

Hon. John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON STATE REPUBLICAN  
PARTY, et al.,

Plaintiffs,

NO. CV05-0927-JCC

WASHINGTON DEMOCRATIC CENTRAL  
COMMITTEE, et al.,

Plaintiff Intervenor,

DECLARATION OF JOHN J. WHITE,  
JR. IN SUPPORT of MOTION TO  
SUPPLEMENT AND AMEND  
COMPLAINT

LIBERTARIAN PARTY OF  
WASHINGTON STATE, et al.,

Plaintiff Intervenor,

vs.

STATE OF WASHINGTON, et al.,

Defendant Intervenor,

WASHINGTON STATE GRANGE, et al.,

Defendant Intervenor.

John J. White, Jr. declares under penalty of perjury under the laws of the State of Washington and the United States of America as follows:

1. I am one of the attorneys for the plaintiffs in this lawsuit, am competent to testify, and make this declaration of my own personal knowledge. I submit this declaration in

1 support of plaintiffs' Motion to Supplement and Amend Complaint.

2 2. Attached hereto as Exhibit 1 is a true and correct copy of emergency regulations  
3 adopted April 24, 2008, modifying Declarations of Candidacy and Declarations of Candidacy  
4 for office of Precinct Committee Officer;

5 3. Attached hereto as Exhibit 2 is a true and correct copy of a letter from David  
6 T. McDonald to Terry Hunt re: misrepresentations in I-872;

7 4. Attached hereto as Exhibit 3 is a true and correct copy of emergency regulations  
8 adopted May 2, 2008, to implement I-872;

9 5. Attached hereto as Exhibit 4 is a true and correct copy of Chapter 38, Laws of  
10 2007 (Senate Bill 5408) establishing ballot content; and

11 6. Attached hereto as Exhibit 5 is a true and correct copy of Chapter 344, Laws  
12 of 2006, amending and readopting nominating primaries and minor party conventions.

13 7. Attached hereto as Exhibit 6 is a true and correct copy of a New Release, dated  
14 April 1, 2004, entitled "Grange Launches 'People's Choice' Initiative Campaign in Response  
15 to Governor's Veto."

16 8. Attached hereto as Exhibit 7 is a true and correct copy of an e-mail from Katie  
17 Blinn, dated April 16, 2008, along with the Secretary of State's summary of draft rules,  
18 eventually adopted on May 2, 2008. *See* Exhibit 3.

19 9. Attached hereto as Exhibit 8 is a true and correct copy of an email string  
20 wherein counsel for the State advises the Secretary of State that I-872 is subject to an as-  
21 applied challenge based on the conduct of a primary under its provisions.

22 /

23 /

24 /

1 DATED this 3<sup>rd</sup> day of December, 2008.

2 /s/ John J. White, Jr.

3 John J. White, Jr., WSBA #13682

4 Kevin B. Hansen, WSBA #28349

5 of Livengood, Fitzgerald & Alskog, PLLC

6 Attorneys for Plaintiffs

7 121 Third Avenue

8 P.O. Box 908

9 Kirkland, WA 98083-0908

10 Ph: 425-822-9281

11 Fax: 425-828-0908

12 E-mail: white@lfa-law.com

13 hansen@lfa-law.com

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on December 3, 2008, I caused to be electronically filed the  
16 foregoing with the Clerk of the Court using the CM/ECF system which will send notification  
17 of such filing to the following:

18 **James Kendrick Pharris**

19 **Richard Dale Shepard**

20 **Thomas Ahearne**

21 **David T. McDonald**

22 /s/ John J. White, Jr.

23 John J. White, Jr., WSBA #13682

24 Kevin B. Hansen, WSBA #28349

25 of Livengood, Fitzgerald & Alskog, PLLC

26 Attorneys for Plaintiffs

27 121 Third Avenue, P.O. Box 908

28 Kirkland, WA 98083-0908

Ph: 425-822-9281 Fax: 425-828-0908

E-mail: white@lfa-law.com

hansen@lfa-law.com

**EXHIBIT 1**

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

☐ Permanent Rule  
☒ Emergency Rule

☐ Later (specify) \_\_\_\_\_

(COMPLETE REVERSE SIDE)

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

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

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

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

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

((STRICKEN GRAPHIC))

## FILING DATA . . . FOR OFFICE USE ONLY

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

## DECLARATION OF CANDIDACY

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

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

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

3. I declare myself as a candidate for the office of:

\_\_\_\_\_  
(NAME OF OFFICE)  
 \_\_\_\_\_  
(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)  
 \_\_\_\_\_  
(POSITION NUMBER IF APPLICABLE) (DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☐ A full term or a full term and a short term, or  
☐ An unexpired term

5. This office is:

- ☐ Nonpartisan, or  
☐ Partisan, and I am (check one): ☐ a candidate of the \_\_\_\_\_ party, or  
☐ an independent candidate.

6. Filing Fee (check one):

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

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

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.*

8. Sign Here X \_\_\_\_\_

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

SIGNED OR ATTESTED BEFORE ME ON \_\_\_\_\_  
(DATE)

by \_\_\_\_\_  
(CANDIDATE)

\_\_\_\_\_  
(SIGNATURE OF NOTARY)

\_\_\_\_\_  
(TITLE)

MY APPOINTMENT EXPIRES \_\_\_\_\_

(SEAL OR STAMP)

SSE-B4-1 (2006)

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

STRICKEN GRAPHIC))

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

## DECLARATION OF CANDIDACY

1. I, \_\_\_\_\_, am a registered voter residing at:  

(PRINT NAME AS YOU ARE REGISTERED TO VOTE)
2. \_\_\_\_\_  

(STREET ADDRESS OR RURAL ROUTE)
(CITY)
(COUNTY)
(ZIP)

and, at the time of filing this declaration, I am legally qualified to assume office if elected.
3. My campaign contact information is:  

(MAILING ADDRESS)
(CITY)
(STATE)
(ZIP)

(TELEPHONE NUMBER)
(EMAIL ADDRESS)
4. I declare myself as a candidate for the office of:  

(NAME OF OFFICE including DISTRICT or POSITION NUMBER)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)
5. Filing Fee (check one):  
☐ There is no filing fee because the office has no fixed annual salary;  
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office is \$1,000 or less;  
☐ I am submitting a filing fee of \$ \_\_\_\_\_, an amount equal to 1% of the annual salary; or  
☐ I am without sufficient assets or income to pay the filing fee and am submitting a filing fee petition in lieu of this fee.
6. Please print my name on the ballot exactly as follows: \_\_\_\_\_  

(PLEASE PRINT)
7. If the office is partisan, your party preference, if any, will be printed on the ballot exactly as follows:  
☐ (Prefers  Party) or  
☐ (States No Party Preference)

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

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

*Note: Your signature must be personally attested to by a notary public or by the officer with whom the declaration is filed.*

### 8. Sign Here X \_\_\_\_\_

(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

STATE OF WASHINGTON, COUNTY OF \_\_\_\_\_

(SEAL OR STAMP)

Signed or Attested before me on \_\_\_\_\_  

(DATE)

by \_\_\_\_\_  

(CANDIDATE)

\_\_\_\_\_  

(SIGNATURE OF NOTARY)

\_\_\_\_\_  

(TITLE)

MY APPOINTMENT EXPIRES: \_\_\_\_\_

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

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



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

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

**WAC 434-215-020 Declaration of candidacy--Precinct committee officer.** Declarations of candidacy for the ((office)) position of precinct committee officer((7)) shall be filed in substantially the following form:

~~((STRICKEN GRAPHIC))~~

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

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

## DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

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

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

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

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

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

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

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

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

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

~~STRICKEN GRAPHIC))~~

Filing Data For Office Use Only			
Date _____	Fee Paid \$ _____	Filing No. _____	Precinct # _____
Paid by: <input type="checkbox"/> Check <input type="checkbox"/> Cash		Staff Initials _____	Voter Registration ID _____

## DECLARATION OF CANDIDACY PRECINCT COMMITTEE OFFICER

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

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

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

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

X

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

\_\_\_\_\_  
(DATE)

Contact Information: \_\_\_\_\_

\_\_\_\_\_  
(TELEPHONE NUMBER)

\_\_\_\_\_  
(EMAIL ADDRESS)

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

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

\_\_\_\_\_

4/16/08

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

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

**EXHIBIT 2**

Preston|Gates|Ellis LLP

David T. McDonald  
davidm@prestongates.com

April 19, 2004

Terry Hunt  
P.O. Box 1186  
Olympia, WA 98507-1186

**Re: Material Misrepresentation in I-872 Ballot Summary**

Dear Mr. Hunt:

You are identified as the sponsor of I-872 on the website maintained by the Secretary of State. This office represents the Washington State Democratic Party. It appears that the ballot summary for your initiative, I-872, contains a materially misleading fact statement. This misrepresentation may lead to an injunction barring distribution of petitions containing the misrepresentation and any use of such petitions in the solicitation of signatures. In the event that signed petitions submitted to the Secretary of State contain the misrepresentation, the initiative may be barred from the November 2004 ballot even if an otherwise sufficient number of signatures are present.

The misstatement of fact is in the second sentence of the ballot summary which reads: "This proposal *continues current practice* of permitting voters to vote for any candidate for any office in primary and general elections, without limitation based on party." (emphasis supplied). In fact, as you were well aware when you began mass distribution of your petitions on April 2, 2004, the current practice in this state is set forth in ESB 6453, signed by the Governor on April 1, 2004. Current practice requires a private choice by each voter of a primary ballot containing candidates from only one party. Voters signing petitions for I-872 that contain the misrepresentation of current practice may be signing the petition in the belief that they are supporting the primary system enacted in ESB 6453 and may not be understanding that the petition seeks to turn back the clock to a former practice in this state—a practice that was recently declared unconstitutional by the federal courts.

Although the Democratic Party strongly disagrees with both the wisdom and the constitutional validity of the legislation proposed in I-872, we are providing you this early notice of the defect in your petitions as a courtesy to permit you to correct the defect while there is still time. Your signature gathering campaign is barely two weeks old. If you act now you can obtain a true and correct ballot summary, print petitions that use the true and correct ballot summary, and re-solicit (if you choose) early signers of your defective petitions in the hopes that they will sign valid petitions, all well in advance of the July deadline for turning in valid petitions. If you choose to continue using the defective petitions, be advised that the Democratic Party will take appropriate legal actions to prevent deception of voters and that final resolution of

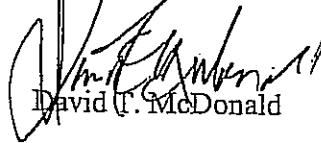
A LAW FIRM

A LIMITED LIABILITY PARTNERSHIP INCLUDING OTHER LIMITED LIABILITY ENTITIES

Terry Hunt  
April 19, 2004  
Page 2

such actions and related remedial orders may be issued at a time when it is too late for you to complete corrective action and have the initiative on the November 2004 ballot.

Yours truly,



David T. McDonald

DTM:lra

cc: Paul Berendt

K:\99959\01395\DTM\DTM\_12080

**EXHIBIT 3**





# RULE-MAKING ORDER

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

Agency: Office of the Secretary of State, Elections Division

☐ Permanent Rule  
☒ Emergency Rule

Effective date of rule:

Permanent Rules

☐ 31 days after filing.

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

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) \_\_\_\_\_

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?  
☐ Yes ☐ No If Yes, explain:

Purpose:

The purpose of this rule is to implement Initiative 872 for the 2008 Primary and General Elections.

Citation of existing rules affected by this order:

Repealed: 434-220-010, 434-220-020, 434-220-030, 434-220-040, 434-220-050, 434-220-060, 434-220-070, 434-220-080, 434-220-090, 434-230-020, 434-230-040, 434-230-050, 434-230-080, 434-230-150, 434-230-160, 434-230-170, 434-230-190, 434-230-200, 434-230-210, 434-230-220,

Amended: 434-208-060, 434-215-025, 434-230-010, 434-230-060, 434-250-040, 434-250-050, 434-250-310, 434-253-020, 434-253-025, 434-262-031, 434-262-160, 434-335-040, 434-335-445, 434-381-120.

Suspended:

Statutory authority for adoption: RCW 29A.04.611

Other authority:

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

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

Describe any changes other than editing from proposed to adopted version:

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

Name:

phone ( ) \_\_\_\_\_

Address:

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

## EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

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

Reasons for this finding:

On March 18, 2008, the United States Supreme Court issued *Washington State Grange v. Washington State Republican Party, et al.* 552 U.S. \_\_\_, 128 S. Ct. 1184, 170 L. Ed. 2d 151 (2008). In this opinion, the Court reversed a Ninth Circuit opinion that had declared Washington's Top Two Primary system unconstitutional. The impact of this ruling is that the primary system enacted by Initiative 872 (Chapter 2, Laws of 2005) is now in effect. This change in primary election systems necessitates changes in the administrative rules relating to filing for office, the format of ballots and ballot materials, information submitted for appearance in the state voters' pamphlet, and the administration of primary and general elections. Pursuant to RCW 29A.24.081, the Secretary of State's Office and county auditors may begin to accept declarations of candidacy beginning May 16, 2008. The regular candidate filing period ends June 6, 2008. Ballots will be formatted and sent to print in June. There is insufficient time to adopt these rules through the standard rulemaking process. The Secretary of State's Office did send a draft of the proposed rules to stakeholders and interested parties on April 16, 2008, posted the draft rules on the agency's website, and accepted public comment through April 22, 2008.

Date adopted: May 2, 2008

NAME (TYPE OR PRINT) Steve Excell

SIGNATURE

TITLE Assistant Secretary of State

## CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 02, 2008

TIME: 12:20 PM

WSR 08-10-055

(COMPLETE REVERSE SIDE)

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

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

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

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

New	<u>19</u>	Amended	14	Repealed	<u>20</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 06-23-094, filed 11/15/06, effective 12/16/06)

WAC 434-208-060 Electronic filings. In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material for president and vice-president, except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

(6) ~~((Filling of vacancies on the ticket by a major political party,~~

~~(7)))~~ Voter registration form.

NEW SECTION

WAC 434-208-110 Applicable dates and deadlines. If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

AMENDATORY SECTION (Amending WSR 07-09-036, filed 4/11/07, effective 5/12/07)

WAC 434-215-025 (~~(Declaration of candidacy)~~) Filing fee petitions. (1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) The filing fee petition described in RCW 29A.24.101(3) does not apply. 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 jurisdiction of the office], hereby petition that [candidate's] name be printed on the ballot for the office of [office for which candidate is filing a declaration of candidacy]."

NEW SECTION

WAC 434-215-120 Political party preference by candidate for partisan office. (1) On a declaration of candidacy, a candidate for partisan congressional, state, or county office may state his or her preference for a political party, or not state a preference. The candidate may use up to sixteen characters for the name of the political party. A candidate's party preference, or the fact that the candidate states no preference, must be printed with the candidate's name on the ballot and in any voters' pamphlets printed by the office of the secretary of state or a county auditor's office.

(2) If a candidate does not indicate a party that he or she prefers, then the candidate has stated no party preference and is listed as such on the ballot and in any voters' pamphlets.

(3) The filing officer may not print on the ballots, in a voters' pamphlet, or other election materials a political party name that is obscene. If the name of the political party provided by the candidate would be considered obscene, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited to remove the obscenity, or rejected and replaced with "states no party preference."

(4) A candidate's preference may not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. If the name of the political

party provided by the candidate implies that the candidate is nominated or endorsed by a political party, or that a political party approves of or associates with that candidate, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited, or rejected and replaced with "states no party preference."

#### NEW SECTION

**WAC 434-215-130 Minor political party candidates and independent candidates.** (1) In the election system enacted as chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.

