

CHAPTER 361

[Reengrossed Substitute Senate Bill No. 2034]

ELECTIONS

AN ACT Relating to elections; amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120; amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060; amending section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180; amending section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; amending section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030; amending section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060; amending section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170; amending section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020; amending section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030; amending section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100; amending section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; amending section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020; amending section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010; amending section 29.82.090,

chapter 9, Laws of 1965 and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100; amending section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 29.48 RCW; adding new sections to chapter 29.54 RCW; adding a new chapter to Title 29 RCW; repealing section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; repealing section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020; repealing section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; repealing section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; repealing section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060; repealing section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; repealing section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; repealing section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; repealing section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; repealing section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; repealing section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; repealing section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100; repealing section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; repealing section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; repealing section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; repealing section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; repealing section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; repealing section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; repealing section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; repealing section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; repealing section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; repealing section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; repealing section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; repealing section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; repealing section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; repealing section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; repealing section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040; repealing section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050; repealing section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; repealing section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110; repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130; repealing section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010; repealing section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020; repealing section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030; repealing section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040; repealing section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050; repealing section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060; repealing section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and

RCW 29.72.070; repealing section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080; repealing section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910; repealing section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; repealing section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150; providing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Section 1. There is added to chapter 29.01 RCW a new section to read as follows:

As used in this title:

- (1) "Ballot" shall mean a paper ballot, a voting machine diagram, a ballot label, a ballot book, a ballot page, or any combination thereof as the context may imply;
- (2) "Paper ballot" shall mean a piece of paper whereon the candidates and measures to be voted upon for a particular election or a primary appear and upon which a voter may directly indicate a vote for any candidate or for or against any measure;
- (3) "Voting machine diagram" means an illustration of a voting machine complete with ballot labels prepared for a particular election or a primary;
- (4) "Ballot card" means any type of tabulating card or cards or ballots of any size upon which the voter records his vote and shall also include either a security flap or an envelope issued to each voter at ballot card precincts for the voter to conceal his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;
- (5) "Ballot label" means the card or paper containing the names of offices and candidates and the statements of measures to be voted upon;
- (6) "Ballot page" means the pages on the vote recorder used to display the printed ballot titles and the names of candidates together with properly aligned numbers of response positions;
- (7) "Chad" means the piece [piece] of material which is removed or partially removed when punching a hole or notch in a prescored ballot card.

Sec. 2. Section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be his duty to provide places for holding such primaries and elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books, or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such primaries and elections in the manner provided by law((:)); PROVIDED, That notice of a general election held in an even-numbered year shall indicate that the office of precinct committeeman will be on the ballot; and to apportion to each city, town, or district, its share of the expense of such primaries and elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and

certifications by local officers) as provided and required by the laws governing such elections.

Sec. 3. Section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
- (3) The name of any person has been or is about to be wrongfully placed upon the ballots; or
- (4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or
- (5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or
- (6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 4. Section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040 are each amended to read as follows:

- (1) No paper ballot precinct shall contain more than three hundred voters. ~~((If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the county legislative authority if it is any other precinct.))~~ The ~~((city council of the first class city or the))~~ county legislative authority ~~((as the case may be, shall))~~ may divide, alter, or combine precincts so that, whenever practicable ~~((such)),~~ over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of

applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the ~~((clerk))~~ auditor shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

Sec. 100. Section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060 are each amended to read as follows:

The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: PROVIDED, That the charges per precinct so fixed shall not be more than ~~((five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot))~~ the actual cost.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant unless the costs of the recount were higher than the deposit, in which case the applicant shall be required to pay the difference: PROVIDED, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Sec. 101. Section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be ~~((exercised in the county, district or precinct of his residence,))~~ issued a certificate of election for any of the following causes:

- (1) For misconduct on the part of any member of any precinct election board involved therein;
- (2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;
- (3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;
- (4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector(;) or judge ((or clerk)) of election for the purpose of procuring his election, or offered to do so;
- (5) On account of illegal votes.

All election contests shall proceed under RCW 29.04.030, as now or hereafter amended.

Sec. 102. Section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020 are each amended to read as follows:

~~((To commence an election contest, the contestant must file with the clerk of the superior court of his residence a verified written statement of contest within ten days after the person whose right is being contested has been declared elected, setting forth))~~ An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and shall set forth specifically:

- (1) The name of the contestant and that he is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;
- (2) The name of the person whose right is being contested;
- (3) The office;
- (4) The particular causes of the contest.

