify the statement of subject for a question and shall specify the question that it submits to the people. If the legislature fails to specify the statement of subject, the attorney general shall prepare the statement of subject. The statement of subject and question as so provided must be included as part of the ballot title unless changed on appeal. [2003 c 111 § 905. Prior: 2000 c 197 § 10. Formerly RCW 29.27.0653.]

NOTES:

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

RCW 29A.36.060 Constitutional, statewide questions--Ballot title--Appeal. If any persons are dissatisfied with the ballot

(2) A referendum measure on the enactment of a unit of local government shall 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. [2006 c 311 § 9; 2004 c 271 § 169.]

NOTES:

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 § 908. Prior: 2000 c 197 § 13. Formerly RCW 29.27.0665.]

NOTES:

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 § 909. Prior: 2000 c 197 § 14; 1993 c 256 § 12; 1965 c 9 § 29.27.067; prior: 1953 c 242 § 4. Formerly RCW 29.27.067.]

(e) A statement that votes cast for a major political party candidate by a voter who selects more than one major political party with which to affiliate will not be tabulated or reported; and

(f) A statement that party affiliation will not affect votes cast for candidates for nonpartisan offices, or for or against ballot measures.

(2) If the physically separate ballot format is used, clear and concise instructions to the voter must be prominently displayed, and must include:

(a) A statement that, for partisan offices, the voter may only vote for candidates of one political party;

(b) A statement explaining that only one ballot may be voted;

(c) A statement explaining that if more than one party ballot is voted, none of the partisan races will be tabulated or reported; and

(d) A statement explaining that the nonpartisan ballot only lists nonpartisan races and ballot measures and does not list partisan races. [2007 c 38 § 3; 2004 c 271 § 127.]

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 § 1; 2004 c 271 § 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 § 31; 2005 c 243 § 3.]

NOTES:

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

independent convention only if all documentation required by chapter 29A.20 RCW has been timely filed. [2004 c 271 § 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, from among those filings made in person and by mail, 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 for any nonpartisan office under RCW 29A.52.011 or 29A.52.220, or if any independent or minor party candidate files a declaration of candidacy, the names shall appear on the general election ballot in the order determined by lot. [2011 c 10 § 32; 2004 c 271 § 130.]

NOTES:

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 § 131.]

RCW 29A.36.161 Arrangement of instructions, measures, offices--Order of candidates. (1) On the top of each ballot must be printed clear and concise instructions directing the voter how to mark the ballot, including write-in votes. On the top of each primary ballot must be printed the instructions required by this chapter.

(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.

(3) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

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.04.007.

**End 8pt
Start 8pt**

RCW 29A.36.170 Nonpartisan candidates qualified for general election. [2003 c 111 § 917. Prior: 1992 c 181 § 2; 1990 c 59 § 95. Formerly RCW 29.30.085.] Repealed by 2004 c 271 § 193.

NOTES:

Reviser's note: (1) RCW 29A.36.170 was amended by 2005 c 2 § 6 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

End 8pt

RCW 29A.36.171 Nonpartisan candidates qualified for general election. (1) Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, 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. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.131.

(2) On the ballot at the general election 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

RCW 29A.36.201 Names qualified to appear on election ballot. The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law 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, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29A.28.021.

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 more than once upon a ballot for a position regularly nominated or elected at the same election. [2004 c 271 § 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 § 301; 2004 c 80 § 2; 2003 c 111 § 921. Prior: 1999 c 224 § 2; 1984 c 131 § 3. Formerly RCW 29.30.111.]

NOTES:

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

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

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 § 4.]

NOTES:

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

CHAPTER 29A.40 RCW

ELECTIONS BY MAIL

(Formerly: Absentee voting)

Sections

- 29A.40.010 When permitted.
- 29A.40.020 Request for ballot from an overseas voter or service voter.
- 29A.40.050 Special ballots.
- 29A.40.070 Date ballots available, mailed (as amended by 2011 c 10).
- 29A.40.070 Date ballots mailed (as amended by 2011 c 349).
- 29A.40.091 Envelopes, declaration, and instructions (as amended by 2011 c 10).
- 29A.40.091 Envelopes and instructions (as amended by 2011 c 182).
- 29A.40.091 Envelopes, declaration, and instructions (as amended by 2011 c 348).
- 29A.40.091 Envelopes, declaration, and instructions (as amended by 2011 c 349).
- 29A.40.100 Observers.
- 29A.40.110 Processing incoming ballots.

RCW 29A.40.020 Request for ballot from an overseas voter or service voter. (1) A request for a ballot from an overseas voter or service voter must include the address of the last residence in the state of Washington.

(2) No person, organization, or association may distribute any ballot materials that contain a return address other than that of the appropriate county auditor. [2011 c 10 § 36; 2009 c 369 § 37; 2003 c 111 § 1002; 2001 c 241 § 2. Formerly RCW 29.36.220.]

NOTES:

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

RCW 29A.40.050 Special ballots. (1) County auditors shall provide special absentee ballots to be used for state primary or state general elections. An auditor shall provide a special absentee ballot only to a registered voter who completes an application stating that she or he will be unable to vote and return a regular ballot by normal mail delivery within the period provided for regular ballots.

A special absentee ballot may not be requested more than ninety days before the applicable state primary or general election. The special absentee ballot will list the offices and measures, if known, scheduled to appear on the state primary or general election ballot. The voter may use the special absentee ballot to write in the name of any eligible candidate for each office and vote on any measure.

(2) The county auditor shall include a listing of any candidates who have filed before the time of the application for offices that will appear on the ballot at that primary or election and a list of any issues that have been referred to the ballot before the time of the application.

(3) Write-in votes on special absentee ballots must be counted in the same manner provided by law for the counting of other write-in votes. The county auditor shall process and canvass the special absentee ballots provided under this section in the same manner as other ballots under this chapter and chapter 29A.60 RCW.

(4) A voter who requests a special absentee ballot under this section may also request a regular ballot. If the regular absentee ballot is properly voted and returned, the special absentee ballot is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed. [2011 c 10 § 37; 2003 c 111 § 1005; 2001 c 241 § 5; 1991 c 81 § 35; 1987 c 346 § 21. Formerly RCW 29.36.250, 29.36.170.]

NOTES:

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

~~that absentee ballots are available and mailed as prescribed in subsection (1) of this section.~~

~~(6))~~ (5) Failure to ~~((have absentee ballots available and mailed))~~ mail ballots as prescribed in ~~((subsection (1) of))~~ this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election. [2011 c 10 § 38; 2006 c 344 § 13; 2004 c 266 § 13. Prior: 2003 c 162 § 2; 2003 c 111 § 1007; prior: 1987 c 54 § 1; 1977 ex.s. c 361 § 56; 1965 ex.s. c 103 § 5; 1965 c 9 § 29.30.075; prior: 1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part. Formerly RCW 29.36.270, 29.30.075.]

NOTES:

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

End 8pt
Start 8pt

RCW 29A.40.070 Date ballots mailed (as amended by 2011 c 349). (1) Except where a recount or litigation ~~((under RCW 29A.68.011))~~ is pending, the county auditor ~~((shall have sufficient absentee ballots available for absentee voters of that county, other than overseas voters and service voters, at least twenty days before any primary, general election, or special election. The county auditor))~~ must mail ~~((absentee))~~ ballots to each voter ~~((for whom the county auditor has received a request nineteen days before the primary or election))~~ at least eighteen days before ~~((the))~~ each primary or election, and as soon as possible for all subsequent registration changes. ~~((For a request for an absentee ballot received after the nineteenth day before the primary or election, the county auditor shall make every effort to mail ballots within one business day, and shall mail the ballots within two business days.))~~

(2) ~~((At least thirty days before any primary, general election, or special election, the county auditor shall mail ballots to all overseas and service voters.))~~ Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election and at least forty-five days before each primary or general election. A request for a ballot made by an overseas or service voter after that day must be processed immediately.

(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.

(4) Each county auditor shall certify to the office of the secretary of state the dates the ballots ~~((prescribed in subsection (1) of this section were available and))~~ were mailed,

timely manner is critical in order to maximize participation by every eligible voter." [2003 c 162 § 1.]

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

End 8ptStart 8pt

RCW 29A.40.091 Envelopes, declaration, and instructions (as amended by 2011 c 10). (1) The county auditor shall send each voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return ~~((it))~~ the ballot to the county auditor.

(2) ~~The ((instructions that accompany a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the voter reciting his or her qualifications and stating that he or she)) voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election((, together with a summary of the penalties for any violation of any of the provisions of this chapter)). The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and((, except as otherwise provided by law,)) it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The ((return envelope)) ballot materials must provide space for the voter to indicate the date on which the ballot was voted ~~((and for the voter))~~, to sign the ~~((oath. It must also contain a space so that the voter may include))~~ declaration, and to provide a telephone number. ~~((A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope may provide secrecy for the voter's signature and optional telephone number.))~~~~

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. Sec. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor ~~((by whom it was issued or attach~~

and optional telephone number. For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first-class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed. [2011 c 182 § 1; 2010 c 125 § 1; 2009 c 369 § 39; 2005 c 246 § 21; 2004 c 271 § 135.]

End 8pt
Start 8pt

RCW 29A.40.091 Envelopes, declaration, and instructions (as amended by 2011 c 348). (1) The county auditor shall send each voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return ~~((it))~~ the ballot to the county auditor.

~~(2) The ((instructions that accompany a ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the voter reciting his or her qualifications and stating that he or she)) voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election((, together with a summary of the penalties for any violation of any of the provisions of this chapter)). The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and((, except as otherwise provided by law,)) it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The ((return envelope must provide space for the)) voter ((to)) must indicate the date on which the ballot was voted and ((for the voter to)) sign the ((oath)) declaration. ((It)) The ballot materials must also contain a space so that the voter may include a telephone number. ((A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately~~

the qualifications to vote, and has not voted in any other jurisdiction at this election~~((, together with a summary of the penalties for any violation of any of the provisions of this chapter)).~~ The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and~~((, except as otherwise provided by law,))~~ it is illegal to cast a ballot or sign a return envelope on behalf of another voter. The ~~((return envelope must provide space for the))~~ voter ~~((to))~~ must indicate the date on which the ballot was voted and ~~((for the voter to))~~ sign the ~~((oath))~~ declaration. ~~((It))~~ The ballot materials must also contain a space so that the voter may include a telephone number. ~~((A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope may provide secrecy for the voter's signature and optional telephone number.))~~

(3) For overseas and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.

(4) The voter must be instructed to either return the ballot to the county auditor ~~((by whom it was issued))~~ no later than 8:00 p.m. the day of the election or primary, or ((attach sufficient first-class postage, if applicable, and)) mail the ballot to the ~~((appropriate))~~ county auditor with a postmark no later than the day of the election or primary ((for which the ballot was issued.

~~———— If the county auditor chooses to forward ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed)).~~ Service and overseas voters must be provided with instructions and a secrecy cover sheet for returning the ballot and signed declaration by fax or e-mail. A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary. [2011 c 349 § 17; 2010 c 125 § 1; 2009 c 369 § 39; 2005 c 246 § 21; 2004 c 271 § 135.]

NOTES:

Reviser's note: RCW 29A.40.091 was amended four times during the 2011 legislative session, each without reference to

permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or e-mail by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot. [2011 c 349 § 18; 2011 c 348 § 4; 2011 c 10 § 41; 2009 c 369 § 40. Prior: 2006 c 207 § 4; 2006 c 206 § 6; 2005 c 243 § 5; 2003 c 111 § 1011; prior: 2001 c 241 § 10; 1991 c 81 § 32; 1987 c 346 § 14; 1977 ex.s. c 361 § 78; 1973 c 140 § 1; 1965 c 9 § 29.36.060; prior: 1963 ex.s. c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2; prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part. Formerly RCW 29.36.310, 29.36.060.]