(2) The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates for partisan office to conduct nominating conventions and collect a sufficient number of signatures of registered voters do not apply to candidates filing for partisan congressional, state, or county office. The requirements in RCW 29A.20.111 through 29A.20.201 for minor political party candidates and independent candidates only apply to candidates for president and vice-president of the United States.

#### NEW SECTION

**WAC 434-215-140 Voids in candidacy and vacancies in office.**

(1) The procedures established in RCW 29A.24.141 through 29A.24.191 for reopening candidate filing due to a void in candidacy or a vacancy in office apply to partisan congressional, state, or county office.

(2) As established in RCW 29A.24.141, a void in candidacy only occurs when no valid declaration of candidacy has been filed, or all persons who filed have either died or been disqualified. There is no void in candidacy as long as there is at least one candidate.

(3) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is

effective.

NEW SECTION

**WAC 434-215-150 No major party ticket.** The procedures in RCW 29A.28.011 allowing a major party to fill a vacancy on a major party ticket do not apply. The predecessor statute, RCW 29A.28.010, was repealed by chapter 2, Laws of 2005 (Initiative 872). Pursuant to chapter 2, Laws of 2005, there is no "major party ticket."

NEW SECTION

**WAC 434-215-160 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 434-220-010	Partisan primaries.
WAC 434-220-020	Definitions.
WAC 434-220-030	Ballot layout and color-- Consolidated ballots.
WAC 434-220-040	Ballot layout and color--Physically separate ballots.
WAC 434-220-050	Order of political parties.
WAC 434-220-060	Ballot programming--Consolidated ballots.
WAC 434-220-070	Polling place procedures-- Physically separate ballots.
WAC 434-220-080	No record of political party affiliation.
WAC 434-220-090	Partisan primary recounts.

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

**WAC 434-230-010 Sample ballots.** Sample paper ballots shall be printed in substantially the same form as official ballots, but shall be a different color than the official ballot. Sample ballots ~~((for counties using electronic or mechanical voting systems))~~ shall be printed in a manner that makes them easily distinguishable from the official ballot. Sample ballots shall be available ~~((starting))~~ at least fifteen days prior to an election. Such sample ballots shall be made available through the office of the county auditor and at least one shall be available at all polling places on election day.

~~((Names of the candidates in each office to appear on the primary ballot shall be arranged on the sample ballot in the order provided by RCW 29A.36.121. The names of the candidates in each office to appear on the general election ballot shall be listed on the sample ballot in the order in which their names appear on the official ballot. State measures and local measures shall be in the same order as they appear on the official ballot.))~~

At any primary or election when a local voters' pamphlet is published which contains a full sample ballot, a separate sample ballot need not be printed.

Counties with populations of over five hundred thousand may produce more than one sample ballot for a primary or election, each of which lists a portion of the offices and issues to be voted on at that election. Sample ballots may be printed by region or area (e.g., legislative district, municipal, or other district boundary) of the county, provided that all offices and issues to be voted upon at the election appear ~~((s))~~ on at least one of the various sample ballots printed for such county. Each regional sample ballot shall contain all offices and issues to be voted upon within that region. A given office or issue may appear on more than one sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each polling place and to other locations within the appropriate region or area.

#### NEW SECTION

**WAC 434-230-015 Ballot format.** (1) Each ballot shall specify the county, the date, and whether the election is a primary, special or general.



(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes.

(3) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").

(4)(a) If the ballot includes a partisan office, the ballot must include the following notice in bold print immediately above the first partisan congressional, state or county office: "READ: Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(b) When the race for president and vice-president appears on a general election ballot, the ballot must include the following notice in bold print after president and vice-president but immediately above the first partisan congressional, state or county office: "READ: Each candidate for president and vice-president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(c) The same notice may also be listed in the ballot instructions.

(5) Counties may use varying sizes and colors of ballot cards if such size and color is used consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate absentee ballots, poll ballots, or provisional ballots.

(6) Ballots shall be formatted as provided in RCW 29A.36.170. Ballots shall not be formatted as stated in RCW 29A.04.008 (6) and (7), 29A.36.104, 29A.36.106, 29A.36.121, 29A.36.161(4), and 29A.36.191.

#### NEW SECTION

**WAC 434-230-025 Order of offices.** Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:

- (1) Initiatives to the people;
- (2) Referendum measures;
- (3) Referendum bills;
- (4) Initiatives to the legislature and any alternate proposals;
- (5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
- (6) Countywide ballot measures;

- (7) President and vice-president of the United States;
- (8) United States senator;
- (9) United States representative;
- (10) Governor;
- (11) Lieutenant governor;
- (12) Secretary of state;
- (13) State treasurer;
- (14) State auditor;
- (15) Attorney general;
- (16) Commissioner of public lands;
- (17) Superintendent of public instruction;
- (18) Insurance commissioner;
- (19) State senator;
- (20) State representative;
- (21) County officers;
- (22) Justices of the supreme court;
- (23) Judges of the court of appeals;
- (24) Judges of the superior court; and
- (25) Judges of the district court.

For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.

#### NEW SECTION

**WAC 434-230-035 Office format.** (1) The name of each office must be printed on the ballot.

(2) The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.

(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.

(4) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.

(5) Each office or position must be separated by a bold line.

(6) On a general election ballot in a year that president and vice-president are elected, each political party's candidates for president and vice-president shall be provided one vote response position for that party.

NEW SECTION

**WAC 434-230-045 Candidate format.** (1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.

(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.

(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second.

(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.

(3) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.

(4) For partisan office:

(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith

(Prefers Example Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:

John Smith

(States No Party Preference)

(c) The party preference line for each candidate may be in smaller point size or indented.

(d) The same party preference information shall be printed on both primary and general election ballots.

(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.

(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.

NEW SECTION

**WAC 434-230-055 Partisan primary.** In a primary for partisan congressional, state or county office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):

(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.

(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate for partisan office. Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. A candidate's political party preference is not used to determine which candidates advance to the general election.

(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees. RCW 29A.36.191 does not apply since the predecessor statute, RCW 29A.36.190, was repealed in chapter 2, Laws of 2005.

(4) Chapter 2, Laws of 2005 repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.

(5) If dates, deadlines, and time periods referenced in chapter 2, Laws of 2005, conflict with subsequently enacted law, such as chapter 344, Laws of 2006, the subsequently enacted law is effective.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

**WAC 434-230-060 Primary votes required for appearance on general election ballot.** Following any ~~((nonpartisan))~~ primary, ~~((no))~~ a candidate's name shall be entitled to appear on the general election ballot ~~((unless))~~ if he or she receives the greatest or the next greatest number of votes for the office and additionally receives at least one percent of the total votes cast for the office.

~~((Following any partisan primary, no major political party~~

~~candidate's name shall be entitled to appear on the general election ballot unless he or she receives a plurality of votes cast for the candidates of his or her party for that office. The requirement in RCW 29A.36.191 that a candidate for partisan office receive at least one percent of the votes cast for that office in order to appear on the general election ballot is unenforceable based on *Libertarian Party v. Sam Reed*, Thurston County Superior Court No. 04-2-01974-2 (2004).)~~

#### NEW SECTION

**WAC 434-230-085** Candidate who qualifies for more than one office. In the event a candidate, as a result of write-in votes in the primary, qualifies to appear on the general election ballot for more than one office, the candidate may notify the county auditor in writing within three days of certification of the primary of the single office for which he or she desires to appear on the general election ballot. If the candidate fails to notify the county auditor, the county auditor shall determine the single office for which the candidate shall appear on the general election ballot. Any void in candidacy for other positions thus created will be handled as provided by law.

#### NEW SECTION

**WAC 434-230-095** When a candidate dies or is disqualified. The procedures in RCW 29A.28.021 allowing a political party to appoint a replacement candidate if the party's candidate dies or is disqualified do not apply. The predecessor statute, RCW 29A.28.020, was repealed by chapter 2, Laws of 2005 (Initiative 872).

#### NEW SECTION

**WAC 434-230-110** President and vice-president of the United States. (1) When the race for president and vice-president appears on a general election ballot, the candidates for these offices must be paired together.

(2) The full name of the political party, rather than an abbreviation, must be provided for each pair of candidates, with a

designation that these candidates are the nominees of the party. The first letter of each word in the political party name must be capitalized. For example:

Example Party Nominees

(3) The order that candidates appear on the ballot is based on their political party. The political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the candidates of the other political parties following according to the votes cast for their nominees for president at the last presidential election. Candidates of parties that did not have nominees in the last presidential election follow in the order of their qualification with the secretary of state.

NEW SECTION

**WAC 434-230-120 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 434-230-020	Placement of state ballot measures.
WAC 434-230-040	Candidate's political party designation--Primary to general.
WAC 434-230-050	Candidate nominated by two or more political parties or for two or more offices.
WAC 434-230-080	Judicial ballots--Form.
WAC 434-230-150	Ballot uniformity.
WAC 434-230-160	Poll-site voting instructions.
WAC 434-230-170	Ballot form.
WAC 434-230-190	Paper ballot uniformity.
WAC 434-230-200	Paper ballot instructions.
WAC 434-230-210	Paper ballots--Ballot form.
WAC 434-230-220	Same party designations used for primary and general elections.



AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-250-040 Instructions to voters. (1) ~~((In addition to the instructions required by chapters 29A.36 and 29A.40 RCW, instructions for properly voting and returning))~~ Instructions that accompany an absentee ballot must ((also)) include:

(a) ~~How to ((correct a ballot by crossing out the incorrect vote and voting the correct choice))~~ cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;

(b) Notice that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;

(c) Notice that, if a voter has signed or otherwise identified himself or herself on a ballot, the ballot will not be counted;

(d) An explanation of how to complete and sign the affidavit on the return envelope;

(e) An explanation of how to make a mark, witnessed by two other people, if unable to sign the affidavit;

(f) An explanation of how to place the ballot in the security envelope and place the security envelope in the return envelope;

(g) An explanation of how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;

(h) Notice that postage is required, if applicable; ~~((and))~~

(i) Notice that, in order for the ballot to be counted, it must be either postmarked or deposited at a designated deposit site no later than election day; ~~((and))~~

(j) ~~((How a voter can))~~ An explanation of how to learn about the locations, hours, and services((7)) of voting centers and ballot deposit sites, including the availability of accessible voting equipment((-));

County auditors may use existing stock of instructions appearing on absentee ballot ((instructions)) envelopes until December 1, 2008;

(k) For a primary election that includes a partisan office, a notice on a separate insert printed on colored paper explaining:

"Washington has a new primary. You do not have to pick a party. In each race, you may vote for any candidate listed. The two candidates who receive the most votes in the August primary will advance to the November general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(1)(i) For a general election that includes a partisan office, the following explanation:

"Washington has a new election system. In each race for partisan office, the two candidates who receive the most votes in the August primary advance to the November general election.

Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."

(ii) In a year that president and vice-president appear on the general election ballot, the following must be added to the statement required by (1)(i) of this subsection:

"The election for president and vice-president is different. Candidates for president and vice-president are the official nominees of their political party."

(m) Any other information the county auditor deems necessary.

(2) Instructions that accompany a special absentee ballot must also include:

(a) A listing of all offices and measures that will appear upon the ballot, together with a listing of all persons who have filed for office or who have indicated their intention to file for office; and

(b) Notice that the voter may request and subsequently vote a regular absentee ballot, and that if the regular absentee ballot is received by the county auditor prior to certification of the election, it will be tabulated and the special absentee ballot will be voided.

AMENDATORY SECTION (Amending WSR 07-24-044, filed 11/30/07, effective 12/31/07)

WAC 434-250-050 ((~~Ballot materials.~~)) Envelopes. ((~~In addition to the instructions and in addition to materials required by chapters 29A.36 and 29A.40 RCW, each~~)) Absentee ballots must be accompanied by the following:

(1) A security envelope, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;

(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service, the words "POSTAGE REQUIRED" or "POSTAGE PAID" in the upper right-hand corner, and the following oath with a place for the voter to sign, date, and write his or her daytime phone number:

I do solemnly swear or affirm under penalty of perjury  
that:

I am a citizen of the United States;



I am a legal resident of the state of Washington;  
I will be at least 18 years old on or before election day;  
I am not presently denied my voting rights as a result of  
being convicted of a felony;  
I have not been judicially declared mentally incompetent;  
I have not already voted in this election; and  
I understand it is illegal to cast a ballot or sign a ballot  
envelope on behalf of another voter.  
Attempting to vote when not qualified, attempting to vote  
more than once, or falsely signing this oath is a felony  
punishable by a maximum imprisonment of five years, a  
maximum fine of \$10,000, or both.

Signature\_\_\_\_\_Date\_\_\_\_\_

The return envelope must include space for witnesses to sign.  
The return envelope must conform to postal department  
regulations.

County auditors may use existing stock of absentee envelopes  
until December 1, 2008.

#### NEW SECTION

**WAC 434-250-150 Ranked choice voting.** If a charter county  
elects candidates for county office by ranked choice voting, and if  
the charter specifically grants political parties the authority to  
determine which candidates for partisan office may run as  
candidates of the party, the county auditor may modify the  
requirements of this chapter in order to accommodate the  
requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07,  
effective 11/1/07)

**WAC 434-250-310 Notice of elections by mail.** (1) A  
jurisdiction requesting that a special election be conducted  
entirely by mail, as authorized by RCW 29A.48.020, may include the  
request in the resolution calling for the special election, or may  
make the request by a separate resolution. Not less than forty-  
seven days prior to the date for which a mail ballot special  
election has been requested, the county auditor shall inform the  
requesting jurisdiction, in writing, whether the request is granted  
and, if not granted, the reasons why.

(2) In the event that a primary is to be conducted by mail,  
the auditor must notify the jurisdiction involved not later than  
seventy-nine days before the primary date.

(3) (~~((In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311,))~~) A county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must (~~((also))~~) state:

(a) The election will be conducted by mail (~~((and regular polling places will not be open))~~);

(b) The precincts that are voting by mail if it is only specific precincts rather than the entire county;

(c) The location where voters may obtain replacement ballots;

(d) Whether return postage is required;

(e) The dates, times and locations of designated deposit sites and voting centers; and

(f) If the county auditor does not conduct all elections by mail, the fact that regular polling places will not be open.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-253-020 Polling place--Election supplies.** Polling places shall be provided, at a minimum, with the following supplies at every election:

(1) Precinct list of registered voters or a poll book, which shall include suitable means to record the signature and address of the voter;

(2) Inspector's poll book;

(3) Required oaths/certificates for inspectors and judges;

(4) Sufficient number of ballots as determined by election officer;

(5) Ballot containers;

(6) United States flag;

(7) Voting instruction signs;

(8) Challenge and provisional ballots and envelopes;

(9) Cancellation cards due to death;

(10) Voting equipment instructions;

(11) Procedure guidelines for inspectors and judges and/or precinct election officer guidebooks;

(12) Keys and/or extra seals;

(13) Pay voucher;

(14) Ballots stub envelope;

(15) Emergency plan of action;

(16) Either sample ballots or voters' pamphlets;

(17) HAVA voter information poster;

(18) A sign listing the date of the election and the hours of voting on election day; and

(19) Voter registration forms (, and

~~(20) For partisan primaries in counties using physically separate ballots, an "unvoted ballots" container with a numbered seal)).~~

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

**WAC 434-253-025 Polling place--Items to be posted.** The following items must be posted or displayed at each polling place while it is open:

(1) United States flag;

(2) HAVA voter information poster;

(3) A sign listing the date of the election and the hours of

voting on election day;

(4) Voting instructions printed in at least 16 point bold type;

(5) Either sample ballots or voters' pamphlets;

(6) Voter registration forms;

(7) Election materials in alternative languages, if so required by the Voting Rights Act (42 U.S.C. 1973aa et seq.); ((and))

(8)(a) For a primary election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040 (1)(k);

(b) For a general election that includes a partisan office, the same notice provided to absentee voters by WAC 434-250-040 (1)(l); and

(9) Any other items the county auditor deems necessary.