No statement of contest shall be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty ((to advise the defendant of the particular proceedings or cause for which such election is contested)). The person charged with the error or omission shall be given the opportunity to call any witness, including the candidate to whom he has issued or intends to issue the certificate of election.

Sec. 103. Section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040 are each amended to read as follows:

Upon such ~~((statement))~~ affidavit being filed, it shall be the duty of the clerk to inform the judge of the ~~((superior))~~ appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: PROVIDED, That if no session be called for the purpose, such contest shall be determined at the first regular session of court after such statement is filed.

The clerk of the court shall also at the time issue a citation for the person ~~((whose right to the office is contested))~~ charged with the error or omission, to appear at the time and place specified in the notice, which citation shall be delivered to the sheriff ~~((or constable;))~~ and be served upon the party in person; or if he cannot be found, by leaving a copy thereof at the house where he last resided.

reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, thirty-one thousand dollars; state treasurer, thirty-seven thousand two hundred dollars; state auditor, thirty-seven thousand two hundred dollars; attorney general, forty-seven thousand one hundred dollars; superintendent of public instruction, forty-two thousand eight hundred dollars; commissioner of public lands, forty-two thousand eight hundred dollars; state insurance commissioner, thirty-seven thousand two hundred dollars. Members of the legislature shall receive for their service eleven thousand two hundred dollars per annum, effective January 1, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 1, 1983, and thirteen thousand seven hundred fifty dollars effective January 1, 1984; and in addition, ((ten cents per mile)) reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.

NEW SECTION, Sec. 4. Section 3, chapter 312, Laws of 1977 ex. sess. and RCW 43.03.063 are each repealed.

Passed the House May 6, 1983.

Passed the Senate May 4, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

CHAPTER 30

[Substitute Senate Bill No. 3520]

VOTER REGISTRATION—CHALLENGES

AN ACT Relating to elections; amending section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130; amending section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140; amending section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010; adding new sections to chapter 29.10 RCW; repealing section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010; repealing section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020; repealing section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030; repealing section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and repealing section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION, Sec. 1. There is added to chapter 29.10 RCW a new section to read as follows:

Challenges of voter registration filed within thirty days of any primary or election, general or special, shall be administered wholly under sections 2 and 3 of this act.

NEW SECTION, Sec. 2. There is added to chapter 29.10 RCW a new section to read as follows:

Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special, but a person's right to vote may be challenged at the polls by a precinct election officer and he or she may be required then and there to establish his or her right to vote. Each precinct election officer shall challenge a person offering to vote when the officer knows or suspects the person to be unqualified as a voter.

Challenges may be initiated by a registered voter subject to the following conditions:

(1) Challenges on grounds other than residence may be made at the polls and the person challenged may be required then and there to establish his or her right to vote to the precinct election officers;

(2) Challenges on the grounds of residence alone must be filed not later than seven days before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor.

NEW SECTION, Sec. 3. There is added to chapter 29.10 RCW a new section to read as follows:

When the right of a person has been challenged under section 2 of this act, the officers conducting the election at the polling place shall require the challenged person to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under section 2 of this act shall be furnished with a paper ballot, which shall be placed in a sealed envelope after being marked. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony and evidence to the canvassing board before making their determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29.36.100.

Sec. 4. Section 2, chapter 156, Laws of 1965 ex. sess. as amended by section 2, chapter 225, Laws of 1967 and RCW 29.10.130 are each amended to read as follows:

Any ((precinct committeeman, precinct election officer or registration officer)) registered voter may ((sign a preliminary)) request that the registration of another voter be canceled if that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The

challenger shall sign a form, subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside (and maintain his abode) at the address as given on his or her registration record and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. ~~That (1) a precinct committeeman or precinct election officer may only challenge the residence of a voter registered in the precinct wherein such precinct committeeman or precinct election officer serves and (2)).~~ The person filing (such) the challenge must furnish the address at which the challenged voter actually resides in order to assure that proper notice will be received by the challenged voter.

Sec. 5. Section 3, chapter 156, Laws of 1965 ex. sess. as last amended by section 34, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.140 are each amended to read as follows:

All (such signed forms) challenges of voter registration under RCW 29.10.130 shall be delivered to the appropriate county auditor who shall ~~(cancel the registration records of the voters concerned on the thirtieth day following date of mailing or as soon thereafter as is practicable. PROVIDED, That)~~ send, by certified mail, a notice of intent to cancel the registration on account of a (claimed change) challenge of residence (shall be mailed by certified mail) to that address at which the challenged voter (actually resides in order to assure that proper notice will be received by the challenged voter) is alleged to reside.