NOTES:

Reviser's note: This section was amended by 2011 c 10 § 41, 2011 c 348 § 4, and by 2011 c 349 § 18, each without reference to the other. All 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).

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

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

Effective date--1991 c 81: See note following RCW 29A.84.540.

Legislative intent--Effective date--1987 c 346: See notes following RCW 29A.40.010.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

County canvassing board, meeting to process ballots, canvass returns: RCW 29A.60.160.

Unsigned ballot declarations: RCW 29A.60.165.

RCW 29A.40.130 Record of voters issued a ballot and voters who returned a ballot--Public access. Each county auditor shall maintain in his or her office, open for public inspection, a record of all voters issued a ballot and all voters who returned a ballot. For each primary, special election, or general

be counted. If the voter registered using a mark, or can no longer sign his or her name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(8) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address, reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.

(13) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.

(14) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.

(15) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at

29A.52.360 Ceremonial certificates of election to officers
elected in single county or less.
29A.52.370 Certificates of election to other officers.

NOTES:

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

GENERAL

Start 8pt

RCW 29A.52.010 Elections to fill unexpired term--No primary, when. Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, no more than two candidates have filed a declaration of candidacy for a single office to be filled.

In this event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed as candidates for the positions sought upon the general election ballot. [2005 c 2 § 13 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 1301. Prior: 1973 c 4 § 3. Formerly RCW 29.15.150, 29.13.075.]

NOTES:

Reviser's note: (1) RCW 29A.52.010 was amended by 2005 c 2 § 13 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

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

End 8pt
Start 8pt

RCW 29A.52.010 Elections to fill unexpired term--No primary, when. [2003 c 111 § 1301. Prior: 1973 c 4 § 3. Formerly RCW 29.15.150, 29.13.075.] Repealed by 2004 c 271 § 193.

NOTES:

PARTISAN PRIMARIES

RCW 29A.52.111 Application of chapter--Exceptions.

Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:

- (1) Congressional offices;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise. [2004 c 271 § 173.]

RCW 29A.52.112 Top two candidates--Party or independent preference. (1) A primary is a first stage in the public process by which voters elect candidates to public office.

(2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter. Based upon votes cast at the primary, the top two candidates will be certified as qualified to appear on the general election ballot, unless only one candidate qualifies as provided in *RCW 29A.36.170.

(3) For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, then that preference will be shown after the name of the candidate on the primary and general election ballots by appropriate abbreviation as set forth in rules of the secretary of state. A candidate may express no party or independent preference. Any party or independent preferences are shown for the information of voters only and may in no way limit the options available to voters. [2005 c 2 § 7 (Initiative Measure No. 872, approved November 2, 2004).]

NOTES:

Reviser's note: *(1) RCW 29A.36.170 was repealed by 2004 c 271 § 193 and was subsequently amended by 2005 c 2 § 6 (Initiative Measure No. 872). Later enactment, see RCW 29A.36.171.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

Short title--2005 c 2 (Initiative Measure No. 872): "This act may be known and cited as the People's Choice Initiative of 2004." [2005 c 2 § 1 (Initiative Measure No. 872, approved November 2, 2004).]

Intent--2005 c 2 (Initiative Measure No. 872): "The Washington Constitution and laws protect each voter's right to vote for any candidate for any office. The Washington State Supreme Court has upheld the blanket primary as protecting compelling state interests "allowing each voter to keep party

NOTES:

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

RCW 29A.52.141 Instructions. Instructions for voting a consolidated ballot or a physically separate ballot, whichever is applicable, must appear, at the very least, in:

- (1) Any primary voters' pamphlet prepared by the secretary of state or a local government if a partisan office will appear on the ballot;
- (2) Instructions that accompany any partisan primary ballot;
- (3) Any notice of a partisan primary published in compliance with *RCW 29A.52.311;
- (4) A sample ballot prepared by a county auditor under RCW 29A.36.151 for a partisan primary;
- (5) The web site of the office of the secretary of state and any existing web site of a county auditor's office; and
- (6) Every polling place. [2004 c 271 § 141.]

NOTES:

***Reviser's note:** RCW 29A.52.311 was repealed by 2011 c 10 § 86.

RCW 29A.52.151 Ballot format--Procedures. (1) Under a consolidated ballot format:

(a) A voter's affiliation with a major political party is inferred from either selecting only that party in the check-off box, or voting only for candidates of that political party in partisan races;

(b) A vote cast for a major political party candidate will only be tabulated and reported if cast by a voter who affiliated with that same major political party;

(c) A vote cast for a major political party candidate by a voter who affiliated with a different major political party may not be tabulated or reported;

(d) A vote cast for a major political party candidate by a voter who affiliated with more than one major political party may not be tabulated or reported; and

(e) A vote properly cast may not be affected by votes improperly cast for other races.

(2) Under a physically separate ballot format:

(a) Only one party ballot and one nonpartisan ballot may be voted;

(b) If more than one party ballot is voted, none of the ballots may be tabulated or reported;

(c) A voter's affiliation with a major political party is inferred from the act of voting the party ballot for that major political party; and

(d) Every eligible registered voter may vote a nonpartisan ballot. [2007 c 38 § 4; 2004 c 271 § 142.]

district elections. These provisions supersede any and all other statutes, whether general or special in nature, having different election requirements. [2003 c 111 § 1305. Prior: 1990 c 59 § 89; 1977 c 53 § 3; 1975-'76 2nd ex.s. c 120 § 1; 1965 c 123 § 7; 1965 c 9 § 29.21.010; prior: 1951 c 257 § 7; 1949 c 161 § 3; Rem. Supp. 1949 § 5179-1. Formerly RCW 29.21.010.]

NOTES:

***Reviser's note:** RCW 29A.04.310 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.04.311. RCW 29A.04.310 was subsequently repealed by 2011 c 349 § 29, effective January 1, 2012.

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

Severability--1975-'76 2nd ex.s. c 120: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 120 § 16.]

RCW 29A.52.220 When no local primary permitted--Procedure--Expiration of subsection. (1) No primary may be held for any single position in any city, town, district, or district court, as required by RCW 29A.52.210, if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

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

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

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

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

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

(4) Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29A.36.131. [2005 c 153 § 10; 2003 c 111 § 1306. Prior: 1998 c 19 § 1; 1996 c 324 § 1; 1990 c 59 § 90; 1975-'76 2nd ex.s. c 120 § 2; 1965 c 9 § 29.21.015; prior: 1955 c 101 § 2; 1955 c 4 § 1. Formerly RCW 29.21.015.]

NOTES:

amendments and other state measures that are to be submitted to the people at a state general election up to four times during the four weeks immediately preceding that election in every legal newspaper in the state. The secretary of state shall supplement this publication with an equivalent amount of radio and television advertisements. [2003 c 111 § 1311. Prior: 1997 c 405 § 1; 1967 c 96 § 1; 1965 c 9 § 29.27.072; prior: 1961 c 176 § 1. Formerly RCW 29.27.072.]

RCW 29A.52.340 Constitutional amendments and state measures--Notice contents. The newspaper and broadcast notice required by Article XXIII, section 1, of the state Constitution and RCW 29A.52.330 may set forth all or some of the following information:

(1) A legal identification of the state measure to be voted upon.

(2) The official ballot title of such state measure.

(3) A brief statement explaining the constitutional provision or state law as it presently exists.

(4) A brief statement explaining the effect of the state measure should it be approved.

(5) The total number of votes cast for and against the measure in both the state senate and house of representatives.

No individual candidate or incumbent public official may be referred to or identified in these notices or advertisements. [2003 c 111 § 1312. Prior: 1997 c 405 § 2; 1967 c 96 § 2; 1965 c 9 § 29.27.074; prior: 1961 c 176 § 2. Formerly RCW 29.27.074.]

RCW 29A.52.355 Notice of election--Prior to mail-in registration deadline. Notice for any state, county, district, or municipal primary or election, whether special or general, must be given by the county auditor between five and fifteen days prior to the deadline for mail-in registrations. The notice must be published in one or more newspapers of general circulation and must contain, at a minimum, the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, the type of election, the date of the election, how a voter can obtain a ballot, a list of all jurisdictions involved in the election, including positions and short titles for ballot measures appearing on the ballot, and the times and dates of any public meetings associated with the election. The notice shall also include where additional information regarding the election may be obtained. This is the only notice required for a state, county, district, or municipal primary or special or general election. If the county or city chooses to mail a local voters' pamphlet as described in RCW 29A.32.210 to each residence, the notice required in this section need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can

- 29A.53.060 Voting conditions and limitations.
- 29A.53.070 Local option authorized.
- 29A.53.080 Ballot specifications and directions to voters.
- 29A.53.090 Changes in voting devices and counting methods.
- 29A.53.900 Expiration date.
- 29A.53.901 Captions not law--2005 c 153.
- 29A.53.902 Severability--2005 c 153.

RCW 29A.53.010 Finding--Intent. (Expires July 1, 2013.)

(1) The legislature finds that it is in the public interest to examine the use of a voting system that requires all victorious candidates to be elected with a majority vote rather than a plurality of effective votes, and that allows voters to designate secondary and other preferences for potential tabulation if their first choice candidate does not receive a majority of the votes cast. The legislature recognizes that the system known as instant runoff voting achieves these purposes.

(2) The legislature wishes to examine whether voter interest and participation in elections will increase when instant runoff voting, a voting method that promotes additional voter choices and a more meaningful recognition of all voter selections, is used to elect nonpartisan candidates. The legislature declares that it is in the interest of participatory democracy for voters to be given the opportunity to vote for their first choice candidate while still making effective secondary choices among the remaining candidates.

(3) The legislature therefore intends to authorize a limited pilot project to study the effects of using instant runoff voting as a local option for nonpartisan offices in any qualifying city. [2005 c 153 § 1.]

RCW 29A.53.020 Participant qualifications, procedures, report. (Expires July 1, 2013.) The legislature intends to establish an instant runoff voting pilot project to be completed by willing state and local election administrators in full partnership and cooperation.

If the county auditor of a county containing any city that has demonstrated support for instant runoff voting, as provided by subsection (1)(c) of this section, provides written notification of pilot project participation to the secretary of state by January 1, 2007, the secretary of state shall conduct a pilot project to examine the use of instant runoff voting as a local option for nonpartisan offices in any qualifying city in that county. Following the timely receipt by the secretary of state of the written notification, the pilot project must begin by August 1, 2008, and conclude no later than July 1, 2013.

(1) For the purposes of this chapter, a qualifying city must:

(a) Be classified as a first-class city as defined by chapter 35.22 RCW;

(b) Have a population greater than one hundred forty thousand and less than two hundred thousand as of July 24, 2005, as determined by the office of financial management; and

(4) "Exhausted ballot" means a ballot on which all indicated choices have become votes for the candidates so designated or when the ballot contains only choices for eliminated candidates.

(5) "Instant runoff voting" means a system of voting in which voters may designate as many as three candidates for the same office in order of preference by indicating a first choice, a second choice, and a third choice.

(6) "Last place candidate" means a candidate who has received the fewest votes among the candidates who remain at any stage. Two or more candidates simultaneously become last place candidates when their combined votes are equal to or fewer than all votes for the candidate with the third highest vote total.

(7) "Next choice" means the highest ranked choice for a remaining candidate that has not become a vote at a previous stage.