#### NEW SECTION

**WAC 434-253-330 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 07-20-074, filed 10/1/07, effective 11/1/07)

**WAC 434-262-031 Rejection of ballots or parts of ballots.**

(1) The disposition of provisional ballots is governed by WAC 434-253-047. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

(2) Ballots or parts of ballots shall be rejected by the canvassing board in the following instances:

(a) Where ~~((two ballots are found folded together, or where))~~ a voter has already voted ~~((more than))~~ one ballot;

(b) Where two voted ballots are contained within a returned mail ballot envelope containing only one valid signature under the affidavit, unless both ballots are voted identically, in which case one ballot will be counted. If there are two valid signatures under the affidavit, both ballots must be counted;

(c) Where a ballot or parts of a ballot are marked in such a way that it is not possible to determine the voter's intent consistent with WAC 434-261-086;

(d) Where the voter has voted for candidates or issues for whom he or she is not entitled to vote;

(e) Where the voter has voted for more candidates for an office than are permissible ~~((7~~

~~((f) In the case of a partisan primary, where the voter has voted for a write-in candidate for partisan office who has not filed a write-in declaration of candidacy, thereby affiliating with a major party.~~

~~((3) For physically separate ballots in a partisan primary.~~

~~((a) If more than one ballot is returned but only one ballot is voted, the voted ballot must be counted.~~

~~((b) When a voted nonpartisan ballot and a voted party ballot are both returned, and the nonpartisan section of the party ballot was not voted, the votes from both ballots must be duplicated onto a blank party ballot and counted.~~

~~((c) When a voted nonpartisan ballot and a voted party ballot are both returned, and nonpartisan races and ballot measures were voted on both ballots, the nonpartisan and ballot measure votes that are the same on each ballot and the partisan votes must be duplicated onto a blank party ballot and counted.~~

~~((d) When more than one voted party ballot is returned, the partisan votes may not be counted but the nonpartisan and ballot measure votes that are the same on both ballots must be duplicated onto a blank nonpartisan ballot and counted)).~~

AMENDATORY SECTION (Amending WSR 97-21-045, filed 10/13/97, effective 11/13/97)

**WAC 434-262-160 Write-in-voting--Voter intent.** (1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent. (~~Write-in votes are to be counted where abbreviations are used for office, position, or political party.~~) Write-in votes in the general election are not to be counted for any person who filed for the same office as either a regular or write-in candidate at the preceding primary and failed to qualify for the general election. If a write-in declaration of candidacy has been filed, the voter need only write in that candidate's name in order for the vote to be counted; the candidate's party preference does not impact whether the write-in vote shall be counted. If no declaration of write-in candidacy has been filed, the voter must write in the name of the candidate (~~, the political party, if applicable,~~) and, if the office (~~and~~) or position number cannot be determined by the location of the write-in on the ballot, the office and position number, in order for the write-in vote to be counted.

(2)(a) If a write-in candidate for partisan office does not file a write-in declaration of candidacy but does qualify for the general election ballot, the candidate has not stated a preference for a political party and therefore shall have "(states no party preference)" printed on the general election ballot.

(b) If a write-in candidate for partisan office files a write-in declaration of candidacy and qualifies for the general election ballot, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

#### NEW SECTION

**WAC 434-262-210 Ranked choice voting.** If a charter county elects candidates for county office by ranked choice voting, and if the charter specifically grants political parties the authority to determine which candidates for partisan office may run as candidates of the party, the county auditor may modify the requirements of this chapter in order to accommodate the requirements of a ranked choice voting election.

AMENDATORY SECTION (Amending WSR 06-11-042, filed 5/10/06, effective 6/10/06)

**WAC 434-335-040 Voting system requirements.** (1) No voting device or its component software may be certified by the secretary of state unless it:

- (a) Secures to the voter secrecy in the act of voting;
- (b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- (c) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- (d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice-President of the United States;
- (e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and
- (f) Has been tested and approved by the appropriate independent testing authority approved by the United States election assistance commission(, ~~and~~

~~(g) For a partisan primary, prevents the counting of votes for candidates of more than one political party)).~~

(2) No vote tabulating system may be certified by the secretary of state unless it:

- (a) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
- (b) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
- (c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;
- (d) Produces precinct and cumulative totals in printed form; and
- (e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

- (a) Be capable of being secured with lock and seal when not in use;
- (b) Be secured physically and electronically against unauthorized access;



(c) Not be connected to, or operated on, any electronic network including, but not limited to, internal office networks, the internet, or the world wide web. A network may be used as an internal, integral part of the vote tabulating system but that network must not be connected to any other network, the internet, or the world wide web; and

(d) Not use wireless communications in any way.

(4) Transfer of information from a remote tabulating system may be made by telephonic transmission only after the creation of a disk, paper tape, or other physical means of recording ballot results.

(5) The source code of electronic voting system software that has been placed in escrow must be identical to the source code of software that has been tested and certified by the federal independent testing authority and installed in the county. The applicant must place in escrow both the human-readable source code and the working or compiled version. In lieu of placing them in escrow, the source code and the working or compiled version may be deposited with the national software reference library. The software may be verified by matching the system's digital software signatures with the digital signatures the elections assistance commission has on file, when available.

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

**WAC 434-335-445 The preparation of logic and accuracy test decks.** (1) Each county shall produce a test deck of ballots to be used in the official logic and accuracy test to verify that the vote tabulating system is programmed to correctly count the ballots.

(2) The pattern to mark the test deck shall begin by giving the first candidate in each race one vote, the second candidate in each race two votes, the third candidate in each race three votes, etc. Once the pattern is completed for each race and issue, each remaining precinct or ballot style must be tested by using a minimum of one ballot that has a first choice marked for each race and issue. Additional votes may be added to ensure all responses for a race or issue have unique results. Another pattern may be used if it meets the requirements outlined in this section and is approved by the secretary prior to marking the test deck.

(3) The test deck must also test that the vote tabulating system is programmed to accurately count write-in votes, overvotes and blank ballots. The test deck must also include a sampling of all ballots that will be used during the election, including ballot on demand, alternative language ballots, and ballots marked with an electronic ballot marker.

~~((4) In a partisan primary.~~



~~(a) When a consolidated ballot is used, the test deck must test that the partisan and nonpartisan votes are counted properly for situations where just one party is selected, no party is selected, and both parties are selected, and~~

~~(b) When separate ballots are used, a test deck for each party must be prepared in addition to a test deck for nonpartisan races.))~~

AMENDATORY SECTION (Amending WSR 08-05-120, filed 2/19/08, effective 3/21/08)

WAC 434-381-120 Deadlines. (1) Candidate statements and photographs shall be submitted to the secretary of state((~~(a)~~

~~(a) For candidates who filed during the regular filing period,)) within seven calendar days after filing their declaration of candidacy((~~(b)~~~~

~~(b) For candidates who filed during a special filing period, or were selected by a political party pursuant to either RCW 29A.52.010 or 29A.24.140, within seven calendar days after the close of the special filing period or selection by the party)).~~

(2) For ballot measures, including initiatives, ((~~referendums~~)) referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:

(a) Appointments of the initial two members of committees to prepare arguments for and against measures:

(i) For an initiative to the people or referendum measure: Within ten business days after the submission of signed petitions to the secretary of state;

(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, within ten business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot:

(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, not later than the date the committee submits its initial argument to the secretary of state;

(c) Arguments for or against a ballot measure, no later than twenty calendar days following appointment of the initial committee members;

(d) Rebuttals of arguments for or against a ballot measure, by no later than fourteen calendar days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.

(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.

(4) The deadlines stated in this rule are intended to promote the timely publication of the voters pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late

filing when, in the secretary's judgment, it is reasonable to do so.

NEW SECTION

WAC 434-381-200 Political party preference information. If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that he or she prefers, and that a candidate's preference does not imply that the candidate is nominated or endorsed by the party or that the party approves of or associates with that candidate. The pamphlet must also explain that a candidate can choose to not state a political party preference.

**EXHIBIT 4**

CERTIFICATION OF ENROLLMENT

SENATE BILL 5408

Chapter 38, Laws of 2007

60th Legislature  
2007 Regular Session

PRIMARY ELECTION BALLOTS

EFFECTIVE DATE: 07/22/07

Passed by the Senate February 23, 2007  
YEAS 48 NAYS 0

BRAD OWEN

\_\_\_\_\_  
President of the Senate

Passed by the House April 3, 2007  
YEAS 96 NAYS 1

FRANK CHOPP

\_\_\_\_\_  
Speaker of the House of Representatives

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SENATE BILL 5408 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
Secretary

Approved April 13, 2007, 10:57 a.m.

FILED

April 13, 2007

CHRISTINE GREGOIRE

\_\_\_\_\_  
Governor of the State of Washington

Secretary of State  
State of Washington

## FINAL BILL REPORT

### SB 5408

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C 38 L 07  
Synopsis as Enacted

**Brief Description:** Modifying provisions on primary election ballots.

**Sponsors:** Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline and Hatfield;  
by request of Secretary of State.

**Senate Committee on Government Operations & Elections**  
**House Committee on State Government & Tribal Affairs**

**Background:** Under Washington's current pick-a-party primary election, county auditors may use either a consolidated ballot or physically separate ballots. Consolidated ballots include all major political party candidates, separated by party, with a check-off box that allows a voter to affiliate with a major party for the purpose of participating in the primary. If a voter fails to select a major political party on the consolidated ballot, any votes cast for a party candidate will not be counted.

If physically separate ballots are used for the primary, the auditor must prepare a ballot for each major political party and a nonpartisan ballot. Party ballots must be specific to a particular party and may include only the partisan offices to be voted on at that primary. Nonpartisan offices and measures are included on the nonpartisan ballot. A voter seeking to vote for both partisan and nonpartisan races must vote a party ballot and a nonpartisan ballot.

During the recent election, the Office of the Secretary of State received reports that primary votes could not be counted because voters using a consolidated ballot failed to check the box indicating party affiliation.

**Summary:** If a voter fails to select a major party in the check-off box on a consolidated ballot, the votes will be counted if the voter votes only for candidates of one political party in partisan races.

Nonpartisan races and ballot measures must be included on physically separate major party ballots.

**Votes on Final Passage:**

Senate	48	0
House	96	1

**Effective:** July 22, 2007

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SENATE BILL 5408

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Passed Legislature - 2007 Regular Session

State of Washington                      60th Legislature                      2007 Regular Session

By Senators Fairley, Roach, Kohl-Welles, Oemig, Hobbs, Swecker, Kline  
and Hatfield; by request of Secretary of State

Read first time 01/18/2007.      Referred to Committee on Government  
Operations & Elections.

1            AN ACT Relating to primary election ballots; and amending RCW  
2    29A.04.008, 29A.36.104, 29A.36.106, and 29A.52.151.

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

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

6            As used in this title:

7            (1) "Ballot" means, as the context implies, either:

8            (a) The issues and offices to be voted upon in a jurisdiction or  
9    portion of a jurisdiction at a particular primary, general election, or  
10   special election;

11           (b) A facsimile of the contents of a particular ballot whether  
12   printed on a paper ballot or ballot card or as part of a voting machine  
13   or voting device;

14           (c) A physical or electronic record of the choices of an individual  
15   voter in a particular primary, general election, or special election;  
16   or

17           (d) The physical document on which the voter's choices are to be  
18   recorded;

1 (2) "Paper ballot" means a piece of paper on which the ballot for  
2 a particular election or primary has been printed, on which a voter may  
3 record his or her choices for any candidate or for or against any  
4 measure, and that is to be tabulated manually;

5 (3) "Ballot card" means any type of card or piece of paper of any  
6 size on which a voter may record his or her choices for any candidate  
7 and for or against any measure and that is to be tabulated on a vote  
8 tallying system;

9 (4) "Sample ballot" means a printed facsimile of all the issues and  
10 offices on the ballot in a jurisdiction and is intended to give voters  
11 notice of the issues, offices, and candidates that are to be voted on  
12 at a particular primary, general election, or special election;

13 (5) "Provisional ballot" means a ballot issued at the polling place  
14 on election day by the precinct election board to a voter who would  
15 otherwise be denied an opportunity to vote a regular ballot, for any  
16 reason authorized by the Help America Vote Act, including but not  
17 limited to the following:

18 (a) The voter's name does not appear in the poll book;

19 (b) There is an indication in the poll book that the voter has  
20 requested an absentee ballot, but the voter wishes to vote at the  
21 polling place;

22 (c) There is a question on the part of the voter concerning the  
23 issues or candidates on which the voter is qualified to vote;

24 (d) Any other reason allowed by law;

25 (6) "Party ballot" means a primary election ballot specific to a  
26 particular major political party that lists all ~~((partisan offices to~~  
27 ~~be voted on at that primary, and the candidates for those offices))~~  
28 candidates for partisan office who affiliate with that same major  
29 political party, as well as the nonpartisan races and ballot measures  
30 to be voted on at that primary;

31 (7) "Nonpartisan ballot" means a primary election ballot that lists  
32 all nonpartisan races and ballot measures to be voted on at that  
33 primary.

34 **Sec. 2.** RCW 29A.36.104 and 2004 c 271 s 126 are each amended to  
35 read as follows:

36 Partisan primaries must be conducted using either:



(1) A consolidated ballot format that includes a ~~((major political party identification))~~ check-off box ~~((that allows a voter to select from a list of the major political parties the))~~ for each major political party ~~((with which the voter chooses to affiliate))~~. The consolidated ballot must include all partisan races, nonpartisan races, and ballot measures to be voted on at that primary; or

(2) A physically separate ballot format that includes both party ballots and a nonpartisan ballot. A party ballot must be specific to a particular major political party and ~~((may))~~ include ~~((only the partisan offices to be voted on at that primary and))~~ the names of candidates for ~~((those))~~ partisan offices who designated that same major political party in their declarations of candidacy, as well as all nonpartisan races and ballot measures to be voted on at that primary. The nonpartisan ballot must include ~~((all))~~ only the nonpartisan races and ballot measures to be voted on at that primary.

**Sec. 3.** RCW 29A.36.106 and 2004 c 271 s 127 are each amended to read as follows:

(1) If the consolidated ballot format is used, the major political party identification check-off box must appear on the primary ballot before all offices and ballot measures. Clear and concise instructions to the voter must be prominently displayed immediately before the list of major political parties, and must include:

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

(b) A question asking the voter to indicate the major political party with which the voter chooses to affiliate;

~~((b))~~ (c) A statement that, for a major political party candidate, only votes cast by voters who choose to affiliate with that same major political party will be tabulated and reported;

~~((e))~~ (d) A statement that votes cast for a major political party candidate by a voter who chooses to affiliate with a different major political party will not be tabulated or reported;

~~((d))~~ ~~A statement that votes cast for a major political party candidate by a voter who fails to select a major political party affiliation will not be tabulated or reported;))~~

(e) A statement that votes cast for a major political party

1 candidate by a voter who selects more than one major political party  
2 with which to affiliate will not be tabulated or reported; and

3 (f) A statement that (~~((the party identification option))~~) party  
4 affiliation will not affect votes cast for candidates for nonpartisan  
5 offices, or for or against ballot measures.