Any voter (:) whose registration has been so (questioned,) challenged and who believes that the allegation is not true (:) shall, within twenty days of such mailing (or publication), file a written (protest) response with the county auditor. The county auditor shall immediately (notify) request, by certified mail, the challenger and the challenged voter to appear at a meeting to be held within ten days of the mailing of the request at a place, day, and hour (certain) to be stated in the (notice) request, for determination of the validity of such registration. ~~(- PROVIDED, That she may file a reply by means of an affidavit stating (therein) under oath the reasons he or she believes (hrs) the registration to be valid, and (should) if the challenger ((be)) is unable to appear in person he or she may file a statement by means of affidavit stating the reasons he or she believes the registration to be invalid.~~

~~((The hearing shall take place at the time and place designated by the county auditor in the event)).~~ If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of (such) the affidavits by the county auditor (shall) constitute a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties shall present their facts and arguments. After reviewing the facts and arguments,

the county auditor shall rule as to the validity or invalidity of the challenge. His or her ruling (shall be) is final subject only to a petition for judicial review by the superior court under ~~((the provisions of))~~ chapter 34.04 RCW ~~((as it is now or hereafter amended)).~~ If the challenger fails to appear at the meeting or fails to file an affidavit, the registration in question may remain in full effect as determined by the county auditor. If the challenged voter fails to appear at the meeting or fails to file an affidavit, then the registration shall be canceled and the voter so notified.

Sec. 6. Section 29.65.010, chapter 9, Laws of 1965 as amended by section 101, chapter 361, Laws of 1977 ex. sess. and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

- (1) For (misconduct) misconduct on the part of any member of any precinct election board involved therein;
- (2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;
- (3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

- (a) Illegal votes include but are not limited to the following:
 - (i) More than one vote cast by a single voter;
 - (ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to sections 2 and 3 of this act.

All election contests shall proceed under RCW 29.04.030 (as now or hereafter amended).

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

- (1) Section 29.59.010, chapter 9, Laws of 1965, section 1, chapter 225, Laws of 1967 and RCW 29.59.010;
- (2) Section 29.59.020, chapter 9, Laws of 1965 and RCW 29.59.020;
- (3) Section 29.59.030, chapter 9, Laws of 1965 and RCW 29.59.030;
- (4) Section 29.59.040, chapter 9, Laws of 1965, section 29, chapter 109, Laws of 1967 ex. sess. and RCW 29.59.040; and

(5) Section 29.59.060, chapter 9, Laws of 1965 and RCW 29.59.060. Passed the Senate April 25, 1983. Passed the House May 7, 1983. Approved by the Governor May 14, 1983. Filed in Office of Secretary of State May 14, 1983.

CHAPTER 31

[Engrossed Substitute Senate Bill No. 3628]

HOOD CANAL SHRIMP LICENSE—COMMERCIAL CLAM DIGGER'S LICENSE
AN ACT relating to shellfish; amending section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285; adding a new section to chapter 75.25, RCW; adding a new section to chapter 75.28 RCW; prescribing penalties; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION, Sec. 1. There is added to chapter 75.25 RCW a new section to read as follows:

(1) A Hood Canal shrimp license is required to take or possess shrimp taken for personal use from that portion of Hood Canal lying south of the Hood Canal floating bridge.

(2) The annual fees for Hood Canal shrimp licenses are:

(a) For a resident license, five dollars, except that a person seventy years of age or older may pay a one-time fee of five dollars;

(b) For a nonresident license, fifteen dollars.

(3) Hood Canal shrimp licenses shall be issued only under authority of the director. The director may authorize license dealers to issue the licenses and collect the license fees. In addition to the license fee, license dealers may charge a dealer's fee of fifty cents. The dealer's fee may be retained by the license dealer.

(4) The director shall adopt rules for the issuance of Hood Canal shrimp licenses and for the collection, payment, and handling of license fees and dealer's fees.

(5) Notwithstanding RCW 75.04.090, for the purposes of this section, "resident" means a person who for at least ninety days immediately preceding application for a license has maintained a permanent place of abode within this state and has established by formal evidence an intent to continue residence within this state. All other persons are nonresidents.

(6) Hood Canal shrimp licenses are not transferable.