(8) "Remaining candidate" means a candidate who has not been eliminated.

(9) "Stage" or "stage in the counting" means a step in the counting process during which votes for all remaining candidates are tabulated for the purpose of determining whether a candidate has achieved a majority of the votes cast for a particular office, and, absent a majority, which candidate or candidates must be eliminated.

(10) "Vote" means a ballot choice that is counted toward election of a candidate. Except as provided by RCW 29A.53.050 and 29A.53.060, all first choices are votes. Lower ranked choices are potential votes that may, in accordance with the requirements of this chapter, be credited to and become votes for a candidate. [2005 c 153 § 3.]

RCW 29A.53.040 Application of election laws. (Expires July 1, 2013.) To the extent they are not inconsistent with this chapter, the laws governing elections apply to the pilot project on instant runoff voting authorized by this chapter. The authority of a city meeting the criteria of RCW 29A.53.020 and 29A.53.070 to participate in an election conducted under the instant runoff voting method expires on July 1, 2013. [2005 c 153 § 4.]

RCW 29A.53.050 Tabulation of ballots--Counting stages. (Expires July 1, 2013.) The following provisions, subject to the conditions of RCW 29A.53.060, govern how votes for candidates for each office shall be tabulated under the instant runoff voting method:

(1) All first choice votes cast for the office shall be tabulated in the first counting stage. If, following this first counting stage, a candidate receives a majority of the votes cast for the office, that candidate is deemed elected to the office and counting ends;

(2) If no candidate receives a majority of the votes cast for the office during the first counting stage, the second counting stage begins by eliminating the last place candidate for that office. On ballots that indicate a first choice preference

RCW 29A.53.070 Local option authorized. (Expires July 1, 2013.) (1) In accordance with the provisions of RCW 29A.53.020, the legislative body of a qualifying city may, for a specific election or elections, adopt instant runoff voting as the method for electing candidates for all nonpartisan city offices.

(2) (a) After adoption of instant runoff voting by the legislative body of a qualifying city for a specific election or elections as provided for by subsection (1) of this section, the city shall, before conducting an election using the instant runoff voting method, notify the county auditor and the secretary of state of its intent to hold such an election.

(b) If the county auditor notifies the city that existing election equipment of the county is insufficient for conducting an election under the instant runoff voting method, the city and the auditor shall negotiate an agreement for the purchase of any new equipment specifically required for this election method. Nothing in this subsection precludes the auditor from canvassing the returns of an instant runoff voting election by hand.

(3) The date of any election conducted under the instant runoff voting method must be consistent with the timeline required by RCW 29A.53.020. [2005 c 153 § 7.]

RCW 29A.53.080 Ballot specifications and directions to voters. (Expires July 1, 2013.) Ballots for elections conducted under the instant runoff voting method should be clear and easily understood. Sample ballots illustrating voting procedures must be posted in or near voting booths and included within instruction packets for absentee ballots. Directions provided to voters must conform substantially to the following specifications:

"You may choose a maximum of three candidates for each office in order of preference. Indicate your first choice designation by marking the number "1" beside a candidate's name (or by marking in the column labeled "First Choice"). Indicate your second choice designation by marking the number "2" beside a candidate's name (or by marking in the column labeled "Second Choice"). Indicate your third choice designation by marking the number "3" beside a candidate's name (or by marking in the column labeled "Third Choice"). You are not required to choose more than one candidate for each office. Designating two or more candidates in order of preference will not affect your first choice designation. Do not mark the same designation number beside more than one candidate or put more than one mark in each column for the office on which you are voting. Do not skip designation numbers." [2005 c 153 § 8.]

RCW 29A.53.090 Changes in voting devices and counting methods. (Expires July 1, 2013.) Participating state and local election officials may provide for voting directions and the design, processing, and tabulation of instant runoff voting

- 29A.56.200 Verification and canvass of signatures--Procedure--Statistical sampling.
- 29A.56.210 Fixing date for recall election--Notice.
- 29A.56.220 Response to petition charges.
- 29A.56.230 Destruction of insufficient recall petition.
- 29A.56.240 Fraudulent names--Record of.
- 29A.56.250 Conduct of election--Contents of ballot.
- 29A.56.260 Ascertaining the result--When recall effective.
- 29A.56.270 Enforcement provisions--Mandamus--Appellate review.

PRESIDENTIAL ELECTORS

- 29A.56.300 States' agreement--Presidential election--National popular vote.
- 29A.56.310 Date of election--Number.
- 29A.56.320 Nomination--Pledge by electors--What names on ballots--How counted.
- 29A.56.330 Counting and canvassing the returns.
- 29A.56.340 Meeting--Time--Procedure--Voting for nominee of other party, penalty.
- 29A.56.350 Compensation.
- 29A.56.360 Slate of presidential electors.

CONSTITUTIONAL AMENDMENT CONVENTIONS

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PRESIDENTIAL PRIMARY

RCW 29A.56.010 Intent. The people of the state of Washington declare that:

(1) The current presidential nominating caucus system in Washington state is unnecessarily restrictive of voter participation in that it discriminates against the elderly, the infirm, women, the disabled, evening workers, and others who are unable to attend caucuses and therefore unable to fully participate in this most important quadrennial event that occurs in our democratic system of government.

Prior: 1995 1st sp.s. c 20 § 1; 1989 c 4 § 2 (Initiative Measure No. 99). Formerly RCW 29.19.020.]

NOTES:

Expiration date--2011 c 319: "Section 1 of this act expires January 1, 2013." [2011 c 319 § 2.]

Effective date--2003 3rd sp.s. c 1 § 2: "Section 2 of this act takes effect July 1, 2004." [2003 3rd sp.s. c 1 § 5.]

Expiration date--2003 3rd sp.s. c 1 § 2: "Section 2 of this act expires January 1, 2005." [2003 3rd sp.s. c 1 § 6.]

Expiration date--2003 3rd sp.s. c 1 § 1: "Section 1 of this act expires July 1, 2004." [2003 3rd sp.s. c 1 § 4.]

Effective date--2003 3rd sp.s. c 1 § 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [December 9, 2003]." [2003 3rd sp.s. c 1 § 3.]

Effective date--1995 1st sp.s. c 20: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 15, 1995]." [1995 1st sp.s. c 20 § 7.]

RCW 29A.56.020 Date. (Effective January 1, 2013.) (1) On the fourth Tuesday in May of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee of a major political party for the office of president. The secretary of state may propose an alternative date for the primary no later than the first day of August of the year before the year in which a president is to be nominated and elected.

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

(3) If an alternative date is proposed under subsection (1) or (2) of this section, a committee consisting of the chair and the vice chair of the state committee of each major political party, the secretary of state, the majority leader and minority leader of the senate, and the speaker and the minority leader of the house of representatives shall meet and, if affirmed by a two-thirds vote of the members of the committee, the date of the primary shall be changed. The committee shall meet and decide on the proposed alternate date not later than the first day of October of the year before the year in which a presidential nominee is selected. The secretary of state shall convene and preside over the meeting of the committee. A committee member

signature appears thereon and shall be certified in the manner prescribed in RCW 29A.72.230 and 29A.72.240.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least sixty-seven days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year. [2011 c 349 § 19; 2006 c 344 § 15; 2003 c 111 § 1403. Prior: 1989 c 4 § 3 (Initiative Measure No. 99). Formerly RCW 29.19.030.]

NOTES:

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

Effective date--2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.56.040 Procedures--Ballot form and arrangement.

(1) Except where necessary to accommodate the national or state rules of a major political party or where this chapter specifically provides otherwise, the presidential primary must be conducted in substantially the same manner as a state partisan primary under this title.

(2) Except as provided under this chapter or by rule of the secretary of state adopted under RCW 29A.04.620, the arrangement and form of presidential primary ballots must be consistent with RCW 29A.52.151. Only the candidates who have qualified under RCW 29A.56.030 may appear on the ballots.

(3) Each party's ballot or portion of the ballot must list alphabetically the names of all candidates for the office of president. The ballot must clearly indicate the political party of each candidate. Each ballot must include a blank space to allow the voter to write in the name of any other candidate.

(4) A presidential primary ballot with votes for more than one candidate is void, and notice to this effect, stated in clear, simple language and printed in large type, must appear on the face of each presidential primary ballot or on or about each voting device. [2007 c 385 § 1; 2003 c 111 § 1404. Prior: 1995 1st sp.s. c 20 § 2. Formerly RCW 29.19.045.]

NOTES:

Effective date--1995 1st sp.s. c 20: See note following RCW 29A.56.020.

RCW 29A.56.110 Initiating

proceedings--Statement--Contents--Verification--Definitions.

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall. The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

(1) "Misfeasance" or "malfeasance" in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally, "misfeasance" in office means the performance of a duty in an improper manner; and

(b) Additionally, "malfeasance" in office means the commission of an unlawful act;

(2) "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law. [2003 c 111 § 1407; 1984 c 170 § 1; 1975-'76 2nd ex.s. c 47 § 1; 1965 c 9 § 29.82.010. Prior: 1913 c 146 § 1; RRS § 5350. Former part of section: 1913 c 146 § 2; RRS § 5351, now codified in RCW 29.82.015. Formerly RCW 29.82.010.]

NOTES:

Severability--1975-'76 2nd ex.s. c 47: "If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 47 § 3.]

RCW 29A.56.120 Petition--Where filed. Any person making a charge shall file it with the elections officer whose duty it is to receive and file a declaration of candidacy for the office concerning the incumbent of which the recall is to be demanded. The officer with whom the charge is filed shall promptly (1) serve a copy of the charge upon the officer whose recall is demanded, and (2) certify and transmit the charge to the preparer of the ballot synopsis provided in RCW 29A.56.130. The manner of service shall be the same as for the commencement of a civil

An appeal of a sufficiency decision shall be filed in the supreme court as specified by RCW 29A.56.270. The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court is final. The court shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate. [2003 c 111 § 1410. Prior: 1984 c 170 § 4. Formerly RCW 29.82.023.]

RCW 29A.56.150 Filing supporting signatures--Time limitations. (1) The sponsors of a recall demanded of any public officer shall stop circulation of and file all petitions with the appropriate elections officer not less than six months before the next general election in which the officer whose recall is demanded is subject to reelection.

(2) The sponsors of a recall demanded of an officer elected to a statewide position shall have a maximum of two hundred seventy days, and the sponsors of a recall demanded of any other officer shall have a maximum of one hundred eighty days, in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the superior court. If the decision of the superior court regarding the sufficiency of the charges is not appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the sixteenth day following the decision of the superior court. If the decision of the superior court regarding the sufficiency of the charges is appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the day following the issuance of the decision by the supreme court. [2003 c 111 § 1411; 1984 c 170 § 5; 1971 ex.s. c 205 § 2. Formerly RCW 29.82.025.]

NOTES:

Severability--1971 ex.s. c 205: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 205 § 6.]

RCW 29A.56.160 Petition--Form. Recall petitions must be printed on single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. No petition may be circulated or signed prior to the first day of the one hundred eighty or two hundred seventy day period established by RCW 29A.56.150 for that recall petition. The petitions must be substantially in the following form:

The warning prescribed by RCW 29A.72.140; followed by:
Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the

candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in subsection (1) of this section, and in the case of a state senator or representative--signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election. [2003 c 111 § 1414. Prior: 1991 c 363 § 36; 1965 c 9 § 29.82.060; prior: 1913 c 146 § 8, part; RRS § 5357, part. Formerly RCW 29.82.060.]

NOTES:

Purpose--Captions not law--1991 c 363: See notes following RCW 2.32.180.