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

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

11 (b) A statement explaining that only one (~~((party ballot and one~~  
12 ~~nonpartisan))~~) ballot may be voted;

13 (~~((b))~~) (c) A statement explaining that if more than one party  
14 ballot is voted, none of the (~~((party ballots))~~) partisan races will be  
15 tabulated or reported;

16 (~~((e) A statement explaining that a voter's affiliation with a~~  
17 ~~major political party will be inferred from the act of voting the party~~  
18 ~~ballot for that major political party;))~~) and

19 (d) A statement explaining that (~~((every eligible registered voter~~  
20 ~~may vote a nonpartisan ballot, regardless of any party affiliation on~~  
21 ~~the part of the voter))~~) the nonpartisan ballot only lists nonpartisan  
22 races and ballot measures and does not list partisan races.

23 **Sec. 4.** RCW 29A.52.151 and 2004 c 271 s 142 are each amended to  
24 read as follows:

25 (1) Under a consolidated ballot format:

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

29 (b) A vote cast for a major political party candidate will only be  
30 tabulated and reported if cast by (~~((voters))~~) a voter who (~~((choose to))~~)  
31 affiliated with that same major political party;

32 (~~((b) Votes))~~) (c) A vote cast for a major political party candidate  
33 by a voter who (~~((chooses to))~~) affiliated with a different major  
34 political party may not be tabulated or reported;

35 (~~((e) Votes cast for a major political party candidate by a voter~~  
36 ~~who fails to select a major political party affiliation may not be~~  
37 ~~tabulated or reported;))~~)

1 (d) (~~Votes~~) A vote cast for a major political party candidate by  
2 a voter who (~~selects~~) affiliated with more than one major political  
3 party (~~with which to affiliate~~) may not be tabulated or reported; and

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

6 (2) Under a physically separate ballot format:

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

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

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

13 (d) Every eligible registered voter may vote a nonpartisan ballot.

Passed by the Senate February 23, 2007.

Passed by the House April 3, 2007.

Approved by the Governor April 13, 2007.

Filed in Office of Secretary of State April 13, 2007.

**EXHIBIT 5**

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6236

Chapter 344, Laws of 2006

59th Legislature  
2006 Regular Session

ELECTION DATES AND DEADLINES--PRIMARY ELECTION

EFFECTIVE DATE: 1/1/07 - Except section 17, which becomes  
effective 7/1/2013

Passed by the Senate February 1, 2006  
YEAS 37 NAYS 11

BRAD OWEN

\_\_\_\_\_  
President of the Senate

Passed by the House March 1, 2006  
YEAS 94 NAYS 3

FRANK CHOPP

\_\_\_\_\_  
Speaker of the House of Representatives

Approved March 30, 2006.

CHRISTINE GREGOIRE

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is ENGROSSED SENATE  
BILL 6236 as passed by the Senate  
and the House of Representatives  
on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
Secretary

FILED

March 30, 2006 - 2:52 p.m.

Secretary of State  
State of Washington

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ENGROSSED SENATE BILL 6236

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Passed Legislature - 2006 Regular Session

State of Washington                      59th Legislature                      2006 Regular Session

By Senators Schmidt, Kastama, Swecker, Oke, Berkey and Benson; by request of Secretary of State

Read first time 01/09/2006.      Referred to Committee on Government Operations & Elections.

1        AN ACT Relating to election dates and deadlines; amending RCW  
2        29A.04.311, 29A.04.321, 29A.04.330, 29A.20.121, 29A.24.040, 29A.24.050,  
3        29A.24.171, 29A.24.181, 29A.24.191, 29A.24.211, 29A.28.021, 29A.28.041,  
4        29A.40.070, 29A.52.011, 29A.56.030, 29A.60.190, 27.12.355, 27.12.370,  
5        35.02.086, 35.06.070, 35.13.1821, 35.13.480, 35.61.360, 35A.14.299,  
6        35A.14.470, 36.24.190, 36.93.030, 42.12.040, 42.17.080, 42.17.710,  
7        52.02.080, 52.04.056, 52.04.071, 53.04.110, 54.08.010, 54.08.070,  
8        57.04.050, and 70.44.235; reenacting and amending RCW 29A.60.190;  
9        repealing RCW 29A.04.158; providing effective dates; and providing an  
10       expiration date.

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

12        Sec. 1. RCW 29A.04.311 and 2004 c 271 s 105 are each amended to  
13        read as follows:

14        Nominating primaries for general elections to be held in November,  
15        and the election of precinct committee officers, must be held on the  
16        third Tuesday of the preceding (~~September or on the seventh Tuesday~~  
17        ~~immediately preceding such general election, whichever occurs first~~)  
18        August.

1       Sec. 2. RCW 29A.04.321 and 2004 c 271 s 106 are each amended to  
2 read as follows:

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

28       (2) A county legislative authority may(~~((, if it deems an emergency~~  
29 ~~to exist,))~~) call a special county election by presenting a resolution  
30 to the county auditor ~~((at least forty five days))~~ prior to the  
31 proposed election date. Except as provided in subsection (4) of this  
32 section, a special election called by the county legislative authority  
33 shall be held on one of the following dates as decided by such  
34 governing body:

- 35       (a) The first Tuesday after the first Monday in February;  
36       (b) The second Tuesday in March;  
37       (c) The fourth Tuesday in April;  
38       (d) The third Tuesday in May;

(e) The day of the primary as specified by RCW 29A.04.311; or

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

(4) In addition to the dates set forth in subsection (2)(a) through (f) 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. Such county special election shall be noticed and conducted in the manner provided by law.

~~((+4+))~~ (5) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

~~((+5+))~~ (6) 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 except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

**Sec. 3.** RCW 29A.04.330 and 2004 c 266 s 6 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district



elections at which the ownership of property within those districts is a prerequisite to voting, all of which 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.

(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 (~~((at least forty-five days))~~) prior to the proposed election date, may(~~((, if the county auditor deems an emergency to exist,))~~) 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. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

(a) The first Tuesday after the first Monday in February;

(b) The second Tuesday in March;

(c) The fourth Tuesday in April;

(d) The third Tuesday in May;

(e) The day of the primary election as specified by RCW (~~((29A.04.310))~~) 29A.04.311; or

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

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

~~((+4))~~ (5) In addition to subsection (2) (a) through (f) 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

1 the last day to certify the returns of the general election other than  
2 as provided in subsection (2)(e) and (f) of this section. Such special  
3 election shall be conducted and notice thereof given in the manner  
4 provided by law.

5 ~~((+5+))~~ (6) This section shall supersede the provisions of any and  
6 all other statutes, whether general or special in nature, having  
7 different dates for such city, town, and district elections, the  
8 purpose of this section being to establish mandatory dates for holding  
9 elections.

10 Sec. 4. RCW 29A.20.121 and 2004 c 271 s 110 are each amended to  
11 read as follows:

12 (1) Any nomination of a candidate for partisan public office by  
13 other than a major political party may be made only: (a) In a  
14 convention held not earlier than the ~~((last Saturday in June))~~ first  
15 Saturday in May and not later than the ~~((first))~~ second Saturday in  
16 ~~((July))~~ May or during any of the seven days immediately preceding the  
17 first day for filing declarations of candidacy as fixed in accordance  
18 with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as  
19 otherwise provided in this section. Minor political party and  
20 independent candidates may appear only on the general election ballot.

21 (2) Nominations of candidates for president and vice president of  
22 the United States other than by a major political party may be made  
23 either at a convention conducted under subsection (1) of this section,  
24 or at a similar convention taking place not earlier than the first  
25 ~~((Sunday in July))~~ Saturday in June and not later than ~~((seventy days~~  
26 ~~before))~~ the ~~((general election))~~ fourth Saturday in July. Conventions  
27 held during this time period may not nominate candidates for any public  
28 office other than president and vice president of the United States,  
29 except as provided in subsection (3) of this section.

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

1 than three days after the convention. The requirements of RCW  
2 29A.20.131 do not apply to such a convention.

3 (4) A minor political party may hold more than one convention but  
4 in no case shall any such party nominate more than one candidate for  
5 any one partisan public office or position. For the purpose of  
6 nominating candidates for the offices of president and vice president,  
7 United States senator, United States representative, or a statewide  
8 office, a minor party or independent candidate holding multiple  
9 conventions may add together the number of signatures of different  
10 individuals from each convention obtained in support of the candidate  
11 or candidates in order to obtain the number required by RCW 29A.20.141.  
12 For all other offices for which nominations are made, signatures of the  
13 requisite number of registered voters must be obtained at a single  
14 convention.

15 Sec. 5. RCW 29A.24.040 and 2003 c 111 s 604 are each amended to  
16 read as follows:

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

20 (1) Filings that are received electronically must capture all  
21 information specified in RCW ((29A.24.030)) 29A.24.031 (1) through (4).

22 (2) Electronic filing may begin at 9:00 a.m. the ((fourth)) first  
23 Monday in ((July)) June and continue through 4:00 p.m. the following  
24 Friday.

25 (3) In case of special filing periods established in this chapter,  
26 electronic filings may be accepted beginning at 9:00 a.m. on the first  
27 day of the special filing period through 4:00 p.m. the last day of the  
28 special filing period.

29 Sec. 6. RCW 29A.24.050 and 2003 c 111 s 605 are each amended to  
30 read as follows:

31 Except where otherwise provided by this title, declarations of  
32 candidacy for the following offices shall be filed during regular  
33 business hours with the filing officer no earlier than the ((fourth))  
34 first Monday in ((July)) June and no later than the following Friday in  
35 the year in which the office is scheduled to be voted upon:

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

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

8 This section supersedes all other statutes that provide for a  
9 different filing period for these offices.

10 **Sec. 7.** RCW 29A.24.171 and 2004 c 271 s 165 are each amended to  
11 read as follows:

12 Filings for a nonpartisan office shall be reopened for a period of  
13 three normal business days, such three-day period to be fixed by the  
14 election officer with whom such declarations of candidacy are filed and  
15 notice thereof given by notifying press, radio, and television in the  
16 county and by such other means as may now or hereafter be provided by  
17 law whenever before the ((~~sixth~~)) eleventh Tuesday prior to a primary:

18 (1) A void in candidacy occurs;

19 (2) A vacancy occurs in any nonpartisan office leaving an unexpired  
20 term to be filled by an election for which filings have not been held;  
21 or

22 (3) A nominee for judge of the superior court entitled to a  
23 certificate of election pursuant to Article 4, section 29, Amendment 41  
24 of the state Constitution, dies or is disqualified.

25 Candidacies validly filed within said three-day period shall appear  
26 on the ballot as if made during the earlier filing period.

27 **Sec. 8.** RCW 29A.24.181 and 2004 c 271 s 166 are each amended to  
28 read as follows:

29 Filings for a nonpartisan office (other than judge of the supreme  
30 court or superintendent of public instruction) shall be reopened for a  
31 period of three normal business days, such three-day period to be fixed  
32 by the election officer with whom such declarations of candidacy are  
33 filed and notice thereof given by notifying press, radio, and  
34 television in the county and by such other means as may now or  
35 hereafter be provided by law, when:

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

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

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

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

15 **Sec. 9.** RCW 29A.24.191 and 2004 c 271 s 167 are each amended to  
16 read as follows:

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

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

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

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

33 **Sec. 10.** RCW 29A.24.211 and 2004 c 271 s 116 are each amended to  
34 read as follows:

35 Filings for a partisan elective office shall be opened for a period  
36 of three normal business days whenever, on or after the first day of

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

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

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

14 **Sec. 11.** RCW 29A.28.021 and 2004 c 271 s 192 are each amended to  
15 read as follows:

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

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

35 If the vacancy occurs after the ((~~sixth~~)) eleventh Tuesday prior to  
36 the state primary or general election and time does not exist in which  
37 to correct ballots (including absentee ballots), either in total or in



1 part, then the votes cast or recorded for the person who has died or  
2 become disqualified shall be counted for the person who has been named  
3 to fill such vacancy.

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

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

15 **Sec. 12.** RCW 29A.28.041 and 2004 c 271 s 118 are each amended to  
16 read as follows:

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

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

32 (3) If the vacancy occurs less than six months before a state  
33 general election and before the second Friday following the close of  
34 the filing period for that general election, the special primary,  
35 special vacancy election, and minor party and independent candidate  
36 nominating conventions must be held in concert with the state primary  
37 and state general election in that year.

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

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

**Sec. 13.** RCW 29A.40.070 and 2004 c 266 s 13 are each amended to read as follows:

(1) Except where a recount or litigation under RCW ~~((29A.68.010))~~ 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 primary or election. 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) ~~((The county auditor shall make every effort to mail ballots to overseas and service voters earlier than eighteen days before a primary or election))~~ At least thirty days before any primary, general



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

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

9 **Sec. 15.** RCW 29A.56.030 and 2003 c 111 s 1403 are each amended to  
10 read as follows:

11 The name of any candidate for a major political party nomination  
12 for president of the United States shall be printed on the presidential  
13 preference primary ballot of a major political party only:

14 (1) By direction of the secretary of state, who in the secretary's  
15 sole discretion has determined that the candidate's candidacy is  
16 generally advocated or is recognized in national news media; or

17 (2) If members of the political party of the candidate have  
18 presented a petition for nomination of the candidate that has attached  
19 to the petition a sheet or sheets containing the signatures of at least  
20 one thousand registered voters who declare themselves in the petition  
21 as being affiliated with the same political party as the presidential  
22 candidate. The petition shall be filed with the secretary of state not  
23 later than ((the thirty-ninth day)) sixty days before the presidential  
24 preference primary. The signature sheets shall also contain the  
25 residence address and name or number of the precinct of each registered  
26 voter whose signature appears thereon and shall be certified in the  
27 manner prescribed in RCW 29A.72.230 and 29A.72.240.

28 The secretary of state shall place the name of the candidate on the  
29 ballot unless the candidate, at least ((thirty-five)) fifty-two days  
30 before the presidential preference primary, executes and files with the  
31 secretary of state an affidavit stating without qualification that he  
32 or she is not now and will not become a candidate for the office of  
33 president of the United States at the forthcoming presidential  
34 election. The secretary of state shall certify the names of all  
35 candidates who will appear on the presidential preference primary  
36 ballot to the respective county auditors on or before the fourth  
37 Tuesday in April of each presidential election year.

1        **Sec. 16.** RCW 29A.60.190 and 2005 c 243 s 16 and 2005 c 153 s 12  
2 are each reenacted and amended to read as follows:

3        (1) Except as provided by subsection (3) of this section, ((ten))  
4 fifteen days after a primary or special election and twenty-one days  
5 after a general election, the county canvassing board shall complete  
6 the canvass and certify the results. Each absentee ballot that was  
7 returned before the closing of the polls ((on the date of the primary  
8 or election for which it was issued)), and each absentee ballot  
9 ((with)) bearing a postmark on or before the date of the primary or  
10 election ((for which it was issued)) and received on or before the date  
11 on which the primary or election is certified, must be included in the  
12 canvass report.

13        (2) At the request of a caucus of the state legislature, the county  
14 auditor shall transmit copies of all unofficial returns of state and  
15 legislative primaries or elections prepared by or for the county  
16 canvassing board to either the secretary of the senate or the chief  
17 clerk of the house of representatives.

18        (3) On or before the thirtieth day after an election conducted  
19 under the instant runoff voting method for the pilot project authorized  
20 by RCW 29A.53.020, the canvassing board shall complete the canvass and  
21 certify the results.