(7) Upon request of a fisheries patrol officer or ex officio fisheries patrol officer, a person taking or possessing shrimp for personal use in that portion of Hood Canal south of the Hood Canal floating bridge shall exhibit the

required license and write his or her signature for comparison with the signature on the license. Failure to comply with the request is prima facie evidence that the person does not have a license or is not the person named on the license.

(8) A person who violates a provision of this section or who knowingly falsifies information required for the issuance of a Hood Canal shrimp license is guilty of a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW.

NEW SECTION, Sec. 2. There is added to chapter 75.28 RCW a new section to read as follows:

(1) In addition to a shellfish pot license, a Hood Canal shrimp endorsement is required to take shrimp commercially in that portion of Hood Canal lying south of the Hood Canal floating bridge. The annual endorsement fee is one hundred sixty-five dollars for a resident and three hundred forty dollars for a nonresident.

(2) Not more than fifty shrimp pots may be used while commercially fishing for shrimp in that portion of Hood Canal lying south of the Hood Canal floating bridge.

Sec. 3. Section 75.28.285, chapter 12, Laws of 1955 as amended by section 1, chapter 27, Laws of 1965 ex. sess. and RCW 75.28.285 are each amended to read as follows:

A clam digger's license shall be required of any person digging claims for commercial purposes from the waters or beaches of this state, and the annual fee for such license shall be ~~((five))~~ fifty dollars ~~((per season, as determined by the director of fisheries))~~ for residents and one hundred dollars for nonresidents, for razor clams: **PROVIDED**, That such license shall not be required for licensed clam farmers or their agents or employees who dig only on licensed clam farms.

It shall be unlawful for any person to dig hard shell clams for commercial purposes from the waters or beaches of this state: **PROVIDED**, That it shall be lawful to dig hard shell clams for commercial purposes on licensed clam farms.

NEW SECTION, Sec. 4. This act shall take effect January 1, 1984.

Passed the Senate May 9, 1983.

Passed the House May 6, 1983.

Approved by the Governor May 14, 1983.

Filed in Office of Secretary of State May 14, 1983.

(2) At each polling location, at least one voting unit certified by the secretary of state shall provide access to individuals who are blind or visually impaired.

(3) Compliance with this provision in regard to voting technology and systems purchased prior to the effective date of this section shall be achieved at the time of procurement of an upgrade of technology compatible with nonvisual voting methods or replacement of existing voting equipment or systems.

(4) Compliance with subsections (2) and (3) of this section is contingent on available funds to implement this provision.

(5) For purposes of this section, the following definitions apply:

(a) "Accessible" includes receiving, using, selecting, and manipulating voter data and controls.

(b) "Nonvisual" includes synthesized speech, Braille, and other output methods.

(c) "Blind and visually impaired" excludes persons who are both deaf and blind.

(6) This section does not apply to voting by absentee ballot.

Passed by the House March 11, 2003.

Passed by the Senate April 15, 2003.

Approved by the Governor May 7, 2003.

Filed in Office of Secretary of State May 7, 2003.

CHAPTER 111

[Substitute Senate Bill 5221]