Recall of elective officers--Percentages required: State Constitution Art. 1 § 34 (Amendment 8).

RCW 29A.56.190 Canvassing signatures--Time of--Notice.

Upon the filing of a recall petition, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date must be not less than five or more than ten days from the date of its filing. [2003 c 111 § 1415; 1965 c 9 § 29.82.080. Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.080.]

RCW 29A.56.200 Verification and canvass of signatures--Procedure--Statistical sampling. (1) Upon the filing of a recall petition, the elections officer shall proceed to verify and canvass the names of legal voters on the petition.

(2) The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed recall so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court. The elections officer may limit the number of observers to not fewer than two on each side, if in his or her opinion a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. If the elections officer finds the same name signed to more than one petition, he or she shall reject all but the first such valid signature.

(3) Where the recall of a statewide elected official is sought, the secretary of state may use any statistical sampling techniques for verification and canvassing which have been adopted by rule for canvassing initiative petitions under RCW 29A.72.230. No petition will be rejected on the basis of any

1418. Prior: 1984 c 170 § 9; 1980 c 42 § 1. Formerly RCW 29.82.105.]

RCW 29A.56.230 Destruction of insufficient recall petition.

If it is found that the recall petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the persons filing the petition, and at the expiration of thirty days from the conclusion of the count the officer shall destroy the petitions unless prevented therefrom by the injunction or mandate of a court. [2003 c 111 § 1419; 1965 c 9 § 29.82.110. Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.110.]

RCW 29A.56.240 Fraudulent names--Record of.

The officer making the canvass of a recall petition shall keep a record of all names appearing on it that are not certified to be legal voters of the state or of the political subdivision, as the case may be, and of all names appearing more than once, and shall report the same to the prosecuting attorneys of the respective counties where the names appear to have been signed, to the end that prosecutions may be had for the violation of this chapter. [2003 c 111 § 1420; 1965 c 9 § 29.82.120. Prior: 1913 c 146 § 10; RRS § 5359. Formerly RCW 29.82.120.]

RCW 29A.56.250 Conduct of election--Contents of ballot.

The special election for the recall of an officer shall be conducted in the same manner as a special election for that jurisdiction. The county auditor shall conduct the recall election. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge and the officer's response to the charge if one has been filed. [2003 c 111 § 1421. Prior: 1990 c 59 § 71; 1980 c 42 § 2; 1965 c 9 § 29.82.130; prior: 1913 c 146 § 11; RRS § 5360. See also RCW 29.48.040. Formerly RCW 29.82.130.]

NOTES:

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

RCW 29A.56.260 Ascertaining the result--When recall effective. The votes on a recall election must be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled. However, if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, the returns must be made to the officer with whom the charge is filed, and who called the special election. In the case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the

ARTICLE I - Membership

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

ARTICLE II - Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for president and vice president of the United States.

ARTICLE III - Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within twenty-four hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's

"State" shall mean a state of the United States and the District of Columbia; and

"Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis. [2009 c 264 § 2.]

NOTES:

Intent--2009 c 264: "It is the intent of the legislature to enter into the agreement among the states to elect the president by national popular vote. This agreement is a contract between the member states. As a contract, this agreement is governed by the legal principles applicable to contracts. As with a contract, in order for this agreement to have the force of law in a jurisdiction that wishes to enter into the agreement, it must be accepted in precisely the same terms that constitute the offer. Any material variance between the offer and acceptance precludes the formation of a contract. Therefore, the agreement among the states to elect the president by national popular vote must be enacted by Washington under identical terms as contained in the agreement and as enacted by Hawaii, Illinois, Maryland, and New Jersey, subject to only nonmaterial changes." [2009 c 264 § 1.]

RCW 29A.56.310 Date of election--Number. On the Tuesday after the first Monday of November in the year in which a president of the United States is to be elected, there shall be elected as many electors of president and vice president of the United States as there are senators and representatives in Congress allotted to this state. [2003 c 111 § 1424; 1965 c 9 § 29.71.010. Prior: 1891 c 148 § 1; RRS § 5138. Formerly RCW 29.71.010.]

RCW 29A.56.320 Nomination--Pledge by electors--What names on ballots--How counted. In the year in which a presidential election is held, each major political party and each minor political party or independent candidate convention held under chapter 29A.20 RCW that nominates candidates for president and vice president of the United States shall nominate presidential electors for this state. The party or convention shall file with the secretary of state a certificate signed by the presiding officer of the convention at which the presidential electors were chosen, listing the names and addresses of the presidential electors. Each presidential elector shall execute and file with the secretary of state a pledge that, as an elector, he or she will vote for the candidates nominated by that party. The names of presidential electors shall not appear on the ballots. The votes cast for candidates for president and vice president of each political party shall be counted for the candidates for presidential electors of that political party; however, if the interstate compact entitled the "agreement among the states to elect the president by national popular vote," as set forth in RCW 29A.56.300, governs the appointment of the presidential

RCW 29A.56.360 Slate of presidential electors. In a year in which the president and vice president of the United States are to be elected, the secretary of state shall include in the certification prepared under *RCW 29A.52.320 the names of all candidates for president and vice president who, at least fifty days before the general election, have certified a slate of electors to the secretary of state under RCW 29A.56.320 and have been nominated either (1) by a major political party, as certified by the appropriate authority under party rules, or (2) by a minor party or as independent candidates under chapter 29A.20 RCW. Major or minor political parties or independent presidential candidates may substitute a different candidate for vice president for the one whose name appears on the party's certification or nominating petition at any time before forty-five days before the general election, by certifying the change to the secretary of state. Substitutions must not be permitted to delay the printing of either ballots or a voters' pamphlet. Substitutions are valid only if submitted under oath and signed by the same individual who originally certified the nomination, or his or her documented successor, and only if the substitute candidate consents in writing. [2003 c 111 § 1429. Prior: 2001 c 30 § 1. Formerly RCW 29.27.140.]

NOTES:

***Reviser's note:** RCW 29A.52.320 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.52.321.

CONSTITUTIONAL AMENDMENT CONVENTIONS.

RCW 29A.56.410 Governor's proclamation calling convention--When. Within thirty days after the state is officially notified that the Congress of the United States has submitted to the several states a proposed amendment to the Constitution of the United States to be ratified or rejected by a convention, the governor shall issue a proclamation fixing the time and place for holding the convention and fixing the time for holding an election to elect delegates to the convention. [2003 c 111 § 1430; 1965 c 9 § 29.74.010. Prior: 1933 c 181 § 1, part; RRS § 5249-1, part. Formerly RCW 29.74.010.]

RCW 29A.56.420 Governor's proclamation calling convention--Publication. The proclamation shall be published once each week for two successive weeks in one newspaper published and of general circulation in each of the congressional districts of the state. The first publication of the proclamation shall be within thirty days of the receipt of official notice by the state of the submission of the amendment. [2003 c 111 § 1431. Prior: 1965 c 9 § 29.74.020; prior: 1933 c 181 § 1, part; RRS § 5249-1, part. Formerly RCW 29.74.020.]

proposal upon which he or she will, if elected, be called upon to vote. No candidate may in any such filing make any statement or declaration as to party politics or political faith or beliefs. The fee for filing as a candidate is ten dollars and must be transmitted to the secretary of state with the filing papers and be by the secretary of state transmitted to the state treasurer for the use of the general fund. [2003 c 111 § 1435; 1965 c 9 § 29.74.060. Prior: 1933 c 181 § 3; RRS § 5249-3. Formerly RCW 29.74.060.]

RCW 29A.56.470 Election of delegates--Administration. The election of delegates to the convention must as far as practicable, be administered, except as otherwise provided in this chapter, in the same manner as a general election under the election laws of this state. [2003 c 111 § 1436; 1965 c 9 § 29.74.070. Prior: 1933 c 181 § 4, part; RRS § 5249-4, part. Formerly RCW 29.74.070.]

RCW 29A.56.480 Election of delegates--Ballots. The issue shall be identified as, "Delegates to a convention for ratification or rejection of a proposed amendment to the United States Constitution, relating (stating briefly the substance of amendment proposed for adoption or rejection)." The names of all candidates who have filed in a district shall be printed on the ballots for that district in two separate groups under the headings, "For the amendment" and "Against the amendment." The names of the candidates in each group shall be printed in alphabetical order. [2003 c 111 § 1437. Prior: 1990 c 59 § 70; 1965 c 9 § 29.74.080; prior: 1933 c 181 § 4, part; RRS § 5249-4, part. Formerly RCW 29.74.080.]

NOTES:

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

Ballots: Chapter 29A.36 RCW.

RCW 29A.56.490 Election of delegates--Ascertaining result. The election officials shall count and determine the number of votes cast for each individual; and shall also count and determine the aggregate number of votes cast for all candidates whose names appear under each of the respective headings. Where more than the required number have been voted for, the ballot must be rejected. The vote must be canvassed in each county by the county canvassing board, and certificate of results must within fifteen days after the election be transmitted to the secretary of state. Upon receiving the certificate, the secretary of state may require precinct returns from any county to be forwarded for the secretary's examination.

Where a district embraces precincts of more than one county, the secretary of state shall combine the votes from all the

c 111 § 1441; 1965 c 9 § 29.74.130. Prior: (i) 1933 c 181 § 7, part; RRS § 5249-7, part. (ii) 1933 c 181 § 8, part; RRS § 5249-8, part. Formerly RCW 29.74.130.]

RCW 29A.56.530 Expenses--How paid--Delegates receive filing fee. The delegates attending the convention shall be paid the amount of their filing fee, upon vouchers approved by the president and secretary of the convention and state warrants issued thereon and payable from the general fund of the state treasury. The delegates shall receive no other compensation or mileage. All other necessary expenses of the convention shall be payable from the general fund of the state upon vouchers approved by the president and secretary of the convention. [2003 c 111 § 1442. Prior: 1965 c 9 § 29.74.140; prior: 1933 c 181 § 10; RRS § 5249-10. Formerly RCW 29.74.140.]

RCW 29A.56.540 Federal statutes controlling. If a congressional measure, which submits to the several states an amendment to the Constitution of the United States for ratification or rejection, provides for or requires a different method of calling and holding conventions to ratify or reject said amendment, the requirements of said congressional measure shall be followed so far as they conflict with the provisions of this chapter. [2003 c 111 § 1443. Prior: 1965 c 9 § 29.74.150; prior: 1933 c 181 § 11; RRS § 5249-11. Formerly RCW 29.74.150.]

CHAPTER 29A.60 RCW

CANVASSING

Sections

- 29A.60.010 Conduct of elections--Canvass.
- 29A.60.021 Write-in voting--Declaration of candidacy--Counting of vote.
- 29A.60.040 Rejection of ballots or parts--Write-in votes.
- 29A.60.050 Questions on validity of ballot--Rejection--Preservation and return.
- 29A.60.060 Results after close of voting centers.
- 29A.60.070 Returns, precinct and cumulative--Delivery.
- 29A.60.090 Voting systems--Maintenance of documents.
- 29A.60.095 Electronic voting devices--Record maintenance.
- 29A.60.100 Votes by stickers, printed labels, rejected.
- 29A.60.110 Ballot containers, sealing, opening.
- 29A.60.120 Counting ballots--Official returns.
- 29A.60.125 Damaged ballots.
- 29A.60.130 Certificate not withheld for informality in returns.
- 29A.60.140 Canvassing board--Membership--Authority--Delegation of authority--Rule making.
- 29A.60.150 Procedure when member a candidate.
- 29A.60.160 Ballots--Processing, canvassing.
- 29A.60.165 Unsigned ballot declarations.

are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.