22        **Sec. 17.** RCW 29A.60.190 and 2005 c 243 s 16 are each amended to  
23 read as follows:

24        (1) ((Ten)) Fifteen days after a primary or special election and  
25 twenty-one days after a general election, the county canvassing board  
26 shall complete the canvass and certify the results. Each absentee  
27 ballot that was returned before the closing of the polls ((on the date  
28 of the primary or election for which it was issued)), and each absentee  
29 ballot ((with)) bearing a postmark on or before the date of the primary  
30 or election ((for which it was issued)) and received on or before the  
31 date on which the primary or election is certified, must be included in  
32 the canvass report.

33        (2) At the request of a caucus of the state legislature, the county  
34 auditor shall transmit copies of all unofficial returns of state and  
35 legislative primaries or elections prepared by or for the county  
36 canvassing board to either the secretary of the senate or the chief  
37 clerk of the house of representatives.

1       **Sec. 18.** RCW 27.12.355 and 1987 c 138 s 1 are each amended to read  
2 as follows:

3       (1) As provided in this section, a rural county library district,  
4 island library district, or intercounty rural library district may  
5 withdraw areas from its boundaries, or reannex areas into the library  
6 district that previously had been withdrawn from the library district  
7 under this section.

8       (2) The withdrawal of an area shall be authorized upon: (a)  
9 Adoption of a resolution by the board of trustees requesting the  
10 withdrawal and finding that, in the opinion of the board, inclusion of  
11 this area within the library district will result in a reduction of the  
12 district's tax levy rate under the provisions of RCW 84.52.010; and (b)  
13 adoption of a resolution by the city or town council approving the  
14 withdrawal, if the area is located within the city or town, or adoption  
15 of a resolution by the county legislative authority of the county  
16 within which the area is located approving the withdrawal, if the area  
17 is located outside of a city or town. A withdrawal shall be effective  
18 at the end of the day on the thirty-first day of December in the year  
19 in which the resolutions are adopted, but for purposes of establishing  
20 boundaries for property tax purposes, the boundaries shall be  
21 established immediately upon the adoption of the second resolution.

22       The authority of an area to be withdrawn from a library district as  
23 provided under this section is in addition, and not subject, to the  
24 provisions of RCW 27.12.380.

25       The withdrawal of an area from the boundaries of a library district  
26 shall not exempt any property therein from taxation for the purpose of  
27 paying the costs of redeeming any indebtedness of the library district  
28 existing at the time of the withdrawal.

29       (3) An area that has been withdrawn from the boundaries of a  
30 library district under this section may be reannexed into the library  
31 district upon: (a) Adoption of a resolution by the board of trustees  
32 proposing the reannexation; and (b) adoption of a resolution by the  
33 city or town council approving the reannexation, if the area is located  
34 within the city or town, or adoption of a resolution by the county  
35 legislative authority of the county within which the area is located  
36 approving the reannexation, if the area is located outside of a city or  
37 town. The reannexation shall be effective at the end of the day on the  
38 thirty-first day of December in the year in which the adoption of the

1 second resolution occurs, but for purposes of establishing boundaries  
2 for property tax purposes, the boundaries shall be established  
3 immediately upon the adoption of the second resolution. Referendum  
4 action on the proposed reannexation may be taken by the voters of the  
5 area proposed to be reannexed if a petition calling for a referendum is  
6 filed with the city or town council, or county legislative authority,  
7 within a thirty-day period after the adoption of the second resolution,  
8 which petition has been signed by registered voters of the area  
9 proposed to be reannexed equal in number to ten percent of the total  
10 number of the registered voters residing in that area.

11 If a valid petition signed by the requisite number of registered  
12 voters has been so filed, the effect of the resolutions shall be held  
13 in abeyance and a ballot proposition to authorize the reannexation  
14 shall be submitted to the voters of the area at the next special  
15 election date (~~((specified in RCW 29A.13.020 that occurs forty five or~~  
16 ~~more days after the petitions have been validated))~~ according to RCW  
17 29A.04.330. Approval of the ballot proposition authorizing the  
18 reannexation by a simple majority vote shall authorize the  
19 reannexation.

20 **Sec. 19.** RCW 27.12.370 and 1982 c 123 s 14 are each amended to  
21 read as follows:

22 The county legislative authority or authorities shall by resolution  
23 call a special election to be held in such city or town at the next  
24 special election date (~~((provided in RCW 29.13.010 but not less than~~  
25 ~~forty five days from the date of the declaration of such finding))~~  
26 according to RCW 29A.04.321, and shall cause notice of such election to  
27 be given as provided for in RCW (~~(29.27.080)~~) 29A.52.351.

28 The election on the annexation of the city or town into the library  
29 district shall be conducted by the auditor of the county or counties in  
30 which the city or town is located in accordance with the general  
31 election laws of the state and the results thereof shall be canvassed  
32 by the canvassing board of the county or counties. No person shall be  
33 entitled to vote at such election unless he or she is registered to  
34 vote in said city or town for at least thirty days preceding the date  
35 of the election. The ballot proposition shall be in substantially the  
36 following form:

"Shall the city or town of ..... be annexed to and be  
a part of ..... library district?

YES ..... ☐

NO ..... ☐

If a majority of the persons voting on the proposition shall vote in favor thereof, the city or town shall thereupon be annexed and shall be a part of such library district.

**Sec. 20.** RCW 35.02.086 and 1986 c 234 s 11 are each amended to read as follows:

Each candidate for a city or town elective position shall file a declaration of candidacy with the county auditor of the county in which all or the major portion of the city or town is located (~~((7 not more than forty five nor less than thirty days))~~) prior to the primary election at which the initial elected officials are nominated, according to RCW 29A.24.050. The elective positions shall be as provided in law for the type of city or town and form or plan of government specified in the petition to incorporate, and for the population of the city or town as determined by the county legislative authority or boundary review board where applicable. Any candidate may withdraw his or her declaration (~~((at any time within five days after the last day allowed for filing declaration of candidacy))~~) according to RCW 29A.24.131. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in groups under the designation of the respective titles of offices for which they are candidates. Names of candidates printed upon the ballot need not be rotated.

**Sec. 21.** RCW 35.06.070 and 1994 c 81 s 8 are each amended to read as follows:

A ballot proposition authorizing an advancement in classification of a town to a second class city shall be submitted to the voters of the town if either: (1) Petitions proposing the advancement are submitted to the town clerk that have been signed by voters of the town equal in number to at least ten percent of the voters of the town voting at the last municipal general election; or (2) the town council adopts a resolution proposing the advancement. The clerk shall immediately forward the petitions to the county auditor who shall review the signatures and certify the sufficiency of the petitions.

1 A ballot proposition authorizing an advancement shall be submitted  
 2 to the town voters at the next ((municipal general)) special election  
 3 ((occurring forty five or more days after the petitions are submitted))  
 4 date according to RCW 29A.04.330 if the county auditor certifies the  
 5 petitions as having sufficient valid signatures. The town shall be  
 6 advanced to a second class city if the ballot proposition is approved  
 7 by a simple majority vote, effective when the corporation is actually  
 8 reorganized and the new officers are elected and qualified. The county  
 9 auditor shall notify the secretary of state if the advancement of a  
 10 town to a second class city is approved.

11 **Sec. 22.** RCW 35.13.1821 and 1998 c 286 s 2 are each amended to  
 12 read as follows:

13 The annexation ordinance provided for in RCW 35.13.182 is subject  
 14 to referendum for forty-five days after its passage. Upon the filing  
 15 of a timely and sufficient referendum petition with the legislative  
 16 body, signed by qualified electors in number equal to not less than ten  
 17 percent of the votes cast in the last general state election in the  
 18 area to be annexed, the question of annexation shall be submitted to  
 19 the voters of the area in a general election if one is to be held  
 20 within ninety days or at a special election called for that purpose  
 21 ((not less than forty five days nor more than ninety days after the  
 22 filing of the referendum petition)) according to RCW 29A.04.330.  
 23 Notice of the election shall be given as provided in RCW 35.13.080 and  
 24 the election shall be conducted as provided in the general election  
 25 law. The annexation shall be deemed approved by the voters unless a  
 26 majority of the votes cast on the proposition are in opposition  
 27 thereto.

28 After the expiration of the forty-fifth day from but excluding the  
 29 date of passage of the annexation ordinance, if no timely and  
 30 sufficient referendum petition has been filed, the area annexed shall  
 31 become a part of the city or town upon the date fixed in the ordinance  
 32 of annexation.

33 **Sec. 23.** RCW 35.13.480 and 2003 c 299 s 2 are each amended to read  
 34 as follows:

35 (1) The legislative body of any county planning under chapter  
 36 36.70A RCW and subject to the requirements of RCW 36.70A.215 may



1 initiate an annexation process with the legislative body of any other  
2 cities or towns that are contiguous to the territory proposed for  
3 annexation in RCW 35.13.470 if:

4 (a) The county legislative body initiated an annexation process as  
5 provided in RCW 35.13.470; and

6 (b) The affected city or town legislative body adopted a responsive  
7 resolution rejecting the proposed annexation or declined to create the  
8 requested interlocal agreement with the county; or

9 (c) More than one hundred eighty days have passed since adoption of  
10 a county resolution as provided for in RCW 35.13.470 and the parties  
11 have not adopted or executed an interlocal agreement providing for the  
12 annexation of unincorporated territory. The legislative body for  
13 either the county or an affected city or town may, however, pass a  
14 resolution extending the negotiation period for one or more six-month  
15 periods if a public hearing is held and findings of fact are made prior  
16 to each extension.

17 (2) Any county initiating the process provided for in subsection  
18 (1) of this section must do so by adopting a resolution commencing  
19 negotiations for an interlocal agreement as provided in chapter 39.34  
20 RCW between the county and any city or town within the county. The  
21 annexation area must be within an urban growth area designated under  
22 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
23 territory to be annexed must be contiguous to one or more cities or  
24 towns.

25 (3) The agreement shall describe the boundaries of the territory to  
26 be annexed. A public hearing shall be held by each legislative body,  
27 separately or jointly, before the agreement is executed. Each  
28 legislative body holding a public hearing shall, separately or jointly,  
29 publish the agreement at least once a week for two weeks before the  
30 date of the hearing in one or more newspapers of general circulation  
31 within the territory proposed for annexation.

32 (4) Following adoption and execution of the agreement by both  
33 legislative bodies, the city or town legislative body shall adopt an  
34 ordinance providing for the annexation. The legislative body shall  
35 cause notice of the proposed effective date of the annexation, together  
36 with a description of the property to be annexed, to be published at  
37 least once each week for two weeks subsequent to passage of the  
38 ordinance, in one or more newspapers of general circulation within the

1 city and in one or more newspapers of general circulation within the  
2 territory to be annexed. If the annexation ordinance provides for  
3 assumption of indebtedness or adoption of a proposed zoning regulation,  
4 the notice shall include a statement of the requirements. Any area to  
5 be annexed through an ordinance adopted under this section is annexed  
6 and becomes a part of the city or town upon the date fixed in the  
7 ordinance of annexation, which date may not be less than forty-five  
8 days after adoption of the ordinance.

9 (5) The annexation ordinances provided for in RCW 35.13.470(4) and  
10 subsection (4) of this section are subject to referendum for forty-five  
11 days after passage. Upon the filing of a timely and sufficient  
12 referendum petition with the legislative body, signed by registered  
13 voters in number equal to not less than fifteen percent of the votes  
14 cast in the last general state election in the area to be annexed, the  
15 question of annexation shall be submitted to the voters of the area in  
16 a general election if one is to be held within ninety days or at a  
17 special election called for that purpose (~~((not less than forty five~~  
18 ~~days nor more than ninety days after the filing of the referendum~~  
19 ~~petition))~~ according to RCW 29A.04.330. Notice of the election shall  
20 be given as provided in RCW 35.13.080 and the election shall be  
21 conducted as provided in the general election law. The annexation  
22 shall be deemed approved by the voters unless a majority of the votes  
23 cast on the proposition are in opposition thereto.

24 After the expiration of the forty-fifth day from but excluding the  
25 date of passage of the annexation ordinance, if no timely and  
26 sufficient referendum petition has been filed, the area annexed shall  
27 become a part of the city or town upon the date fixed in the ordinance  
28 of annexation.

29 (6) If more than one city or town adopts interlocal agreements  
30 providing for annexation of the same unincorporated territory as  
31 provided by this section, an election shall be held in the area to be  
32 annexed pursuant to RCW 35.13.070 and 35.13.080. In addition to the  
33 provisions of RCW 35.13.070 and 35.13.080, the ballot shall also  
34 contain a separate proposition allowing voters to cast votes in favor  
35 of annexation to any one city or town participating in an interlocal  
36 agreement as provided by this section. If a majority of voters voting  
37 on the proposition vote against annexation, the proposition is  
38 defeated. If, however, a majority of voters voting in the election



1 approve annexation, the area shall be annexed to the city or town  
2 receiving the highest number of votes among those cast in favor of  
3 annexation.

4 (7) Costs for an election required under subsection (6) of this  
5 section shall be borne by the county.

6 **Sec. 24.** RCW 35.61.360 and 1987 c 138 s 2 are each amended to read  
7 as follows:

8 (1) As provided in this section, a metropolitan park district may  
9 withdraw areas from its boundaries, or reannex areas into the  
10 metropolitan park district that previously had been withdrawn from the  
11 metropolitan park district under this section.

12 (2) The withdrawal of an area shall be authorized upon: (a)  
13 Adoption of a resolution by the park district commissioners requesting  
14 the withdrawal and finding that, in the opinion of the commissioners,  
15 inclusion of this area within the metropolitan park district will  
16 result in a reduction of the district's tax levy rate under the  
17 provisions of RCW 84.52.010; and (b) adoption of a resolution by the  
18 city or town council approving the withdrawal, if the area is located  
19 within the city or town, or adoption of a resolution by the county  
20 legislative authority of the county within which the area is located  
21 approving the withdrawal, if the area is located outside of a city or  
22 town. A withdrawal shall be effective at the end of the day on the  
23 thirty-first day of December in the year in which the resolutions are  
24 adopted, but for purposes of establishing boundaries for property tax  
25 purposes, the boundaries shall be established immediately upon the  
26 adoption of the second resolution.

27 The withdrawal of an area from the boundaries of a metropolitan  
28 park district shall not exempt any property therein from taxation for  
29 the purpose of paying the costs of redeeming any indebtedness of the  
30 metropolitan park district existing at the time of the withdrawal.

31 (3) An area that has been withdrawn from the boundaries of a  
32 metropolitan park district under this section may be reannexed into the  
33 metropolitan park district upon: (a) Adoption of a resolution by the  
34 park district commissioners proposing the reannexation; and (b)  
35 adoption of a resolution by the city or town council approving the  
36 reannexation, if the area is located within the city or town, or  
37 adoption of a resolution by the county legislative authority of the

1 county within which the area is located approving the reannexation, if  
 2 the area is located outside of a city or town. The reannexation shall  
 3 be effective at the end of the day on the thirty-first day of December  
 4 in the year in which the adoption of the second resolution occurs, but  
 5 for purposes of establishing boundaries for property tax purposes, the  
 6 boundaries shall be established immediately upon the adoption of the  
 7 second resolution. Referendum action on the proposed reannexation may  
 8 be taken by the voters of the area proposed to be reannexed if a  
 9 petition calling for a referendum is filed with the city or town  
 10 council, or county legislative authority, within a thirty-day period  
 11 after the adoption of the second resolution, which petition has been  
 12 signed by registered voters of the area proposed to be reannexed equal  
 13 in number to ten percent of the total number of the registered voters  
 14 residing in that area.