ELECTIONS—TITLE REORGANIZATION

AN ACT Relating to reorganization of statutes on elections; amending RCW 29.01.006, 29.01.008, 29.01.043, 29.01.045, 29.01.055, 29.01.090, 29.01.110, 29.01.120, 29.01.137, 29.01.140, 29.01.170, 29.01.180, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.048, 29.60.010, 29.60.040, 29.60.050, 29.98.020, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.08.010, 29.07.010, 29.07.110, 29.07.220, 29.10.081, 29.07.092, 29.07.152, 29.07.030, 29.07.070, 29.07.080, 29.07.090, 29.08.080, 29.07.025, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.051, 29.10.090, 29.10.100, 29.10.185, 29.10.220, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.160, 29.10.127, 29.10.150, 29.33.081, 29.33.330, 29.33.350, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.48.005, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.040, 29.24.070, 29.15.010, 29.15.090, 29.15.030, 29.15.060, 29.15.220, 29.15.190, 29.04.180, 29.18.150, 29.18.160, 29.68.080, 29.68.100, 29.68.130, 29.04.035, 29.27.076, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.040, 29.30.005, 29.30.081, 29.36.220, 29.36.250, 29.36.260, 29.36.360, 29.51.125, 29.51.185, 29.48.035, 29.51.050, 29.51.060, 29.51.100, 29.51.200, 29.54.018, 29.54.010, 29.54.015, 29.45.010, 29.45.020, 29.45.030, 29.45.050, 29.45.070, 29.45.120, 29.38.040, 29.38.060, 29.21.410, 29.27.030, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.82.010, 29.82.021, 29.82.025, 29.82.030, 29.82.040, 29.82.080, 29.82.110, 29.82.120, 29.82.140, 29.71.010, 29.71.030, 29.71.040, 29.71.050, 29.74.010, 29.74.030, 29.74.060, 29.74.070, 29.74.100, 29.74.110, 29.74.130, 29.13.040, 29.54.075, 29.54.085, 29.62.030, 29.62.020, 29.54.025, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.090, 29.65.010, 29.65.020, 29.65.040, 29.65.060, 29.65.080, 29.65.090, 29.65.100, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.150, 29.79.160, 29.79.170, 29.79.230, 29.79.300, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.110, 29.15.100, 29.51.030, 29.85.110, 29.85.260, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, 29.85.110, 29.85.260, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.91.020, 29.91.060, and 43.07.310; reenacting RCW 29.01.005, 29.01.042, 29.01.047, 29.01.050, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.100, 29.01.113, 29.01.117, 29.01.119, 29.01.130, 29.01.135, 29.01.136, 29.01.155, 29.01.160, 29.01.200, 29.04.025, 29.04.091, 29.13.047, 29.60.030, 29.60.060,

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 29.07.230, 29.07.140, 29.08.040, 29.07.430, 29.07.440, 29.10.170, 29.10.097, 29.10.110, 29.10.180,
 29.10.015, 29.10.071, 29.10.075, 29.10.200, 29.10.210, 29.04.150, 29.04.240, 29.10.125, 29.10.130,
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 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.030, 29.91.040, 29.91.050, 29.13.023, and
 29.13.024; adding new sections to chapter 35.22 RCW; adding a new title to the Revised Code of
 Washington to be codified as Title 29A RCW; creating new sections; recodifying RCW 29.01.005,
 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060,
 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113, 29.01.117,
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 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.36.360, 29.51.010, 29.51.125, 29.51.180, 29.51.190,
 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.51.185, 29.48.030, 29.07.170, 29.48.035, 29.57.130,
 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.050, 29.51.060, 29.51.100, 29.51.070,
 29.51.200, 29.54.018, 29.51.250, 29.54.010, 29.54.015, 29.07.180, 29.48.080, 29.48.045, 29.54.093,

29.51.115, 29.51.155, 29.45.010, 29.45.020, 29.45.030, 29.45.040, 29.45.050, 29.45.060, 29.45.065, 29.45.070, 29.45.080, 29.45.090, 29.45.100, 29.45.110, 29.45.120, 29.38.010, 29.38.020, 29.38.030, 29.38.040, 29.38.050, 29.38.060, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.410, 29.27.030, 29.27.050, 29.27.072, 29.27.074, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.010, 29.82.015, 29.82.021, 29.82.023, 29.82.025, 29.82.030, 29.82.040, 29.82.060, 29.82.080, 29.82.090, 29.82.100, 29.82.105, 29.82.110, 29.82.120, 29.82.130, 29.82.140, 29.82.160, 29.71.010, 29.71.020, 29.71.030, 29.71.040, 29.71.050, 29.27.140, 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050, 29.74.060, 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120, 29.74.130, 29.74.140, 29.74.150, 29.13.040, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020, 29.54.025, 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.64.090, 29.04.030, 29.65.010, 29.65.020, 29.65.040, 29.65.050, 29.65.055, 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100, 29.65.120, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150, 29.79.160, 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.230, 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100, 29.15.026, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.040, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110, 29.79.500, 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030, 29.51.221, 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.020, 29.91.030, 29.91.040, 29.91.050, 29.91.060, 29.13.023, and 29.13.024; repealing RCW 9.81.100, 29.01.010, 29.01.020, 29.01.030, 29.01.040, 29.01.087, 29.01.150, 29.04.210, 29.04.235, 29.07.100, 29.07.115, 29.07.120, 29.07.240, 29.07.280, 29.07.290, 29.07.300, 29.07.310, 29.07.320, 29.07.420, 29.07.450, 29.08.020, 29.08.050, 29.08.070, 29.08.090, 29.08.900, 29.13.021, 29.13.060, 29.15.046, 29.15.240, 29.15.800, 29.19.900, 29.36.900, 29.51.173, 29.57.170, 29.62.010, 29.62.015, 29.64.070, 29.64.900, 29.68.015, 29.68.016, 29.68.120, 29.74.090, 29.79.250, 29.81.270, 29.81.320, 29.81A.900, 29.81A.901, 29.91.900, 29.91.901, 29.98.050, and 43.01.015; prescribing penalties; providing an effective date; and providing an expiration date.