(5) In the case of write-in votes for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount. [2012 c 89 § 4; 2005 c 243 § 12; 2004 c 271 § 147.]

NOTES:

Intent--Finding--Effective date--2012 c 89: See notes following RCW 29A.24.311.

RCW 29A.60.040 Rejection of ballots or parts--Write-in votes. A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.

Those parts of a ballot are invalid and no votes may be counted for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information required under RCW 29A.60.021; or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote. [2011 c 10 § 47; 2009 c 414 § 2; 2003 c 111 § 1504. Prior: 1999 c 158 § 13; 1999 c 157 § 4; 1990 c 59 § 56; 1977 ex.s. c 361 § 88; 1973 1st ex.s. c 121 § 2; 1965 ex.s. c 101 § 11; 1965 c 9 § 29.54.050; prior: (i) Code 1881 § 3091; 1865 p 38 § 2; RRS § 5336. (ii) 1895 c 156 § 10; 1889 p 411 § 29; RRS § 5294. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part. (iv) 1895 c 156 § 11, part; 1886 p 128 § 1, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5323, part. Formerly RCW 29.54.050.]

RCW 29A.60.070 Returns, precinct and cumulative--Delivery.

The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.56 RCW.

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately. [2005 c 274 § 249; 2005 c 243 § 14; 2003 c 111 § 1507. Prior: 1990 c 59 § 60. Formerly RCW 29.54.105.]

NOTES:

Reviser's note: This section was amended by 2005 c 243 § 14 and by 2005 c 274 § 249, 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).

Part headings not law--Effective date--2005 c 274: See RCW 42.56.901 and 42.56.902.

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

RCW 29A.60.090 Voting systems--Maintenance of documents.

In counties using voting systems, the county auditor shall maintain the following documents for at least sixty days after the primary or election:

- (1) Sample ballot formats together with a record of the format or formats assigned to each precinct;
- (2) All programming material related to the control of the vote tallying system for that primary or election; and
- (3) All test materials used to verify the accuracy of the tabulating equipment as required by RCW 29A.12.130. [2003 c 111 § 1509. Prior: 1990 c 59 § 61; 1977 ex.s. c 361 § 94. Formerly RCW 29.54.170.]

NOTES:

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

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.095 Electronic voting devices--Record maintenance. (1) The electronic record produced and counted by electronic voting devices is the official record of each vote for election purposes. The paper record produced under RCW 29A.12.085 must be stored and maintained for use only in the following circumstances:

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

RCW 29A.60.120 Counting ballots--Official returns. (1) All voted ballots must be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged so that it cannot properly be counted by the vote tallying system, a true duplicate copy must be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All damaged ballots must be kept by the county auditor until sixty days after the primary or election or according to federal law, whichever is longer.

(2) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, and write-in votes, constitute the official returns of the primary or election in that county. [2011 c 10 § 51; 2003 c 111 § 1512; 1999 c 158 § 15; 1990 c 59 § 33; 1977 ex.s. c 361 § 74. Formerly RCW 29.54.085, 29.34.167.]

NOTES:

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.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.125 Damaged ballots. If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:

(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;

(2) A log must be kept of the ballots duplicated, which must at least include:

(a) The control number of each original ballot and the corresponding duplicate ballot;

(3) The county canvassing board may not delegate the responsibility of certifying the returns of a primary or election, of determining the validity of challenged ballots, or of determining the validity of provisional ballots referred to the board by the county auditor.

(4) The county canvassing board shall adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction.

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW. [2008 c 308 § 1; 2005 c 274 § 250; 2003 c 111 § 1514.]

NOTES:

Part headings not law--Effective date--2005 c 274: See RCW 42.56.901 and 42.56.902.

RCW 29A.60.150 Procedure when member a candidate. The members of the county canvassing board may not include individuals who are candidates for an office to be voted upon at the primary or election. If no individual is available to serve on the canvassing board who is not a candidate at the primary or election the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the board. If the two disagree, the vote must not be counted unless the number of those votes could affect the result of the primary or election, in which case the secretary of state or a designee shall make the decision on those votes. This section does not restrict participation in decisions as to the acceptance or rejection of entire ballots, unless the office in question is the only one for which the voter cast a vote. [2003 c 111 § 1515; 1995 c 139 § 3; 1965 c 9 § 29.62.030. Prior: 1957 c 195 § 16; prior: (i) Code 1881 § 3098; 1865 p 39 § 8; RRS § 5345. (ii) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.030.]

RCW 29A.60.160 Ballots--Processing, canvassing. (Effective until July 1, 2013.) (1) Except for an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, the county auditor, as delegated by the county canvassing board, shall process ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed.

(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.

Effective date--2011 c 10 §§ 53 and 58: "Sections 53 and 58 of this act take effect July 1, 2013." [2011 c 10 § 88.]

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

Effective date--2007 c 373 § 2: "Section 2 of this act takes effect July 1, 2013." [2007 c 373 § 5.]

Absentee ballots, canvassing: RCW 29A.40.110.

RCW 29A.60.165 Unsigned ballot declarations. (1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and advise the voter of the correct procedures for completing the unsigned declaration. If the ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(2) (a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, enclosing a copy of the declaration, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request. [2011 c 10 § 54. Prior: 2006 c 209 § 4; 2006 c 208 § 1; 2005 c 243 § 8.]

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.180 Credit for voting. Each registered voter casting a valid ballot will be credited with voting on his or her voter registration record. [2011 c 10 § 56; 2003 c 111 § 1518. Prior: 2001 c 241 § 12; 1988 c 181 § 3; 1987 c 346 § 16; 1983 c 136 § 1; 1965 c 9 § 29.36.075; prior: 1961 c 78 § 1. Formerly RCW 29.36.330, 29.36.075.]

NOTES:

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

Legislative intent--Effective date--1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.60.185 Audit of results. Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of results of votes cast on the direct recording electronic voting devices used in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or one direct recording electronic voting device, whichever is greater, and, for each device, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices selected for audit, the paper records must be tabulated manually; on the remaining devices, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. [2005 c 242 § 5.]

RCW 29A.60.190 Certification of election results.
(Effective until July 1, 2013.) (1) Except as provided by subsection (2) of this section, fourteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. The county canvassing board must complete the canvass and certify the results of the April 17, 2012, special election ten days after election day. Each ballot that was returned before 8:00 p.m. on the day of the special election, general election, or primary, and each ballot bearing a postmark on or before the date of the special election, general election,

58; 2006 c 344 § 17; 2005 c 243 § 16; 2004 c 266 § 18; 2003 c 111 § 1519.]

NOTES:

Reviser's note: This section was amended by 2011 c 10 § 58 and by 2011 c 349 § 21, 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).

Effective date--2011 c 349 § 21: "Section 21 of this act takes effect July 1, 2013." [2011 c 349 § 31.]

Effective date--2011 c 10 §§ 53 and 58: See note following RCW 29A.60.160.

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

Effective date--2006 c 344 § 17: "Section 17 of this act takes effect July 1, 2013." [2006 c 344 § 43.]

Effective date--2004 c 266: See note following RCW 29A.04.575.

RCW 29A.60.195 Provisional ballots--Disposition. Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, web site, mail, or other means. The auditor must notify the voter in accordance with RCW 29A.60.165 when the declaration is unsigned or when the signatures do not match. [2011 c 10 § 59; 2005 c 243 § 9.]

NOTES:

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

RCW 29A.60.200 Canvassing board--Canvassing procedure--Penalty. Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.

The county canvassing board shall proceed to verify the results from the ballots received. The board shall execute a

(2) If the requisite number of any federal, state, county, city, district, or precinct officers have not been elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the official empowered by state law to issue the original certificate of election shall give notice to the several persons so having the highest and equal number of votes to attend at the appropriate office at the time to be appointed by that official, who shall then and there proceed publicly to decide by lot which of those persons will be declared duly elected, and the official shall make out and deliver to the person thus duly declared elected a certificate of election. [2004 c 271 § 176.]

NOTES:

Tie vote for executive branch officer: State Constitution Art. III § 4.

RCW 29A.60.230 Abstract by election officer--Transmittal to secretary of state. Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately. The county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which results are aggregated must be contiguous. [2011 c 10 § 61; 2003 c 111 § 1523; 2001 c 225 § 2; 1999 c 298 § 21; 1990 c 262 § 1; 1977 ex.s. c 361 § 96; 1965 c 9 § 29.62.090. Prior: (i) 1895 c 156 § 12; Code 1881 § 3101; 1865 p 40 § 12; RRS § 5346. (ii) Code 1881 § 3103; 1865 p 41 § 14; RRS § 5348. Formerly RCW 29.62.090.]

NOTES:

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

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.235 Reconciliation reports. The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of

offices, the United States senate, congress, and all other candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives. [2005 c 243 § 18; 2003 c 111 § 1525; 1965 c 9 § 29.62.120. Prior: Code 1881 § 3100, part; No RRS. Formerly RCW 29.62.120.]

RCW 29A.60.260 Canvass on statewide measures. The votes on proposed amendments to the state Constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people must be counted, canvassed, and returned by each county canvassing board in the manner provided by law for counting, canvassing, and returning votes for candidates for state offices. The secretary of state shall, in the presence of the governor, within thirty days after the election, canvass the votes upon each question and certify to the governor the result. The governor shall forthwith issue a proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result. If the vote cast upon an initiative or referendum measure is equal to less than one-third of the total vote cast at the election, the governor shall proclaim the measure to have failed. [2003 c 111 § 1526; 1965 c 9 § 29.62.130. Prior: (i) 1913 c 138 § 30; RRS § 5426. (ii) 1917 c 23 § 1; RRS § 5341. Formerly RCW 29.62.130.]

CHAPTER 29A.64 RCW

RECOUNTS

Sections

- 29A.64.011 Application--Requirements--Application of chapter.
- 29A.64.021 Mandatory.
- 29A.64.030 Deposit of fees--Notice--Public proceeding.
- 29A.64.041 Procedure--Request to stop--Observers.
- 29A.64.050 Partial recount requiring complete recount.
- 29A.64.061 Amended abstracts.
- 29A.64.070 Limitation.
- 29A.64.081 Expenses--Charges.
- 29A.64.090 Statewide measures--When mandatory--Cost at state expense.
- 29A.64.100 Statewide measures--Funds for additional expenses.

RCW 29A.64.011 Application--Requirements--Application of chapter. An officer of a political party or any person for whom votes were cast in a primary who did not qualify for the general election may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for that office.

An officer of a political party or any person for whom votes were cast at any election may file a written application for a

(ii) For elections not included in (b) (i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.

(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1) (b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system. [2005 c 243 § 19; 2004 c 271 § 178.]

RCW 29A.64.030 Deposit of fees--Notice--Public proceeding.

An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW 29A.64.081.

The county canvassing board shall determine the date, time, and place or places at which the recount will be conducted. Not less than one day before the date of the recount, the county auditor shall notify the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office of the date, time, and place of the recount. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.

Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount. [2011 c 349 § 24; 2005 c 243 § 20; 2003 c 111 § 1603. Prior: 2001 c 225 § 5; 1991 c 81 § 36; 1987 c 54 § 5; 1977 ex.s. c 361 § 99; 1965 c 9 § 29.64.020; prior: 1961 c 50 § 2; 1955 c 215 § 2. Formerly RCW 29.64.020.]

This recount will be conducted in a manner consistent with *RCW 29A.64.020. [2003 c 111 § 1605. Prior: 2001 c 225 § 7. Formerly RCW 29.64.035.]