15 If a valid petition signed by the requisite number of registered  
 16 voters has been so filed, the effect of the resolutions shall be held  
 17 in abeyance and a ballot proposition to authorize the reannexation  
 18 shall be submitted to the voters of the area at the next special  
 19 election date (~~((specified in RCW 29A.13.020 that occurs forty five or~~  
 20 ~~more days after the petitions have been validated))~~ according to RCW  
 21 29A.04.330. Approval of the ballot proposition authorizing the  
 22 reannexation by a simple majority vote shall authorize the  
 23 reannexation.

24 **Sec. 25.** RCW 35A.14.299 and 1967 ex.s. c 119 s 35A.14.299 are each  
 25 amended to read as follows:

26 Such annexation ordinance as provided for in RCW 35A.14.297 shall  
 27 be subject to referendum for forty-five days after the passage thereof.  
 28 Upon the filing of a timely and sufficient referendum petition with the  
 29 legislative body, signed by qualified electors in number equal to not  
 30 less than ten percent of the votes cast in the last general state  
 31 election in the area to be annexed, the question of annexation shall be  
 32 submitted to the voters of such area in a general election if one is to  
 33 be held within ninety days or at a special election called for that  
 34 purpose (~~((not less than forty five days nor more than ninety days after~~  
 35 ~~the filing of the referendum petition))~~ according to RCW 29A.04.330.  
 36 Notice of such election shall be given as provided in RCW 35A.14.070  
 37 and the election shall be conducted as provided in RCW (~~35A.14.060~~)

1 35A.29.151. The annexation shall be deemed approved by the voters  
2 unless a majority of the votes cast on the proposition are in  
3 opposition thereto.

4 After the expiration of the forty-fifth day from but excluding the  
5 date of passage of the annexation ordinance, if no timely and  
6 sufficient referendum petition has been filed, the area annexed shall  
7 become a part of the code city upon the date fixed in the ordinance of  
8 annexation. From and after such date, if the ordinance so provided,  
9 property in the annexed area shall be subject to the proposed zoning  
10 regulation prepared and filed for such area as provided in RCW  
11 35A.14.330 and 35A.14.340. If the ordinance so provided, all property  
12 within the area annexed shall be assessed and taxed at the same rate  
13 and on the same basis as the property of such annexing code city is  
14 assessed and taxed to pay for any then outstanding indebtedness of such  
15 city contracted prior to, or existing at, the date of annexation.

16 **Sec. 26.** RCW 35A.14.470 and 2003 c 299 s 4 are each amended to  
17 read as follows:

18 (1) The legislative body of any county planning under chapter  
19 36.70A RCW and subject to the requirements of RCW 36.70A.215 may  
20 initiate an annexation process with the legislative body of any other  
21 cities or towns that are contiguous to the territory proposed for  
22 annexation in RCW 35A.14.460 if:

23 (a) The county legislative body initiated an annexation process as  
24 provided in RCW 35A.14.460; and

25 (b) The affected city legislative body adopted a responsive  
26 resolution rejecting the proposed annexation or declined to create the  
27 requested interlocal agreement with the county; or

28 (c) More than one hundred eighty days have passed since adoption of  
29 a county resolution as provided for in RCW 35A.14.460 and the parties  
30 have not adopted or executed an interlocal agreement providing for the  
31 annexation of unincorporated territory. The legislative body for  
32 either the county or an affected city may, however, pass a resolution  
33 extending the negotiation period for one or more six-month periods if  
34 a public hearing is held and findings of fact are made prior to each  
35 extension.

36 (2) Any county initiating the process provided for in subsection  
37 (1) of this section must do so by adopting a resolution commencing

1 negotiations for an interlocal agreement as provided in chapter 39.34  
2 RCW between the county and any city or town within the county. The  
3 annexation area must be within an urban growth area designated under  
4 RCW 36.70A.110 and at least sixty percent of the boundaries of the  
5 territory to be annexed must be contiguous to one or more cities or  
6 towns.

7 (3) The agreement shall describe the boundaries of the territory to  
8 be annexed. A public hearing shall be held by each legislative body,  
9 separately or jointly, before the agreement is executed. Each  
10 legislative body holding a public hearing shall, separately or jointly,  
11 publish the agreement at least once a week for two weeks before the  
12 date of the hearing in one or more newspapers of general circulation  
13 within the territory proposed for annexation.

14 (4) Following adoption and execution of the agreement by both  
15 legislative bodies, the city or town legislative body shall adopt an  
16 ordinance providing for the annexation. The legislative body shall  
17 cause notice of the proposed effective date of the annexation, together  
18 with a description of the property to be annexed, to be published at  
19 least once each week for two weeks subsequent to passage of the  
20 ordinance, in one or more newspapers of general circulation within the  
21 city and in one or more newspapers of general circulation within the  
22 territory to be annexed. If the annexation ordinance provides for  
23 assumption of indebtedness or adoption of a proposed zoning regulation,  
24 the notice shall include a statement of the requirements. Any area to  
25 be annexed through an ordinance adopted under this section is annexed  
26 and becomes a part of the city or town upon the date fixed in the  
27 ordinance of annexation, which date may not be less than forty-five  
28 days after adoption of the ordinance.

29 (5) The annexation ordinances provided for in RCW 35A.14.460(4) and  
30 subsection (4) of this section are subject to referendum for forty-five  
31 days after passage. Upon the filing of a timely and sufficient  
32 referendum petition with the legislative body, signed by registered  
33 voters in number equal to not less than fifteen percent of the votes  
34 cast in the last general state election in the area to be annexed, the  
35 question of annexation shall be submitted to the voters of the area in  
36 a general election if one is to be held within ninety days or at a  
37 special election called for that purpose (~~not less than forty-five~~  
38 ~~days nor more than ninety days after the filing of the referendum~~

petition)) according to RCW 29A.04.330. Notice of the election shall be given as provided in RCW 35A.14.070 and the election shall be conducted as provided in the general election law. The annexation shall be deemed approved by the voters unless a majority of the votes cast on the proposition are in opposition thereto.

After the expiration of the forty-fifth day from but excluding the date of passage of the annexation ordinance, if no timely and sufficient referendum petition has been filed, the area annexed shall become a part of the city or town upon the date fixed in the ordinance of annexation.

(6) If more than one city or town adopts interlocal agreements providing for annexation of the same unincorporated territory as provided by this section, an election shall be held in the area to be annexed pursuant to RCW 35A.14.070. In addition to the provisions of RCW 35A.14.070, the ballot shall also contain a separate proposition allowing voters to cast votes in favor of annexation to any one city or town participating in an interlocal agreement as provided by this section. If a majority of voters voting on the proposition vote against annexation, the proposition is defeated. If, however, a majority of voters voting in the election approve annexation, the area shall be annexed to the city or town receiving the highest number of votes among those cast in favor of annexation.

(7) Costs for an election required under subsection (6) of this section shall be borne by the county.

**Sec. 27.** RCW 36.24.190 and 1996 c 108 s 2 are each amended to read as follows:

In a county with a population of two hundred fifty thousand or more, the county legislative authority may, upon majority vote at an election called by the county legislative authority, adopt a system under which a medical examiner may be appointed to replace the office of the coroner. The county legislative authority must adopt a resolution or ordinance that creates the office of medical examiner at least thirty days prior to the first day of filing for the primary election for county offices. If a county adopts such a resolution or ordinance, the resolution or ordinance shall be referred to the voters for confirmation or rejection at the next date for a special election (~~that is more than forty five days from the date the resolution or~~

1 ~~ordinance was adopted~~) according to RCW 29A.04.321. If the resolution  
2 or ordinance is approved by majority vote, no election shall be held  
3 for the position of coroner and the coroner's position is abolished  
4 following the expiration of the coroner's term of office or upon  
5 vacating of the office of the coroner for any reason. The county  
6 legislative authority shall appoint a medical examiner to assume the  
7 statutory duties performed by the county coroner and the appointment  
8 shall become effective following the expiration of the coroner's term  
9 of office or upon the vacating of the office of the coroner. To be  
10 appointed as a medical examiner pursuant to this section, a person must  
11 either be: (1) Certified as a forensic pathologist by the American  
12 board of pathology; or (2) a qualified physician eligible to take the  
13 American board of pathology exam in forensic pathology within one year  
14 of being appointed. A physician specializing in pathology who is  
15 appointed to the position of medical examiner and who is not certified  
16 as a forensic pathologist must pass the pathology exam within three  
17 years of the appointment.

18 **Sec. 28.** RCW 36.93.030 and 1991 c 363 s 91 are each amended to  
19 read as follows:

20 (1) There is hereby created and established in each county with a  
21 population of two hundred ten thousand or more a board to be known and  
22 designated as a "boundary review board".

23 (2) A boundary review board may be created and established in any  
24 other county in the following manner:

25 (a) The county legislative authority may, by majority vote, adopt  
26 a resolution establishing a boundary review board; or

27 (b) A petition seeking establishment of a boundary review board  
28 signed by qualified electors residing in the county equal in number to  
29 at least five percent of the votes cast in the county at the last  
30 county general election may be filed with the county auditor.

31 Upon the filing of such a petition, the county auditor shall  
32 examine the same and certify to the sufficiency of the signatures  
33 thereon. No person may withdraw his or her name from a petition after  
34 it has been filed with the auditor. Within thirty days after the  
35 filing of such petition, the county auditor shall transmit the same to  
36 the county legislative authority, together with his or her certificate  
37 of sufficiency.



1 After receipt of a valid petition for the establishment of a  
2 boundary review board, the county legislative authority shall submit  
3 the question of whether a boundary review board should be established  
4 to the electorate at the next ~~((county))~~ primary or ~~((county))~~ general  
5 election ~~((which occurs more than forty five days from the date of~~  
6 ~~receipt of the petition))~~ according to RCW 29A.04.321. Notice of the  
7 election shall be given as provided in RCW ~~((29.27.080))~~ 29A.52.351 and  
8 shall include a clear statement of the proposal to be submitted.

9 If a majority of the persons voting on the proposition shall vote  
10 in favor of the establishment of the boundary review board, such board  
11 shall thereupon be deemed established.

12 **Sec. 29.** RCW 42.12.040 and 2003 c 238 s 4 are each amended to read  
13 as follows:

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

27 (2) If a vacancy occurs in any legislative office or in any  
28 partisan county office after the general election in a year that the  
29 position appears on the ballot and before the start of the next term,  
30 the term of the successor who is of the same party as the incumbent may  
31 commence once he or she has qualified as defined in RCW ~~((29.01.135))~~  
32 29A.04.133 and shall continue through the term for which he or she was  
33 elected.

34 **Sec. 30.** RCW 42.17.080 and 2005 c 184 s 1 are each amended to read  
35 as follows:

36 (1) On the day the treasurer is designated, each candidate or

1 political committee shall file with the commission and the county  
2 auditor or elections officer of the county in which the candidate  
3 resides, or in the case of a political committee, the county in which  
4 the treasurer resides, in addition to any statement of organization  
5 required under RCW 42.17.040 or 42.17.050, a report of all  
6 contributions received and expenditures made prior to that date, if  
7 any.

8 (2) At the following intervals each treasurer shall file with the  
9 commission and the county auditor or elections officer of the county in  
10 which the candidate resides, or in the case of a political committee,  
11 the county in which the committee maintains its office or headquarters,  
12 and if there is no office or headquarters then in the county in which  
13 the treasurer resides, a report containing the information required by  
14 RCW 42.17.090:

15 (a) On the twenty-first day and the seventh day immediately  
16 preceding the date on which the election is held; and

17 (b) On the tenth day of the first month after the election((+  
18 ~~PROVIDED, That this report shall not be required following a primary~~  
19 ~~election from:~~

20 ~~(i) A candidate whose name will appear on the subsequent general~~  
21 ~~election ballot; or~~

22 ~~(ii) Any continuing political committee)); and~~

23 (c) On the tenth day of each month in which no other reports are  
24 required to be filed under this section: PROVIDED, That such report  
25 shall only be filed if the committee has received a contribution or  
26 made an expenditure in the preceding calendar month and either the  
27 total contributions received or total expenditures made since the last  
28 such report exceed two hundred dollars.

29 When there is no outstanding debt or obligation, and the campaign  
30 fund is closed, and the campaign is concluded in all respects, and in  
31 the case of a political committee, the committee has ceased to function  
32 and has dissolved, the treasurer shall file a final report. Upon  
33 submitting a final report, the duties of the treasurer shall cease and  
34 there shall be no obligation to make any further reports.

35 The report filed twenty-one days before the election shall report  
36 all contributions received and expenditures made as of the end of the  
37 fifth business day before the date of the report. The report filed  
38 seven days before the election shall report all contributions received



1 and expenditures made as of the end of the one business day before the  
2 date of the report. Reports filed on the tenth day of the month shall  
3 report all contributions received and expenditures made from the  
4 closing date of the last report filed through the last day of the month  
5 preceding the date of the current report.

6 (3) For the period beginning the first day of the fourth month  
7 preceding the date on which the special (~~or general~~) election is  
8 held, or for the period beginning the first day of the fifth month  
9 before the date on which the general election is held, and ending on  
10 the date of that special or general election, each Monday the treasurer  
11 shall file with the commission and the appropriate county elections  
12 officer a report of each bank deposit made during the previous seven  
13 calendar days. The report shall contain the name of each person  
14 contributing the funds so deposited and the amount contributed by each  
15 person. However, contributions of no more than twenty-five dollars in  
16 the aggregate from any one person may be deposited without identifying  
17 the contributor. A copy of the report shall be retained by the  
18 treasurer for his or her records. In the event of deposits made by a  
19 deputy treasurer, the copy shall be forwarded to the treasurer for his  
20 or her records. Each report shall be certified as correct by the  
21 treasurer or deputy treasurer making the deposit.

22 (4) If a city requires that candidates or committees for city  
23 offices file reports with a city agency, the candidate or treasurer so  
24 filing need not also file the report with the county auditor or  
25 elections officer.

26 (5) The treasurer or candidate shall maintain books of account  
27 accurately reflecting all contributions and expenditures on a current  
28 basis within five business days of receipt or expenditure. During the  
29 eight days immediately preceding the date of the election the books of  
30 account shall be kept current within one business day. As specified in  
31 the committee's statement of organization filed under RCW 42.17.040,  
32 the books of account must be open for public inspection by appointment  
33 at the designated place for inspections between 8:00 a.m. and 8:00 p.m.  
34 on any day from the eighth day immediately before the election through  
35 the day immediately before the election, other than Saturday, Sunday,  
36 or a legal holiday. It is a violation of this chapter for a candidate  
37 or political committee to refuse to allow and keep an appointment for  
38 an inspection to be conducted during these authorized times and days.

1 The appointment must be allowed at an authorized time and day for such  
2 inspections that is within twenty-four hours of the time and day that  
3 is requested for the inspection.

4 (6) The treasurer or candidate shall preserve books of account,  
5 bills, receipts, and all other financial records of the campaign or  
6 political committee for not less than five calendar years following the  
7 year during which the transaction occurred.

8 (7) All reports filed pursuant to subsection (1) or (2) of this  
9 section shall be certified as correct by the candidate and the  
10 treasurer.

11 (8) Copies of all reports filed pursuant to this section shall be  
12 readily available for public inspection for at least two consecutive  
13 hours Monday through Friday, excluding legal holidays, between 8:00  
14 a.m. and 8:00 p.m., as specified in the committee's statement of  
15 organization filed pursuant to RCW 42.17.040, at the principal  
16 headquarters or, if there is no headquarters, at the address of the  
17 treasurer or such other place as may be authorized by the commission.

18 (9) After January 1, 2002, a report that is filed with the  
19 commission electronically need not also be filed with the county  
20 auditor or elections officer.