Be it enacted by the Legislature of the State of Washington:

PART 1 GENERAL PROVISIONS

Subpart 1.1 Definitions

Sec. 101. RCW 29.01.005 and 1965 c 9 s 29.01.005 are each reenacted to read as follows:

SCOPE OF DEFINITIONS. Words and phrases as defined in this chapter, wherever used in Title 29 RCW, shall have the meaning as in this chapter ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part.

Sec. 102. RCW 29.01.006 and 1994 c 57 s 2 are each amended to read as follows:

BALLOT AND RELATED TERMS. As used in this title:

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

- (a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;
- (b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

manner provided by RCW 29.64.030 and 29.64.040, and the cost of such recount will be at state expense.

Sec. 1610. RCW 29.64.090 and 1977 ex.s. c 144 s 5 are each amended to read as follows:

STATEWIDE MEASURES—MANDATORY RECOUNT—FUNDS FOR ADDITIONAL EXPENSES. Each county auditor shall file with the secretary of state a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29.64.080. The secretary of state shall include in his or her biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.

PART 17 CONTESTING AN ELECTION

Sec. 1701. RCW 29.04.030 and 1977 ex.s. c 361 s 3 are each reenacted to read as follows:

PREVENTION AND CORRECTION OF ELECTION FRAUDS AND ERRORS. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector

Sec. 1605. RCW 29.64.035 and 2001 c 225 s 7 are each reenacted to read as follows:

PARTIAL RECOUNT REQUIRING COMPLETE RECOUNT. When a partial recount of votes cast for an office or issue changes the result of the election, the canvassing board or the secretary of state, if the office or issue is being recounted at his or her direction, shall order a complete recount of all ballots cast for the office or issue for the jurisdiction in question.

This recount will be conducted in a manner consistent with RCW 29.64.015.

Sec. 1606. RCW 29.64.040 and 2001 c 225 s 8 are each reenacted to read as follows:

AMENDED ABSTRACTS. Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.

If the nomination, election, or issue for which the recount was conducted was submitted only to the voters of a county, the canvassing board shall file the amended abstract with the original results of that election or primary.

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 1607. RCW 29.64.051 and 2001 c 225 s 9 are each reenacted to read as follows:

LIMITATION ON RECOUNTS. After the original count, canvass, and certification of results, the votes cast in any single precinct may not be recounted and the results recertified more than twice.

Sec. 1608. RCW 29.64.060 and 2001 c 225 s 10 are each reenacted to read as follows:

EXPENSES OF RECOUNT—CHARGES. The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

Sec. 1609. RCW 29.64.080 and 2001 c 225 s 11 are each reenacted to read as follows:

STATEWIDE MEASURES—MANDATORY RECOUNT—COST AT STATE EXPENSE. When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a statewide measure and the number of votes cast for the rejection of such measure is less than two thousand votes and also less than one-half of one percent of the total number of votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the

under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 1702. RCW 29.65.010 and 1983 1st ex.s. c 30 s 6 are each amended to read as follows:

COMMENCEMENT BY REGISTERED VOTER—CAUSES FOR. Any registered voter may contest the right of any person declared elected to an office to be issued a certificate of election for any of the following causes:

(1) For misconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time ~~((he))~~ the person was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, ~~((his))~~ the conviction not having been reversed nor ~~((his))~~ the person's civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector or judge of election for the purpose of procuring ~~((his))~~ the election, or offered to do so;

(5) On account of illegal votes.

(a) Illegal votes include but are not limited to the following:

(i) More than one vote cast by a single voter;

(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.

(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged ~~((pursuant to))~~ under RCW 29.10.125 and 29.10.127.

All election contests ~~((shall))~~ must proceed under RCW 29.04.030.

Sec. 1703. RCW 29.65.020 and 1977 ex.s. c 361 s 102 are each amended to read as follows:

AFFIDAVIT OF ERROR OR OMISSION—TIME FOR FILING—CONTENTS—WITNESSES. An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and ~~((shall))~~ must set forth specifically:

(1) The name of the contestant and that he or she is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;

(2) The name of the person whose right is being contested;

(3) The office;

(4) The particular causes of the contest.