NOTES:

***Reviser's note:** RCW 29A.64.020 was repealed by 2004 c 271 § 193. Later enactment, see RCW 29A.64.021.

RCW 29A.64.061 Amended abstracts. Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election. [2005 c 243 § 21; 2004 c 271 § 180.]

RCW 29A.64.070 Limitation. After the original count, canvass, and certification of results, the votes cast in any single precinct may not be recounted and the results recertified more than twice. [2003 c 111 § 1607. Prior: 2001 c 225 § 9; 1991 c 90 § 3. Formerly RCW 29.64.051.]

NOTES:

Finding, purpose--1991 c 90: "The legislature finds that it is in the public interest to determine the winner of close contests for elective offices as expeditiously and as accurately as possible. It is the purpose of this act to provide procedures which promote the prompt and accurate recounting of votes for elective offices and which provide closure to the recount process." [1991 c 90 § 1.]

RCW 29A.64.081 Expenses--Charges. The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit,

- 29A.68.090 Illegal votes--Allegation of.
29A.68.100 Illegal votes--List required for testimony.
29A.68.110 Illegal votes--Number of votes affected--Enough to
change result.
29A.68.120 Election set aside--Appeal period.

RCW 29A.68.011 Prevention and correction of election frauds and errors. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

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

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

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

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

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

(6) An error or omission has occurred or is about to occur in the official certification of the election.

An affidavit of an elector under subsections (1) and (3) of this section when relating to a primary election must be filed with the appropriate court no later than two days following the closing of the filing period for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the official certification of the election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061. [2011 c 349 § 25; 2007 c 374 § 3; 2005 c 243 § 22; 2004 c 271 § 182.]

NOTES:

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

(3) The office;

(4) The particular causes of the contest.

No statement of contest may be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty. The person charged with the error or omission must be given the opportunity to call any witness, including the candidate. [2007 c 374 § 5; 2003 c 111 § 1703; 1977 ex.s. c 361 § 102; 1965 c 9 § 29.65.020. Prior: (i) Code 1881 § 3110; 1865 p 43 § 6; RRS § 5371. (ii) Code 1881 § 3112; 1865 p 44 § 8; RRS § 5373. Formerly RCW 29.65.020.]

NOTES:

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.68.040 Hearing date--Issuance of citation--Service.

Upon such affidavit being filed, the clerk shall inform the judge of the appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding the court, on some day to be named by the judge, not less than ten nor more than twenty days from the date of the notice, to hear and determine such contested election. If no session is called for the purpose, the contest must be determined at the first regular session of court after the statement is filed.

The clerk of the court shall also at the time issue a citation for the person charged with the error or omission, to appear at the time and place specified in the notice. The citation must be delivered to the sheriff and be served upon the party in person; or if the person cannot be found, by leaving a copy thereof at the house where the person last resided. [2003 c 111 § 1704; 1977 ex.s. c 361 § 103; 1965 c 9 § 29.65.040. Prior: (i) Code 1881 § 3113; 1865 p 44 § 9; RRS § 5374. (ii) Code 1881 § 3114; 1865 p 45 § 10; RRS § 5375. Formerly RCW 29.65.040.]

NOTES:

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.68.050 Witnesses to attend--Hearing of contest--Judgment.

The clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the sheriff or constable, as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so.

The court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the

office exercised in and for a county is contested on account of any malconduct on the part of a county canvassing board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county. [2011 c 10 § 66; 2003 c 111 § 1708. Prior: 1965 c 9 § 29.65.070; prior: Code 1881 § 3107; 1865 p 43 § 3; RRS § 5368. Formerly RCW 29.65.070.]

NOTES:

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

RCW 29A.68.090 Illegal votes--Allegation of. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were cast, that, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from that person, reduce the number of the person's legal votes below the number of legal votes given to some other person for the same office. [2003 c 111 § 1709; 1965 c 9 § 29.65.080. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.080.]

RCW 29A.68.100 Illegal votes--List required for testimony. No testimony may be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, that the contesting party intends to prove at the trial. No testimony may be received as to any illegal votes, except as to such as are specified in the list. [2003 c 111 § 1710; 1965 c 9 § 29.65.090. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.090.]

RCW 29A.68.110 Illegal votes--Number of votes affected--Enough to change result. No election may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, that, if taken from that person, would reduce the number of the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes that may be shown to have been given to the other person. [2003 c 111 § 1711; 1965 c 9 § 29.65.100. Prior: Code 1881 § 3108; 1865 p 43 § 4; RRS § 5369. Formerly RCW 29.65.100.]

RCW 29A.68.120 Election set aside--Appeal period. If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the election of

RCW 29A.72.010 Filing proposed measures with secretary of state. If any legal voter of the state, either individually or on behalf of an organization, desires to petition the legislature to enact a proposed measure, or submit a proposed initiative measure to the people, or order that a referendum of all or part of any act, bill, or law, passed by the legislature be submitted to the people, he or she shall file with the secretary of state a legible copy of the measure proposed, or the act or part of such act on which a referendum is desired, accompanied by an affidavit that the sponsor is a legal voter and a filing fee prescribed under RCW 43.07.120. [2003 c 111 § 1802; 1982 c 116 § 1; 1965 c 9 § 29.79.010. Prior: 1913 c 138 § 1, part; RRS § 5397, part. Formerly RCW 29.79.010.]

RCW 29A.72.020 Review of proposed initiatives--Certificate required. Upon receipt of a proposed initiative measure, and before giving it a serial number, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the sponsor of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the sponsor and shall within seven working days from its receipt, review the proposal and recommend to the sponsor such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the code reviser's office are advisory only, and the sponsor may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. The certificate must be issued whether or not the sponsor accepts such recommendations. Within fifteen working days after notification of submittal of the proposed measure to the code reviser's office, the sponsor, if he or she desires to proceed with sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of a serial number, and the secretary of state shall then submit to the code reviser's office a certified copy of the measure filed. Upon submission of the proposal to the secretary of state for assignment of a serial number, the secretary of state shall refuse to make such assignment unless the proposal is accompanied by a certificate of review. [2003 c 111 § 1803; 1982 c 116 § 2; 1973 c 122 § 2. Formerly RCW 29.79.015.]

NOTES:

Legislative finding--1973 c 122: "The legislature finds that the initiative process reserving to the people the power to propose bills, laws and to enact or reject the same at the polls, independent of the legislature, is finding increased popularity with citizens of our state. The exercise of this power concomitant with the power of the legislature requires coordination to avoid the duplication and confusion of laws. This legislation is enacted especially to facilitate the operation of the initiative process." [1973 c 122 § 1.]

the act was passed. It may be submitted at the next general statewide election or at a special election ordered by the legislature.

A proposed initiative or referendum measure may be filed no earlier than the opening of the secretary of state's office for business pursuant to RCW 42.04.060 on the first day filings are permitted, and any initiative or referendum petition must be filed not later than the close of business on the last business day in the specified period for submission of signatures. If a filing deadline falls on a Saturday, the office of the secretary of state must be open for the transaction of business under this section from 8:00 a.m. to 5:00 p.m. on that Saturday. [2003 c 111 § 1804; 1987 c 161 § 1; 1965 c 9 § 29.79.020. Prior: (i) 1913 c 138 § 1, part; RRS § 5397, part. (ii) 1913 c 138 § 6, part; RRS § 5402, part. (iii) 1913 c 138 § 5, part; RRS § 5401, part. (iv) 1913 c 138 § 7, part; RRS § 5403, part. Formerly RCW 29.79.020.]

NOTES:

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

Petitions--Time for filing: RCW 29A.72.160.

RCW 29A.72.040 Numbering--Transmittal to attorney general.

The secretary of state shall give a serial number to each initiative, referendum bill, referendum measure, or measure for an advisory vote of the people, using a separate series for initiatives to the legislature, initiatives to the people, referendum bills, referendum measures, and measures for an advisory vote of the people, and forthwith transmit one copy of the measure proposed bearing its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots, and proceedings as "Initiative Measure No.," "Referendum Bill No.," "Referendum Measure No.," or "Advisory Vote No." [2008 c 1 § 7 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 1805; 1982 c 116 § 3; 1965 c 9 § 29.79.030. Prior: 1913 c 138 § 1, part; RRS § 5397, part. Formerly RCW 29.79.030.]

NOTES:

Findings--Intent--Construction--Severability--Subheadings and part headings not law--Short title--Effective date--2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

RCW 29A.72.050 Ballot title--Formulation, ballot display.

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a

"The legislature has passed Bill No. . . . concerning (statement of subject). This bill would (concise description). Should this bill be:

Approved ...

Rejected ...

(5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). Should this bill be:

Approved ...

Rejected ...

(6) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, 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 statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal. [2003 c 111 § 1806. Prior: 2000 c 197 § 1. Formerly RCW 29.79.035.]

NOTES:

Part headings not law--2000 c 197: "Part headings used in this act are not part of the law." [2000 c 197 § 17.]

RCW 29A.72.060 Ballot title and summary by attorney general. Within five days after the receipt of an initiative or referendum the attorney general shall formulate the ballot title, or portion of the ballot title that the legislature has not provided, required by RCW 29A.72.050 and a summary of the measure, not to exceed seventy-five words, and transmit the serial number for the measure, complete ballot title, and summary to the secretary of state. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this section. [2003 c 111 § 1807. Prior: 2000 c 197 § 2; 1993 c 256 § 9; 1982 c 116 § 4; 1973 1st ex.s. c 118 § 2; 1965 c 9 § 29.79.040; prior: 1953 c 242 § 2; 1913 c 138 § 2; RRS § 5398. Formerly RCW 29.79.040.]

determines will meet the requirements of RCW 29A.72.060. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party. [2003 c 111 § 1809. Prior: 2000 c 197 § 4; 1982 c 116 § 6; 1965 c 9 § 29.79.060; prior: 1913 c 138 § 3, part; RRS § 5399, part. Formerly RCW 29.79.060.]

NOTES:

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

RCW 29A.72.090 Ballot title and summary--Mailed to proponents and other persons--Appearance on petitions. When the ballot title and summary are finally established, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the person proposing the measure, the chief clerk of the house of representatives, the secretary of the senate, and to any other individuals who have made written request for such notification. Thereafter such ballot title shall be the title of the measure in all petitions, ballots, and other proceedings in relation thereto. The summary shall appear on all petitions directly following the ballot title. [2003 c 111 § 1810. Prior: 2000 c 197 § 5; 1982 c 116 § 7; 1965 c 9 § 29.79.070; prior: 1913 c 138 § 4, part; RRS § 5400, part. Formerly RCW 29.79.070.]

NOTES:

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

RCW 29A.72.100 Petitions--Paper--Size--Contents. The person proposing the measure shall print blank petitions upon single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. Each petition at the time of circulating, signing, and filing with the secretary of state must consist of not more than one sheet with numbered lines for not more than twenty signatures, with the prescribed warning and title, be in the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130, and have a readable, full, true, and correct copy of the proposed measure printed on the reverse side of the petition. [2003 c 111 § 1811; 1982 c 116 § 8; 1973 1st ex.s. c 118 § 4; 1965 c 9 § 29.79.080. Prior: (i) 1913 c 138 § 4, part; RRS § 5400, part. (ii) 1913 c 138 § 9; RRS § 5405. Formerly RCW 29.79.080.]

RCW 29A.72.110 Petitions to legislature--Form. Petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:

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

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The following declaration must be printed on the reverse side of the petition:

I,, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

The petition must include a place for each petitioner to sign and print his or her name, and the address, city, and county at which he or she is registered to vote. [2005 c 239 § 2; 2003 c 111 § 1813; 1982 c 116 § 10; 1965 c 9 § 29.79.100. Prior: 1913 c 138 § 6, part; RRS § 5402, part. Formerly RCW 29.79.100.]