21 (10) The commission shall adopt administrative rules establishing  
22 requirements for filer participation in any system designed and  
23 implemented by the commission for the electronic filing of reports.

24 **Sec. 31.** RCW 42.17.710 and 2003 c 164 s 3 are each amended to read  
25 as follows:

26 (1) During the period beginning on the thirtieth day before the  
27 date a regular legislative session convenes and continuing (~~((thirty~~  
28 ~~days past))~~ through the date of final adjournment, and during the  
29 period beginning on the date a special legislative session convenes and  
30 continuing through the date that session adjourns, no state official or  
31 a person employed by or acting on behalf of a state official or state  
32 legislator may solicit or accept contributions to a public office fund,  
33 to a candidate or authorized committee, or to retire a campaign debt.

34 (2) This section does not apply to activities authorized in RCW  
35 43.07.370.

1        **Sec. 32.** RCW 52.02.080 and 1989 c 63 s 6 are each amended to read  
2 as follows:

3        The election on the formation of the district and to elect the  
4 initial fire commissioners shall be conducted by the election officials  
5 of the county or counties in which the proposed district is located in  
6 accordance with the general election laws of the state. This election  
7 shall be held at the next general election date(~~((, as specified under~~  
8 ~~RCW 29.13.020))~~ according to RCW 29A.04.321 and 29A.04.330, that occurs  
9 ~~((forty five or more days))~~ after the date of the action by the  
10 boundary review board, or county legislative authority or authorities,  
11 approving the proposal.

12        **Sec. 33.** RCW 52.04.056 and 1989 c 63 s 11 are each amended to read  
13 as follows:

14        (1) As provided in this section, a fire protection district may  
15 withdraw areas from its boundaries, or reannex areas into the fire  
16 protection district that previously had been withdrawn from the fire  
17 protection district under this section.

18        (2) The withdrawal of an area shall be authorized upon: (a)  
19 Adoption of a resolution by the board of fire commissioners requesting  
20 the withdrawal and finding that, in the opinion of the board, inclusion  
21 of this area within the fire protection district will result in a  
22 reduction of the district's tax levy rate under the provisions of RCW  
23 84.52.010; and (b) adoption of a resolution by the city or town council  
24 approving the withdrawal, if the area is located within the city or  
25 town, or adoption of a resolution by the county legislative authority  
26 or authorities of the county or counties within which the area is  
27 located approving the withdrawal, if the area is located outside of a  
28 city or town. A withdrawal shall be effective at the end of the day on  
29 the thirty-first day of December in the year in which the resolutions  
30 are adopted, but for purposes of establishing boundaries for property  
31 tax purposes, the boundaries shall be established immediately upon the  
32 adoption of the second resolution.

33        The authority of an area to be withdrawn from a fire protection  
34 district as provided under this section is in addition, and not  
35 subject, to the provisions of RCW 52.04.101.

36        The withdrawal of an area from the boundaries of a fire protection

1 district shall not exempt any property therein from taxation for the  
2 purpose of paying the costs of redeeming any indebtedness of the fire  
3 protection district existing at the time of the withdrawal.

4 (3) An area that has been withdrawn from the boundaries of a fire  
5 protection district under this section may be reannexed into the fire  
6 protection district upon: (a) Adoption of a resolution by the board of  
7 fire commissioners proposing the reannexation; and (b) adoption of a  
8 resolution by the city or town council approving the reannexation, if  
9 the area is located within the city or town, or adoption of a  
10 resolution by the county legislative authority or authorities of the  
11 county or counties within which the area is located approving the  
12 reannexation, if the area is located outside of a city or town. The  
13 reannexation shall be effective at the end of the day on the thirty-  
14 first day of December in the year in which the adoption of the second  
15 resolution occurs, but for purposes of establishing boundaries for  
16 property tax purposes, the boundaries shall be established immediately  
17 upon the adoption of the second resolution. Referendum action on the  
18 proposed reannexation may be taken by the voters of the area proposed  
19 to be reannexed if a petition calling for a referendum is filed with  
20 the city or town council, or county legislative authority or  
21 authorities, within a thirty-day period after the adoption of the  
22 second resolution, which petition has been signed by registered voters  
23 of the area proposed to be reannexed equal in number to ten percent of  
24 the total number of the registered voters residing in that area.

25 If a valid petition signed by the requisite number of registered  
26 voters has been so filed, the effect of the resolutions shall be held  
27 in abeyance and a ballot proposition to authorize the reannexation  
28 shall be submitted to the voters of the area at the next special  
29 election date (~~((specified in RCW 29.13.020 that occurs forty five or~~  
30 ~~more days after the petitions have been validated))~~ according to RCW  
31 29A.04.330. Approval of the ballot proposition authorizing the  
32 reannexation by a simple majority vote shall authorize the  
33 reannexation.

34 **Sec. 34.** RCW 52.04.071 and 1984 c 230 s 16 are each amended to  
35 read as follows:

36 The county legislative authority or authorities shall by resolution  
37 call a special election to be held in the city or town and in the fire

1 protection district at the next date (~~((provided in RCW 29.13.010 but~~  
 2 ~~not less than forty five days from the date of the declaration of the~~  
 3 ~~finding)) according to RCW 29A.04.321~~, and shall cause notice of the  
 4 election to be given as provided for in RCW ~~((29.27.080))~~ 29A.52.351.

5 The election on the annexation of the city or town into the fire  
 6 protection district shall be conducted by the auditor of the county or  
 7 counties in which the city or town and the fire protection district are  
 8 located in accordance with the general election laws of the state. The  
 9 results thereof shall be canvassed by the canvassing board of the  
 10 county or counties. No person is entitled to vote at the election  
 11 unless he or she is a qualified elector in the city or town or unless  
 12 he or she is a qualified elector within the boundaries of the fire  
 13 protection district. The ballot proposition shall be in substantially  
 14 the following form:

15 "Shall the city or town of . . . . . be annexed to and be a part  
 16 of . . . . . fire protection district?

17 YES . . . . .

18 NO . . . . . "

19 If a majority of the persons voting on the proposition in the city  
 20 or town and a majority of the persons voting on the proposition in the  
 21 fire protection district vote in favor thereof, the city or town shall  
 22 be annexed and shall be a part of the fire protection district.

23 **Sec. 35.** RCW 53.04.110 and 1998 c 240 s 1 are each amended to read  
 24 as follows:

25 Any port district now existing or which may hereafter be organized  
 26 under the laws of the state of Washington is hereby authorized to  
 27 change its corporate name under the following conditions and in the  
 28 following manner:

29 (1) On presentation(~~((, at least forty five days before any general~~  
 30 ~~port election to be held in the port district,))~~ of a petition to the  
 31 commissioners of any port district now existing or which may hereafter  
 32 be established under the laws of the state of Washington, signed by at  
 33 least ten percent of the total number of voters of the port district  
 34 who voted at the last general port election and asking that the  
 35 corporate name of the port district be changed, it shall be the duty of  
 36 the commissioners to submit to the voters of the port district the

1 proposition as to whether the corporate name of the port shall be  
 2 changed. The proposition shall be submitted at the next general port  
 3 election according to RCW 29A.04.330.

4 (2) The petition shall contain the present corporate name of the  
 5 port district and the corporate name which is proposed to be given to  
 6 the port district.

7 (3) On submitting the proposition to the voters of the port  
 8 district it shall be the duty of the port commissioners to cause to be  
 9 printed on the official ballot used at the election the following  
 10 proposition:

11 "Shall the corporate name, 'Port of.....' be  
 12 changed to 'Port of.....'..... YES

13 "Shall the corporate name, 'Port of.....' be  
 14 changed to 'Port of.....'.....NO"

15 (4) At the time when the returns of the general election shall be  
 16 canvassed by the commissioners of the port district, it shall be the  
 17 duty of the commissioners to canvass the vote upon the proposition so  
 18 submitted, recording in their record the result of the canvass.

19 (5) Should a majority of the registered voters of the port district  
 20 voting at the general port election vote in favor of the proposition it  
 21 shall be the duty of the port commissioners to certify the fact to the  
 22 auditor of the county in which the port district shall be situated and  
 23 to the secretary of state of the state of Washington, under the seal of  
 24 the port district. On and after the filing of the certificate with the  
 25 county auditor as aforesaid and with the secretary of state of the  
 26 state of Washington, the corporate name of the port district shall be  
 27 changed, and thenceforth the port district shall be known and  
 28 designated in accordance therewith.

29 **Sec. 36.** RCW 54.08.010 and 1985 c 469 s 55 are each amended to  
 30 read as follows:

31 At any general election held in an even-numbered year, the county  
 32 legislative authority of any county in this state may, or, on petition  
 33 of ten percent of the qualified electors of the county based on the  
 34 total vote cast in the last general county election held in an even-  
 35 numbered year, shall, by resolution, submit to the voters of the county  
 36 the proposition of creating a public utility district which shall be



coextensive with the limits of the county as now or hereafter established. A form of petition for the creation of a public utility district shall be submitted to the county auditor within ten months prior to the election at which the proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before the election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If the petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed the petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever the petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit the proposition to the voters of the county at the next general election in an even-numbered year (~~occurring forty five days after submission of the proposition to the legislative authority~~) according to RCW 29A.04.330. The notice of the election shall state the boundaries of the proposed public utility district and the object of such election, and shall in other respects conform to the requirements of the general laws of the state of Washington, governing the time and manner of holding elections. In submitting the question to the voters for their approval or rejection, the proposition shall be expressed on the ballot substantially in the following terms:

Public Utility District No. . . . . YES ☐

Public Utility District No. . . . . NO ☐

Any petition for the formation of a public utility district may describe a less area than the entire county in which the petition is filed, the boundaries of which shall follow the then existing precinct boundaries and not divide any voting precinct; and in the event that such a petition is filed the county legislative authority shall fix a date for a hearing on such petition, and shall publish the petition,

1 without the signatures thereto appended, for two weeks prior to the  
2 date of the hearing, together with a notice stating the time of the  
3 meeting when the petition will be heard. The publication, and all  
4 other publications required by chapter 1, Laws of 1931, shall be in a  
5 newspaper of general circulation in the county in which the district is  
6 situated. The hearing on the petition may be adjourned from time to  
7 time, not exceeding four weeks in all. If upon the final hearing the  
8 county legislative authority shall find that any lands have been  
9 unjustly or improperly included within the proposed public utility  
10 district and will not be benefited by inclusion therein, it shall  
11 change and fix the boundary lines in such manner as it shall deem  
12 reasonable and just and conducive to the public welfare and  
13 convenience, and make and enter an order establishing and defining the  
14 boundary lines of the proposed public utility district: PROVIDED, That  
15 no lands shall be included within the boundaries so fixed lying outside  
16 the boundaries described in the petition, except upon the written  
17 request of the owners of those lands. Thereafter the same procedure  
18 shall be followed as prescribed in this chapter for the formation of a  
19 public utility district including an entire county, except that the  
20 petition and election shall be confined solely to the lesser public  
21 utility district.

22 No public utility district created after September 1, 1979, shall  
23 include any other public utility district within its boundaries:  
24 PROVIDED, That this paragraph shall not alter, amend, or modify  
25 provisions of chapter 54.32 RCW.

26 **Sec. 37.** RCW 54.08.070 and 1979 ex.s: c 240 s 2 are each amended  
27 to read as follows:

28 Any district which does not own or operate electric facilities for  
29 the generation, transmission or distribution of electric power on March  
30 25, 1969, or any district which hereafter does not construct or acquire  
31 such electric facilities within ten years of its creation, shall not  
32 construct or acquire any such electric facilities without the approval  
33 of such proposal by the voters of such district: PROVIDED, That a  
34 district shall have the power to construct or acquire electric  
35 facilities within ten years following its creation by action of its  
36 commission without voter approval of such action.



At any general election held in an even-numbered year, the proposal to construct or acquire electric facilities may be submitted to the voters of the district by resolution of the public utility district commission or shall be submitted to the voters of the district by the county legislative authority on petition of ten percent of the qualified electors of such district, based on the total vote cast in the last general county election held in an even-numbered year. A form of petition for the construction or acquisition of electric facilities by the public utility district shall be submitted to the county auditor within ten months prior to the election at which such proposition is to be submitted to the voters. Petitions shall be filed with the county auditor not less than four months before such election and the county auditor shall within thirty days examine the signatures thereof and certify to the sufficiency or insufficiency thereof. If such petition is found to be insufficient, it shall be returned to the persons filing the same, who may amend and add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor: PROVIDED, That each signature shall be dated and that no signature dated prior to the date on which the form of petition was submitted to the county auditor shall be valid. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the county legislative authority which shall submit such proposition to the voters of said district at the next general election in an even-numbered year (~~occurring forty-five days after submission of the proposition to said legislative authority~~) according to RCW 29A.04.330. The notice of the election shall state the object of such election, and shall in other respects conform to the requirements of the general laws of Washington, governing the time and manner of holding elections.

The proposal submitted to the voters for their approval or rejection, shall be expressed on the ballot substantially in the following terms:

Shall Public Utility District No. . . . . of . . . . . County

construct or acquire electric facilities for the generation, transmission or distribution of electric power?

Yes ☐ No ☐

Within ten days after such election, the election board of the county shall canvass the returns, and if at such election a majority of the voters voting on such proposition shall vote in favor of such construction or acquisition of electric facilities, the district shall be authorized to construct or acquire electric facilities.

**Sec. 38.** RCW 57.04.050 and 1999 c 153 s 1 are each amended to read as follows:

Upon entry of the findings of the final hearing on the petition if one or more county legislative authorities find that the proposed district will be conducive to the public health, welfare, and convenience and will benefit the land therein, they shall present a resolution to the county auditor calling for a special election to be held at a date (~~(specified under RCW 29.13.020, that occurs forty five or more days after the resolution is presented)~~) according to RCW 29A.04.330, at which a ballot proposition authorizing the district to be created shall be submitted to voters for their approval or rejection. The commissioners shall cause to be published a notice of the election for four successive weeks in a newspaper of general circulation in the proposed district, which notice shall state the hours during which the polls will be open, the boundaries of the district as finally adopted and the object of the election, and the notice shall also be posted ten days in ten public places in the proposed district. The district shall be created if the ballot proposition authorizing the district to be created is approved by a majority of the voters voting on the proposition.

A separate ballot proposition authorizing the district, if created, to impose a single-year excess levy for the preliminary expenses of the district shall be submitted to voters for their approval or rejection at the same special election, if the petition to create the district also proposed that a ballot proposition authorizing an excess levy be submitted to voters for their approval or rejection. The excess levy shall be proposed in the amount specified in the petition to create the district, not to exceed one dollar and twenty-five cents per thousand dollars of assessed value, and may only be submitted to voters for

1 their approval or rejection if the special election is held in  
2 February, March, April, or May. The proposition to be effective must  
3 be approved in the manner set forth in Article VII, section 2(a) of the  
4 state Constitution.

5       **Sec. 39.** RCW 70.44.235 and 1987 c 138 s 4 are each amended to read  
6 as follows:

7       (1) As provided in this section, a public hospital district may  
8 withdraw areas from its boundaries, or reannex areas into the public  
9 hospital district that previously had been withdrawn from the public  
10 hospital district under this section.

11       (2) The withdrawal of an area shall be authorized upon: (a)  
12 Adoption of a resolution by the hospital district commissioners  
13 requesting the withdrawal and finding that, in the opinion of the  
14 commissioners, inclusion of this area within the public hospital  
15 district will result in a reduction of the district's tax levy rate  
16 under the provisions of RCW 84.52.010; and (b) adoption of a resolution  
17 by the city or town council approving the withdrawal, if the area is  
18 located within the city or town, or adoption of a resolution by the  
19 county legislative authority of the county within which the area is  
20 located approving the withdrawal, if the area is located outside of a  
21 city or town. A withdrawal shall be effective at the end of the day on  
22 the thirty-first day of December in the year in which the resolutions  
23 are adopted, but for purposes of establishing boundaries for property  
24 tax purposes, the boundaries shall be established immediately upon the  
25 adoption of the second resolution.