No statement of contest ~~((shall))~~ may be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty. The person charged with the error or omission ~~((shall))~~ must be given the opportunity to call any witness, including the candidate to whom he or she has issued or intends to issue the certificate of election.

Sec. 1704. RCW 29.65.040 and 1977 ex.s. c 361 s 103 are each amended to read as follows:

HEARING DATE—ISSUANCE OF CITATION—SERVICE. Upon such affidavit being filed, ~~((it shall be the duty of))~~ the clerk ~~((to))~~ shall inform the judge of the appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding ~~((said))~~ the court, on some day to be named by ~~((him))~~ the judge, not less than ten nor more than twenty days from the date of ~~((such))~~ the notice, to hear and determine such contested election~~((: PROVIDED, That))~~. If no session ~~((be))~~ is called for the purpose, ~~((such))~~ the contest ~~((shall))~~ must be determined at the first regular session of court after ~~((such))~~ the statement is filed.

The clerk of the court shall also at the time issue a citation for the person charged with the error or omission, to appear at the time and place specified in the notice~~((, which))~~. The citation ~~((shall))~~ must be delivered to the sheriff and be served upon the party in person; or if ~~((he))~~ the person cannot be found, by leaving a copy thereof at the house where ~~((he))~~ the person last resided.

Sec. 1705. RCW 29.65.050 and 1965 c 9 s 29.65.050 are each reenacted to read as follows:

WITNESSES TO ATTEND—HEARING OF CONTEST—JUDGMENT. The clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the sheriff or constable, as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so.

The court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case.

If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected.

Sec. 1706. RCW 29.65.055 and 1977 ex.s. c 361 s 104 are each reenacted to read as follows:

COSTS, HOW AWARDED. If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party charged with error or omission.

If such election is annulled and set aside, judgment for costs shall be rendered against the party charged with the error or omission and in favor of the party alleging the same.

Sec. 1707. RCW 29.65.060 and 1965 c 9 s 29.65.060 are each amended to read as follows:

MISCONDUCT OF BOARD—IRREGULARITY MUST BE MATERIAL TO RESULT. No irregularity or improper conduct in the proceedings of any election board or any member ~~((thereof shall))~~ of the board amounts to such malconduct as to annul or set aside any election unless the irregularity or

improper conduct was such as to procure the person whose right to the office may be contested, to be declared duly elected although ~~((he))~~ the person did not receive the highest number of legal votes.

Sec. 1708. RCW 29.65.070 and 1965 c 9 s 29.65.070 are each reenacted to read as follows:

MISCONDUCT OF BOARD—NUMBER OF VOTES AFFECTED—ENOUGH TO CHANGE RESULT. When any election for an office exercised in and for a county is contested on account of any misconduct on the part of any election board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county.

Sec. 1709. RCW 29.65.080 and 1965 c 9 s 29.65.080 are each amended to read as follows:

ILLEGAL VOTES—ALLEGATION OF IN STATEMENT OF CONTEST. When the reception of illegal votes is alleged as a cause of contest, it ~~((shall be))~~ is sufficient to state generally that illegal votes were cast, ~~((which))~~ that, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from ~~((him))~~ that person, reduce the number of ~~((his))~~ the person's legal votes below the number of legal votes given to some other person for the same office.

Sec. 1710. RCW 29.65.090 and 1965 c 9 s 29.65.090 are each amended to read as follows:

ILLEGAL VOTES—LIST REQUIRED FOR TESTIMONY. No testimony ~~((shall))~~ may be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, ~~((which he))~~ that the contesting party intends to prove ~~((on such))~~ at the trial. No testimony ~~((shall))~~ may be received as to any illegal votes, except as to such as are specified in the list.

Sec. 1711. RCW 29.65.100 and 1965 c 9 s 29.65.100 are each amended to read as follows:

ILLEGAL VOTES—NUMBER OF VOTES AFFECTED—ENOUGH TO CHANGE RESULT. No election ~~((shall))~~ may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, ~~((which))~~ that, if taken from ~~((him))~~ that person, would reduce the number of ~~((his))~~ the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes ~~((which))~~ that may be shown to have been given to ~~((such))~~ the other person.

Sec. 1712. RCW 29.65.120 and 1965 c 9 s 29.65.120 are each reenacted to read as follows:

NULLIFICATION OF ELECTION CERTIFICATE—WHEN EFFECTIVE. If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the certificate issued shall be thereby rendered void.