NOTES:

Effective date--2005 c 239: See note following RCW 29A.72.110.

RCW 29A.72.130 Referendum petitions--Form. Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, must be substantially in the following form:

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

PETITION FOR REFERENDUM

To the Honorable, Secretary of State of the State of Washington:

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

[2003 c 111 § 1815; 1993 c 256 § 5. Formerly RCW 29.79.115.]

NOTES:

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

RCW 29A.72.150 Petitions--Signatures--Number necessary.

When the person proposing any initiative measure has obtained signatures of legal voters equal to or exceeding eight percent of the votes cast for the office of governor at the last regular gubernatorial election prior to the submission of the signatures for verification, or when the person or organization demanding any referendum of an act or part of an act of the legislature has obtained a number of signatures of legal voters equal to or exceeding four percent of the votes cast for the office of governor at the last regular gubernatorial election prior to the submission of the signatures for verification, the petition containing the signatures may be submitted to the secretary of state for filing. [2003 c 111 § 1816; 1982 c 116 § 12; 1965 c 9 § 29.79.120. Prior: 1913 c 138 § 11, part; RRS § 5407, part. See also State Constitution Art. 2 § 1A (Amendment 30), (L. 1955, p. 1860, S.J.R. No. 4). Formerly RCW 29.79.120.]

RCW 29A.72.160 Petitions--Time for filing. The time for submitting initiative or referendum petitions to the secretary of state for filing is as follows:

(1) A referendum petition ordering and directing that the whole or some part or parts of an act passed by the legislature be referred to the people for their approval or rejection at the next ensuing general election or a special election ordered by the legislature, must be submitted not more than ninety days after the final adjournment of the session of the legislature which passed the act;

(2) An initiative petition proposing a measure to be submitted to the people for their approval or rejection at the next ensuing general election, must be submitted not less than four months before the date of such election;

(3) An initiative petition proposing a measure to be submitted to the legislature at its next ensuing regular session must be submitted not less than ten days before the commencement of the session. [2003 c 111 § 1817. Prior: 1965 c 9 § 29.79.140; prior: 1913 c 138 § 12, part; RRS § 5408, part. Formerly RCW 29.79.140.]

NOTES:

reviewed by the supreme court within five days after the decision of the superior court. The review must be considered an emergency matter of public concern, and be heard and determined with all convenient speed. If the supreme court decides that the petitions are legal in form and apparently contain the requisite number of signatures of legal voters, and were filed within the time prescribed in the Constitution, it shall issue its mandate directing the secretary of state to file the petition as of the date of submission. [2003 c 111 § 1820; 1988 c 202 § 28; 1965 c 9 § 29.79.170. Prior: 1913 c 138 § 13, part; RRS § 5409, part. Formerly RCW 29.79.170.]

NOTES:

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability--1988 c 202: See note following RCW 2.24.050.

RCW 29A.72.200 Petitions--Destruction on final refusal. If no appeal is taken from the refusal of the secretary of state to file a petition within the time prescribed, or if an appeal is taken and the secretary of state is not required to file the petition by the mandate of either the superior or the supreme court, the secretary of state shall destroy it. [2003 c 111 § 1821. Prior: 1965 c 9 § 29.79.180; prior: 1913 c 138 § 13, part; RRS § 5409, part. Formerly RCW 29.79.180.]

RCW 29A.72.210 Petitions--Consolidation into volumes. If the secretary of state accepts and files an initiative or referendum petition upon its being submitted for filing or if he or she is required to file it by the court, he or she shall, in the presence of the person submitting such petition for filing if he or she desires to be present, arrange and assemble the sheets containing the signatures into such volumes as will be most convenient for verification and canvassing and shall consecutively number the volumes and stamp the date of filing on each volume. [2003 c 111 § 1822. Prior: 1982 c 116 § 14; 1965 c 9 § 29.79.190; prior: 1913 c 138 § 14; RRS § 5410. Formerly RCW 29.79.190.]

RCW 29A.72.230 Petitions--Verification and canvass of signatures, observers--Statistical sampling--Initiatives to legislature, certification of. Upon the filing of an initiative or referendum petition, the secretary of state shall proceed to verify and canvass the names of the legal voters on the petition. The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed measure so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court of Thurston county. The secretary of state

dismiss the proceedings. The clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court. [2003 c 111 § 1824. Prior: 1988 c 202 § 29; 1965 c 9 § 29.79.210; prior: 1913 c 138 § 17; RRS § 5413. Formerly RCW 29.79.210.]

NOTES:

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability--1988 c 202: See note following RCW 2.24.050.
Start 8pt

RCW 29A.72.250 Initiatives and referenda to voters--Certificates of sufficiency. If a referendum or initiative petition for submission of a measure to the people is found sufficient, the secretary of state shall at the time and in the manner that he or she certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures to be voted upon at the next ensuing general election or special election ordered by the legislature. [2003 c 111 § 1825; 1965 c 9 § 29.79.230. Prior: 1913 c 138 § 19; RRS § 5415. Formerly RCW 29.79.230.]

End 8pt
Start 8pt

RCW 29A.72.250 Initiatives and referenda to voters--Certificates of sufficiency--Serial numbers and short descriptions for advisory vote measures. If a referendum or initiative petition for submission of a measure to the people is found sufficient, the secretary of state shall at the time and in the manner that he or she certifies *for the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures and serial numbers and short descriptions of measures submitted for an advisory vote of the people to be voted upon at the next ensuing general election or special election ordered by the legislature. [2008 c 1 § 10 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 1825; 1965 c 9 § 29.79.230. Prior: 1913 c 138 § 19; RRS § 5415. Formerly RCW 29.79.230.]

NOTES:

Reviser's note: *(1) The word "to" was changed to "for" by 2008 c 1 § 10 (Initiative Measure No. 960) without enclosing "to" in double parentheses and underlining "for."

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

RCW 29A.72.283 Advisory vote on tax legislation--Short description. Within five days of receipt of a measure for an advisory vote of the people from the secretary of state under RCW 29A.72.040 the attorney general shall formulate a short description not exceeding thirty-three words and not subject to appeal, of each tax increase and shall transmit a certified copy of such short description meeting the requirements of this section to the secretary of state. The description must be formulated and displayed on the ballot substantially as follows:

"The legislature imposed, without a vote of the people, (identification of tax and description of increase), costing (most up-to-date ten-year cost projection, expressed in dollars and rounded to the nearest million) in its first ten years, for government spending. This tax increase should be:

Repealed . . . []
Maintained . . . []"

Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this section. The words "This tax increase should be: Repealed . . . [] Maintained . . . []" are not counted in the thirty-three word limit for a short description under this section. [2008 c 1 § 8 (Initiative Measure No. 960, approved November 6, 2007).]

NOTES:

Findings--Intent--Construction--Severability--Subheadings and part headings not law--Short title--Effective date--2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

RCW 29A.72.285 Advisory vote on tax legislation--Short description filing and transmittal. When the short description is finally established under RCW 29A.72.283, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the chief clerk of the house of representatives, the secretary of the senate, and to any other individuals who have made written request for such notification. Thereafter such short description shall be the description of the measure in all ballots and other proceedings in relation thereto. [2008 c 1 § 9 (Initiative Measure No. 960, approved November 6, 2007).]

NOTES:

Findings--Intent--Construction--Severability--Subheadings and part headings not law--Short title--Effective date--2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

RCW 29A.76.010 Counties, municipal corporations, and special purpose districts. (1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census.

(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.

(3) No later than eight months after its receipt of federal decennial census data, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.

(4) The plan shall be consistent with the following criteria:

(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.

(b) Each district shall be as compact as possible.

(c) Each district shall consist of geographically contiguous area.

(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.

(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.

(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. The municipal corporation, county, or district shall hold at least one public hearing on the redistricting plan at least one week before adoption of the plan.

(6) (a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.

(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.

repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

(2) The constitutionality of Initiative Measure No. 872 was upheld in Washington State Grange v. Washington State Republican Party, et al., 552 U.S. . . . (2008).

End 8pt

RCW 29A.80.011 Authority--Generally. (1) Each political party organization may:

- (a) Make its own rules and regulations; and
- (b) Perform all functions inherent in such an organization.

(2) Only major political parties may designate candidates to appear on the state primary ballot as provided in RCW 29A.28.011. [2004 c 271 § 183.]

RCW 29A.80.020 State committee. The state committee of each major political party consists of one committeeman and one committeewoman from each county elected by the county central committee at its organization meeting. It must have a chair and vice chair of opposite sexes. This committee shall meet during January of each odd-numbered year for the purpose of organization at a time and place designated by a notice mailed at least one week before the date of the meeting to all the newly elected state committeemen and committeewomen by the authorized officers of the retiring committee. At its organizational meeting it shall elect its chair and vice chair, and such officers as its bylaws may provide, and adopt bylaws, rules, and regulations. It may:

(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention designates. The manner, number, and procedure for selection of state convention delegates is subject to the committee's rules and regulations duly adopted;

(2) Provide for the election of delegates to national conventions;

(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

(4) Provide for the nomination of presidential electors; and

(5) Perform all functions inherent in such an organization.

Notwithstanding any provision of this chapter, the committee may not adopt rules governing the conduct of the actual proceedings at a party state convention. [2003 c 111 § 2002; 1987 c 295 § 11; 1972 ex.s. c 45 § 1; 1965 c 9 § 29.42.020. Prior: 1961 c 130 § 3; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part. Formerly RCW 29.42.020.]

RCW 29A.80.030 County central committee--Organization meetings. The county central committee of each major political party consists of the precinct committee officers of the party from the several voting precincts of the county. Following each

next legislative district reorganizational meeting two years later, or until a successor is elected.

The legislative district chair may be removed only by the majority vote of the elected precinct committee officers in the chair's district. [2004 c 271 § 150.]

CHAPTER 29A.84 RCW

CRIMES AND PENALTIES

Sections

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VOTING CENTER

that office shall file charges in all cases where warranted.
[2003 c 111 § 2101; 2001 c 41 § 12. Formerly RCW 29.85.245.]

RCW 29A.84.020 Violations by officers. Every officer who willfully violates RCW 29A.56.110 through 29A.56.270, for the violation of which no penalty is prescribed in this title or who willfully fails to comply with the provisions of RCW 29A.56.110 through 29A.56.270 is guilty of a gross misdemeanor. [2011 c 10 § 67; 2003 c 111 § 2102; 1965 c 9 § 29.82.210. Prior: 1953 c 113 § 1; prior: 1913 c 146 § 16, part; RRS § 5365, part. Formerly RCW 29.82.210.]

NOTES:

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

RCW 29A.84.030 Penalty. A person who willfully violates any provision of this title regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021. [2003 c 111 § 2103; 2001 c 241 § 21. Formerly RCW 29.38.070.]

RCW 29A.84.040 Political advertising, removing or defacing. A person who removes or defaces lawfully placed political advertising including yard signs or billboards without authorization is guilty of a misdemeanor punishable to the same extent as a misdemeanor that is punishable under RCW 9A.20.021. The defacement or removal of each item constitutes a separate violation. [2003 c 111 § 2104. Prior: 1991 c 81 § 19; 1984 c 216 § 5. Formerly RCW 29.85.275.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

Political advertising
generally: RCW 42.17A.320 through 42.17A.340.
rates for candidates: RCW 65.16.095.