26       The withdrawal of an area from the boundaries of a public hospital  
27 district shall not exempt any property therein from taxation for the  
28 purpose of paying the costs of redeeming any indebtedness of the public  
29 hospital district existing at the time of the withdrawal.

30       (3) An area that has been withdrawn from the boundaries of a public  
31 hospital district under this section may be reannexed into the public  
32 hospital district upon: (a) Adoption of a resolution by the hospital  
33 district commissioners proposing the reannexation; and (b) adoption of  
34 a resolution by the city or town council approving the reannexation, if  
35 the area is located within the city or town, or adoption of a  
36 resolution by the county legislative authority of the county within  
37 which the area is located approving the reannexation, if the area is

located outside of a city or town. The reannexation shall be effective at the end of the day on the thirty-first day of December in the year in which the adoption of the second resolution occurs, but for purposes of establishing boundaries for property tax purposes, the boundaries shall be established immediately upon the adoption of the second resolution. Referendum action on the proposed reannexation may be taken by the voters of the area proposed to be reannexed if a petition calling for a referendum is filed with the city or town council, or county legislative authority, within a thirty-day period after the adoption of the second resolution, which petition has been signed by registered voters of the area proposed to be reannexed equal in number to ten percent of the total number of the registered voters residing in that area.

If a valid petition signed by the requisite number of registered voters has been so filed, the effect of the resolutions shall be held in abeyance and a ballot proposition to authorize the reannexation shall be submitted to the voters of the area at the next special election date (~~((specified in RCW 29A.04.330 that occurs forty five or more days after the petitions have been validated))~~) according to RCW 29A.04.330. Approval of the ballot proposition authorizing the reannexation by a simple majority vote shall authorize the reannexation.

NEW SECTION. Sec. 40. RCW 29A.04.158 (September primary) and 2004 c 271 s 187 are each repealed.

NEW SECTION. Sec. 41. Sections 1 through 16 and 18 through 40 of this act take effect January 1, 2007.

NEW SECTION. Sec. 42. Section 16 of this act expires July 1, 2013.

NEW SECTION. Sec. 43. Section 17 of this act takes effect July 1, 2013.

Passed by the Senate February 1, 2006.  
Passed by the House March 1, 2006.  
Approved by the Governor March 30, 2006.  
Filed in Office of Secretary of State March 30, 2006.

1 election, or special election, the county auditor shall mail ballots to  
2 all overseas and service voters. A request for a ballot made by an  
3 overseas or service voter after that day must be processed immediately.

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

7 (4) If absentee ballots will not be available or mailed as  
8 prescribed in subsection (1) of this section, the county auditor shall  
9 immediately certify to the office of the secretary of state when  
10 absentee ballots will be available and mailed. Copies of this  
11 certification must be provided to the county canvassing board, the  
12 press, jurisdictions with issues on the ballot in the election, and any  
13 candidates.

14 (5) If absentee ballots were not available or mailed as prescribed  
15 in subsection (1) of this section, for a reason other than a recount or  
16 litigation, the county auditor, in consultation with the certification  
17 and training program of the office of the secretary of state, shall  
18 submit a report to the office of the secretary of state outlining why  
19 the deadline was missed and what corrective actions will be taken in  
20 future elections to ensure that absentee ballots are available and  
21 mailed as prescribed in subsection (1) of this section.

22 (6) Failure to have absentee ballots available and mailed as  
23 prescribed in subsection (1) of this section does not by itself provide  
24 a basis for an election contest or other legal challenge to the results  
25 of a primary, general election, or special election.

26 **Sec. 14.** RCW 29A.52.011 and 2004 c 271 s 172 are each amended to  
27 read as follows:

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

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

**EXHIBIT 6**

# YES ON 872

## PROTECT OUR RIGHT TO VOTE FOR THE PERSON, NOT THE PARTY

[HOME](#) [CAMPAIGN HEADQUARTERS](#) [THE BLANKET PRIMARY](#) [PRESS ROOM](#) [F.A.Q.](#) [CONTACT](#)

### NEWS RELEASE

April 1, 2004

*For immediate release*

## GRANGE LAUNCHES "PEOPLE'S CHOICE" INITIATIVE CAMPAIGN IN RESPONSE TO GOVERNOR'S VETO

The Washington State Grange announced today that it is now collecting signatures for I-872 (the "People's Choice" initiative) to run on the November ballot.

The initiative will institute a "modified" blanket primary system (also known as a qualifying primary) in which voters will not be restricted to choosing among the candidates of only one party in a primary election. Voters will also not be required to declare party affiliation when registering.

The initiative would implement a "top-two" system in which the two top vote-getters in a primary election advance to the general election, regardless of party.

"Our initiative will put a system in place which looks almost identical to the blanket primary system we've been using for nearly 70 years," said Grange President Terry Hunt. "The only difference is that this system will satisfy the constitutional requirements set forth by the courts."

The campaign was launched in response to Gov. Locke's partial veto of Engrossed Senate Bill 6453, which was passed by the legislature last month. The bill would have put a top-two system in place, which would then revert to a Montana-style system in the event that legal challenges by the political parties resulted in a successful ruling.

However, the Gov. Locke vetoed the "top-two" system out of the bill, leaving only the Montana-style system in its place. Under this system, voters are required to choose a ballot from only one party at a primary election.

"The Governor defied the will of the voters, and he defied the will of the legislators elected to represent those voters," said Hunt. "By changing the intent of the bill, he will have to face not only our initiative campaign, but a law suit by the Grange as well. He simply can't veto the qualifying primary out of a bill that is titled 'Enacting a Qualifying Primary.'"

####

*For more information, contact David Burr, Communications Director, (360) 943-9911.*

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Sponsored by the [Washington State Grange](#)

**EXHIBIT 7**



**John White**

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**From:** Blinn, Katie [kblinn@secstate.wa.gov]  
**Sent:** Wednesday, April 16, 2008 10:48 AM  
**To:** John White  
**Subject:** FW: Draft Rules on Top Two Primary  
**Attachments:** Summary 4-16-08.pdf; Top Two draft rules 4-16-08.pdf; Draft Declaration of Candidacy.pdf; PCO Declaration of Candidacy.pdf

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**From:** Blinn, Katie  
**Sent:** Wednesday, April 16, 2008 10:41 AM  
**To:** Allen Hayward; Barbara Seitle; Benjamin Lawver; Christine Mrak; Cindy Calderon (calderon.cindy@leg.wa.gov); Colleen Kerr; David Anderson; David Jamieson; David Lord; David T. McDonald; Deb Eddy; Debra Gurtler; Dwight Pelz; Evelyn Spenser; Even, Jeff; Evergreen Freedom Foundation; Heather Lewis-Lechner; James Johann; Jami Lund (Lund.Jami@leg.wa.gov); Jason Osgood; Jennifer Shaw; John J. White Jr.; Keith Buchholz; Kelly Haughton; Larry Helm; Linda Herod; M. Slater; Marian Beddill; Marsha Reilly; Michelle Stender; Permanent Offense; Rachael Meyers; Rebecca Engrav; Richard Shepard; Ryan McBrayer; Sally Andrews; Scott Dahlman; Sharon Swanson (Swanson.Sharon@leg.wa.gov); Tim Borders; Tim Eyman; Tim White; Tracey Taylor; Washington State Republican Party; Don Whiting (whitingdon@comcast.net); Fraser, Kristen; Kate Riley (kriley@seattletimes.com); Marnie Hart (MarnieH@ATG.WA.GOV); Pharris, James; Sharon Gilpin (sharon@soundds1.com); Steve Jones (jones.steve@leg.wa.gov); Tom Ahearne (ahearne@foster.com)  
**Cc:** Deutsch, Joanie; Heffernan, Trova  
**Subject:** Draft Rules on Top Two Primary

The Office of the Secretary of State is circulating a draft of the administrative rules to implement I-872, the Top Two Primary. Attached, please find:

1. A Summary of the Draft Rules
2. The Draft Rules
3. The Declaration of Candidacy for Public Office
4. The Declaration of Candidacy for PCO

You can also find these documents posted on our website at: <http://www.secstate.wa.gov/elections/rulemaking.aspx>

Comments on the draft rules may be submitted by email to [kblinn@secstate.wa.gov](mailto:kblinn@secstate.wa.gov) by close of business on Tuesday, April 22, 2008.

These rules do not address the election of Precinct Committee Officer because that position is not subject to I-872.

Thank you and have a good day.

Katie Blinn  
Assistant Director of Elections  
Office of the Secretary of State  
[kblinn@secstate.wa.gov](mailto:kblinn@secstate.wa.gov)  
(360) 902-4168



*Washington*  
**Secretary of State**  
SAM REED

ELECTIONS DIVISION  
520 Union Avenue SE- PO Box 40229  
Olympia, WA 98504-0229  
Tel: 360.902.4180  
Fax 360.664.4619  
[www.secstate.wa.gov/elections](http://www.secstate.wa.gov/elections)

**Top Two Primary (Initiative 872)  
DRAFT Rules**

**Candidate Filing:**

- Initiative 872 changes the primary election for partisan congressional, state, and county office.
- Each candidate for partisan office may state a political party that he or she prefers.
- A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.
- A candidate states his or her party preference on the Declaration of Candidacy.
  - Each candidate is allowed up to 16 characters for the name of the political party.
  - A candidate may also choose to not state a preference for a political party.
- A candidate is not required to obtain approval from a party in order to state a preference for that party.
- Political parties can no longer fill a vacancy on the major party ticket because there is no "party ticket."
  - Only if no candidate files is there a void in candidacy, in which case a special filing period is opened.
- The filing process is the same for *all* candidates; the convention and petition requirements now only apply to minor party and independent candidates for President.

**Primary Election Ballot:**

- If a candidate states a preference for a political party on the declaration of candidacy, it will be listed on the ballot as:  
**JOHN SMITH**  
**(Prefers Example Party)**
- If a candidate does not state a preference, the following will be listed on the ballot:  
**JOHN SMITH**  
**(States No Party Preference)**
- Each ballot that includes a partisan race must include the following notice in bold:  
**Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate.**
- A similar notice will also be provided as an insert with absentee ballots, and on a sign in poll sites.
- A candidate's preference will be printed the same on both the Primary and General Election ballots.

- Political parties are free to nominate or endorse candidates by whatever mechanism they choose.
  - The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.
  - Candidates may mention nominations and endorsements in their voters' pamphlet statement.
- For the Primary, the order in which the candidates in each race appear is determined by lot draw.
- Even if only one or two candidates file, the office will still appear in the Primary.

**Voters:**

- Voters are not required to affiliate with a political party in order to vote in the Primary.
- For each race, voters may vote for any candidate listed on the ballot.
- Voters in the Primary are voting for candidates, not choosing a political party's nominees.
- The purpose of the Primary is to winnow the number of candidates to two for the General Election.

**General Election Ballot**

- The two candidates who receive the most votes advance to the General Election ballot.
  - Candidates must also receive at least 1% of all votes cast for that office.
- A candidate's preference does not affect whether the candidate qualifies for the General Election.
- In each race on the General Election ballot, the candidate who received the most votes in the Primary is listed first and the candidate who received the second most votes in the Primary is listed second.
- The party preference information printed on the Primary Election ballot is printed the same on the General Election ballot.
- Candidates for President and vice President are listed on the General Election ballot as:  
**JOHN SMITH/JANE DOE**  
**Example Party nominees**

**EXHIBIT 8**

John White

---

**From:** Blinn, Katie [kblinn@secstate.wa.gov]  
**Sent:** Tuesday, March 18, 2008 8:25 AM  
**To:** Heffernan, Trova  
**Subject:** RE: WE WON!

Trova,  
I am at the 520 Bldg. in case you need anything.  
Katie

---

**From:** Heffernan, Trova  
**Sent:** Tuesday, March 18, 2008 8:21 AM  
**To:** Deutsch, Joanie; Even, Jeff; Reed, Sam (Office); 'McKenna, Rob (ATG)'; Handy, Nick; Blinn, Katie; Hamlin, Shane; 'Guthrie, Janelle (ATG)'; 'Collins, Bill (ATG)'; Pharris, James  
**Subject:** RE: WE WON!

All — I have a draft release you have reviewed before — I will resend shortly.

Joanie — let's follow up offline — but we need to get sam to one of the tv stations so he can make the feed.

Trova Heffernan  
Communications Director  
Washington Secretary of State Sam Reed  
Tel: (360) 902-4140  
Mobile: (360) 791-7303  
Visit us online at [www.secstate.wa.gov](http://www.secstate.wa.gov) and [www.myspace.com/secstatewa](http://www.myspace.com/secstatewa)

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**From:** Deutsch, Joanie  
**Sent:** Tuesday, March 18, 2008 8:18 AM  
**To:** Heffernan, Trova; Even, Jeff; Reed, Sam (Office); McKenna, Rob (ATG); Handy, Nick; Blinn, Katie; Hamlin, Shane; Guthrie, Janelle (ATG); Collins, Bill (ATG); Pharris, James  
**Subject:** RE: WE WON!

Sam and I are trying to rearrange our times here in Yakima to do interviews.

So far Sam has already done AP, KOMO Radio, KIRO Radio, and he will be doing NWCN at 9:20am live.

**Joanie P. Deutsch**  
Assistant Communications Director  
Office of the Secretary of State  
[jdeutsch@secstate.wa.gov](mailto:jdeutsch@secstate.wa.gov)  
Tel: (360) 902-4173  
Cell: (360) 791-4239  
[www.secstate.wa.gov](http://www.secstate.wa.gov)

---

**From:** Heffernan, Trova  
**Sent:** Tue 3/18/2008 8:17 AM  
**To:** Even, Jeff; Reed, Sam (Office); McKenna, Rob (ATG); Handy, Nick; Blinn, Katie; Hamlin, Shane; Deutsch, Joanie; Guthrie,

12/2/2008

Janelle (ATG); Collins, Bill (ATG); Pharris, James

**Subject:** RE: WE WON!

Congratulations, Team. This is an historic day. What service to the voters of Washington.

Trova Heffernan

Communications Director

Washington Secretary of State Sam Reed

Tel: (360) 902-4140

Mobile: (360) 791-7303

Visit us online at [www.secstate.wa.gov](http://www.secstate.wa.gov) and [www.myspace.com/secstatewa](http://www.myspace.com/secstatewa)

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**From:** Even, Jeff (ATG) [mailto:JeffE@ATG.WA.GOV]

**Sent:** Tuesday, March 18, 2008 7:21 AM

**To:** Reed, Sam (Office); McKenna, Rob (ATG); Handy, Nick; Blinn, Katie; Hamlin, Shane; Heffernan, Trova; Deutsch, Joanie; Guthrie, Janelle (ATG); Collins, Bill (ATG); Pharris, James

**Subject:** WE WON!

**Importance:** High

Folks, the opinion is down, and can be found here. Bottom line: We won. The court reversed the Ninth Circuit and ruled that I-872 can only be challenged in an as-applied challenge.

<http://www.scotusblog.com/wp/wp-content/uploads/2008/03/06-713.pdf>

I haven't yet read it all, only Justice Thomas' opening, but it looks like we get to run the I-872 primary and then fight about again based on actual facts of what occurs during that election. So we're not done, but we get to actually run it and see what happens.