RCW 29A.84.050 Tampering with registration form, ballot declaration. (1) A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed ballot declaration is guilty of a gross misdemeanor. This section does not apply to (a) the voter who completed the form or declaration, or (b) a county auditor who acts as authorized by law.

(2) Any person who intentionally fails to return another person's completed voter registration form or signed ballot declaration to the proper state or county elections office by the

(3) Knowingly causes or permits himself or herself to be registered using the name of another person;

(4) Knowingly causes himself or herself to be registered under two or more different names;

(5) Knowingly causes himself or herself to be registered in two or more counties;

(6) Offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration;

(7) Accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or

(8) Knowingly causes any person to be registered or causes any registration to be transferred or canceled except as authorized under this title,

is guilty of a class C felony punishable under RCW 9A.20.021.

[2003 c 111 § 2107. Prior: 1994 c 57 § 25; 1991 c 81 § 12; 1990 c 143 § 12; 1977 ex.s. c 361 § 110; 1965 c 9 § 29.85.200; prior: 1933 c 1 § 27; RRS § 5114-27; prior: 1893 c 45 § 5; 1889 p 418 § 16; RRS § 5136. Formerly RCW 29.07.410, 29.85.200.]

NOTES:

Severability--Effective date--1994 c 57: See notes following RCW 29A.16.040.

Effective date--1991 c 81: See note following RCW 29A.84.540.

Effective date--Severability--1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.84.140 Unqualified registration. A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. [2005 c 246 § 22; 2003 c 111 § 2108. Prior: 2001 c 41 § 13. Formerly RCW 29.85.249.]

NOTES:

Effective date--2005 c 246: See note following RCW 10.64.140.

RCW 29A.84.150 Misuse, alteration of registration database. Any state or local election officer, or a designee, who has access to any county or statewide voter registration database who knowingly uses or alters information in the database inconsistent with the performance of his or her duties is guilty of a class C felony, punishable under RCW 9A.20.021. [2004 c 267 § 138.]

NOTES:

(6) Receives, accepts, handles, distributes, pays out, or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward, or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents of the state of Washington, for any service, work, or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall. [2003 c 111 § 2110; 1984 c 170 § 12; 1965 c 9 § 29.82.220. Prior: 1953 c 113 § 2; prior: 1913 c 146 § 16, part; RRS § 5365, part. Formerly RCW 29.82.220.]

NOTES:

Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.230 Violations by signers. (1) Every person who signs an initiative or referendum petition with any other than his or her true name is guilty of a class C felony punishable under RCW 9A.20.021.

(2) Every person who knowingly signs more than one petition for the same initiative or referendum measure or who signs an initiative or referendum petition knowing that he or she is not a legal voter or who makes a false statement as to his or her residence on any initiative or referendum petition, is guilty of a gross misdemeanor. [2003 c 111 § 2111; 2003 c 53 § 182; 1993 c 256 § 2; 1965 c 9 § 29.79.440. Prior: 1913 c 138 § 31; RRS § 5427. Formerly RCW 29.79.440, 29.79.450, 29.79.460, 29.79.470.]

NOTES:

Reviser's note: This section was amended by 2003 c 53 § 182 and by 2003 c 111 § 2111, 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).

Intent--Effective date--2003 c 53: See notes following RCW 2.48.180.

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

Misconduct in signing a petition: RCW 9.44.080.

Only registered voters may vote--Exception: RCW 29A.04.210.

Registration, information from voter as to qualifications: RCW 29A.08.210.

Residence

contingencies affecting: State Constitution Art. 6 § 4.
defined: RCW 29A.04.151.

or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure. This subsection does not apply to or prohibit any activity that is properly reported in accordance with the applicable provisions of chapter 42.17A RCW.

A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. [2011 c 60 § 14; 2003 c 111 § 2113; 1993 c 256 § 4; 1975-'76 2nd ex.s. c 112 § 2; 1965 c 9 § 29.79.490. Prior: 1913 c 138 § 32, part; RRS § 5428, part. Formerly RCW 29.79.490.]

NOTES:

Effective date--2011 c 60: See RCW 42.17A.919.

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

Construction--Severability--1975-'76 2nd ex.s. c 112: See RCW 42.17A.907 and 42.17A.903.

Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.261 Petitions--Improperly signing. The following apply to persons signing nominating petitions prescribed by *RCW 29A.24.101:

(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence. [2004 c 271 § 184.]

NOTES:

***Reviser's note:** RCW 29A.24.101 was amended by 2006 c 206 § 4, renaming "nominating petition" as "filing fee petition."

RCW 29A.84.270 Duplication of names--Conspiracy--Criminal and civil liability. Any person who with intent to mislead or confuse the electors conspires with another person who has a surname similar to an incumbent seeking reelection to the same office, or to an opponent for the same office whose political reputation has been well established, by persuading such other person to file for such office with no intention of being elected, but to defeat the incumbent or the well known opponent, is guilty of a class B felony punishable according to chapter 9A.20 RCW. In addition, all conspirators are subject to a suit for civil damages, the amount of which may not exceed the salary that the injured person would have received had he or she been elected or reelected. [2004 c 266 § 20. Prior: 2003 c 111 § 2115; 2003 c 53 § 178; 1965 c 9 § 29.18.080; prior: 1943 c 198 §

of a class C felony punishable under RCW 9A.20.021. [2004 c 271 § 185.]

RCW 29A.84.320 Duplicate, nonexistent, untrue names--Penalty. A person is guilty of a class B felony punishable according to chapter 9A.20 RCW who files a declaration of candidacy for any public office of:

(1) A nonexistent or fictitious person; or
(2) The name of any person not his or her true name; or
(3) A name similar to that of an incumbent seeking reelection to the same office with intent to confuse and mislead the electors by taking advantage of the public reputation of the incumbent; or

(4) A surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed.

[2003 c 111 § 2118; 2003 c 53 § 177; 1965 c 9 § 29.18.070. Prior: (i) 1943 c 198 § 2; Rem. Supp. 1943 § 5213-11. (ii) 1943 c 198 § 3; Rem. Supp. 1943 § 5213-12. Formerly RCW 29.15.100, 29.18.070.]

NOTES:

Reviser's note: This section was amended by 2003 c 53 § 177 and by 2003 c 111 § 2118, 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).

Intent--Effective date--2003 c 53: See notes following RCW 2.48.180.

BALLOTS

RCW 29A.84.410 Unlawful appropriation, printing, or distribution. Any person who is retained or employed by any officer authorized by the laws of this state to procure the printing of any official ballot or who is engaged in printing official ballots is guilty of a gross misdemeanor if the person knowingly:

(1) Appropriates any official ballot to himself or herself;
or

(2) Gives or delivers any official ballot to or permits any official ballot to be taken by any person other than the officer authorized by law to receive it; or

(3) Prints or causes to be printed any official ballot: (a) In any other form than that prescribed by law or as directed by the officer authorized to procure the printing thereof; or (b) with any other names thereon or with the names spelled otherwise than as directed by such officer, or the names or printing

(d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the voting center.

(2) No person may obstruct the doors or entries to a building in which a voting center or ballot drop location is located or prevent free access to and from any voting center or ballot drop location. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent such obstruction, and may arrest any person creating such obstruction.

(3) Any violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution. [2011 c 10 § 69; 2003 c 111 § 2121. Prior: 1991 c 81 § 20; 1990 c 59 § 75; 1984 c 35 § 1; 1983 1st ex.s. c 33 § 1; 1965 c 9 § 29.51.020; prior: (i) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. (ii) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. Formerly RCW 29.51.020]

NOTES:

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

Effective date--1991 c 81: See note following RCW 29A.84.540.

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

RCW 29A.84.520 Electioneering by election officers forbidden. Any election officer who does any electioneering during the voting period that begins eighteen days before and ends the day of a special election, general election, or primary, is guilty of a misdemeanor, and upon conviction must be fined in any sum not exceeding one hundred dollars and pay the costs of prosecution. [2011 c 10 § 70; 2003 c 111 § 2122; 1965 c 9 § 29.51.030. Prior: 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. Formerly RCW 29.51.030.]

NOTES:

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

RCW 29A.84.530 Refusing to leave voting booth. Deliberately impeding other voters from casting their votes by refusing to leave a voting booth or voting device is a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW. Election officers may provide assistance in the manner provided by RCW 29A.40.160 to any voter who requests it.

NOTES:

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

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.560 Voting machines, devices--Tampering with--Extra keys. Any person who tampers with or damages or attempts to damage any voting machine or device to be used or being used in a primary or special or general election, or who prevents or attempts to prevent the correct operation of such machine or device, or any unauthorized person who makes or has in his or her possession a key to a voting machine or device to be used or being used in a primary or special or general election, is guilty of a class C felony punishable under RCW 9A.20.021. [2003 c 111 § 2126; 1991 c 81 § 18; 1965 c 9 § 29.85.260. Prior: 1913 c 58 § 16; RRS § 5316. Formerly RCW 29.85.260.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

VOTING

RCW 29A.84.610 Deceptive, incorrect vote recording. A person is guilty of a gross misdemeanor who knowingly:

(1) Deceives any voter in recording his or her vote by providing incorrect or misleading recording information or by providing faulty election equipment or records; or

(2) Records the vote of any voter in a manner other than as designated by the voter.

Such a gross misdemeanor is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

[2003 c 111 § 2127. Prior: 1991 c 81 § 4. Formerly RCW 29.85.051.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.620 Hindering or bribing voter. Any person who uses menace, force, threat, or any unlawful means towards any voter to hinder or deter such a voter from voting, or directly or indirectly offers any bribe, reward, or any thing of value to a voter in exchange for the voter's vote for or against any person or ballot measure, or authorizes any person to do so, is guilty

(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120. [2005 c 243 § 24; 2003 c 111 § 2131. Prior: 1991 c 81 § 13; 1965 c 9 § 29.85.210; prior: 1911 c 89 § 1, part; Code 1881 § 903; 1873 p 204 § 102; 1865 p 51 § 5; 1854 p 93 § 93; RRS § 5383. Formerly RCW 29.85.210.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.655 Tabulation of invalid ballots. Any election officer who intentionally tabulates or causes to be tabulated, through any act or omission, an invalid ballot when the person has actual knowledge that the ballot is invalid, is guilty of a class C felony punishable under RCW 9A.20.021. [2011 c 10 § 75; 2003 c 111 § 2132. Prior: 1991 c 81 § 14; 1965 c 9 § 29.85.220; prior: 1911 c 89 § 1, part; Code 1881 § 911; 1873 p 205 § 108; RRS § 5385. Formerly RCW 29.85.220.]

NOTES:

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

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.660 Unqualified persons voting. Any person who knows that he or she does not possess the legal qualifications of a voter and who votes at any primary or special or general election authorized by law to be held in this state for any office whatever is guilty of a class C felony punishable under RCW 9A.20.021. [2003 c 111 § 2133; 1991 c 81 § 17; 1965 c 9 § 29.85.240. Prior: 1911 c 89 § 1, part; Code 1881 § 905; 1873 p 204 § 104; 1865 p 51 § 4; 1854 p 93 § 95; RRS § 5384. Formerly RCW 29.85.240.]

NOTES:

Effective date--1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.680 Ballots--Violation. (1) A person who willfully violates any provision of chapter 29A.40 RCW regarding the assertion or declaration of qualifications to receive or cast a ballot or unlawfully casts a ballot is guilty of a class C felony punishable under RCW 9A.20.021.

(2) Except as provided in this chapter, a person who willfully violates any other provision of chapter 29A.40 RCW is guilty of a misdemeanor. [2011 c 10 § 76. Prior: 2003 c 111 §