**PART 24
MISCELLANEOUS**

NEW SECTION. Sec. 2401. RECODIFICATION. The following sections are recodified in the order in which they appear in parts 1 through 22 of this act as new chapters and sections of a new elections title of the Revised Code of Washington, to be designated as Title 29A RCW:

RCW 29.01.005, 29.01.006, 29.01.008, 29.01.042, 29.01.043, 29.01.045, 29.01.047, 29.01.050, 29.01.055, 29.01.060, 29.01.065, 29.01.068, 29.01.070, 29.01.080, 29.01.090, 29.01.100, 29.01.110, 29.01.113, 29.01.117, 29.01.119, 29.01.120, 29.01.130, 29.01.135, 29.01.136, 29.01.137, 29.01.140, 29.01.155, 29.01.160, 29.01.170, 29.01.180, 29.01.200, 29.04.001, 29.04.010, 29.04.020, 29.57.140, 29.04.025, 29.04.070, 29.04.060, 29.04.085, 29.04.088, 29.04.091, 29.04.230, 29.13.070, 29.13.010, 29.13.020, 29.13.045, 29.13.047, 29.13.048, 29.60.010, 29.60.030, 29.60.040, 29.60.050, 29.60.060, 29.60.070, 29.60.080, 29.60.090, 29.98.010, 29.98.020, 29.98.030, 29.04.080, 29.19.070, 29.60.020, 29.07.005, 29.04.095, 29.10.011, 29.08.010, 29.07.010, 29.08.060, 29.07.110, 29.08.030, 29.07.220, 29.10.081, 29.07.092, 29.07.160, 29.07.152, 29.07.030, 29.07.230, 29.07.070, 29.07.140, 29.07.080, 29.07.090, 29.08.080, 29.08.040, 29.07.025, 29.07.430, 29.07.440, 29.07.260, 29.07.270, 29.10.020, 29.10.040, 29.10.170, 29.10.051, 29.10.090, 29.10.097, 29.10.100, 29.10.110, 29.10.180, 29.10.185, 29.10.015, 29.10.071, 29.10.220, 29.10.075, 29.10.200, 29.10.210, 29.10.230, 29.04.250, 29.07.130, 29.04.100, 29.04.110, 29.04.120, 29.04.150, 29.04.160, 29.04.240, 29.10.125, 29.10.127, 29.10.130, 29.10.140, 29.10.150, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.145, 29.33.300, 29.33.310, 29.33.320, 29.33.330, 29.33.340, 29.33.350, 29.33.360, 29.04.200, 29.57.010, 29.57.090, 29.57.160, 29.04.040, 29.04.050, 29.04.055, 29.48.005, 29.48.007, 29.57.040, 29.57.070, 29.57.100, 29.57.050, 29.57.150, 29.27.090, 29.15.025, 29.13.050, 29.04.170, 29.24.010, 29.24.020, 29.24.025, 29.24.030, 29.24.035, 29.24.040, 29.24.045, 29.24.055, 29.24.060, 29.24.070, 29.15.130, 29.15.140, 29.15.010, 29.15.044, 29.15.020, 29.15.090, 29.15.030, 29.15.040, 29.15.050, 29.15.060, 29.15.070, 29.15.125, 29.15.120, 29.15.160, 29.15.210, 29.15.220, 29.15.170, 29.15.180, 29.15.190, 29.15.200, 29.15.230, 29.04.180, 29.04.190, 29.18.150, 29.18.160, 29.68.070, 29.68.080, 29.68.100, 29.68.130, 29.81.210, 29.04.035, 29.81.220, 29.81.230, 29.27.076, 29.81.240, 29.81.250, 29.81.260, 29.81.280, 29.81.290, 29.81.300, 29.81.310, 29.81A.010, 29.81A.020, 29.81A.030, 29.81A.040, 29.81A.050, 29.81A.060, 29.81A.070, 29.81A.080, 29.27.020, 29.27.057, 29.27.061, 29.27.065, 29.27.0653, 29.27.0655, 29.27.066, 29.27.0665, 29.27.067, 29.30.005, 29.30.010, 29.30.020, 29.30.025, 29.30.040, 29.30.060, 29.30.081, 29.30.085, 29.30.086, 29.30.095, 29.30.101, 29.30.111, 29.30.130, 29.36.210, 29.36.220, 29.36.230, 29.36.240, 29.36.250, 29.36.260, 29.36.270, 29.36.280, 29.36.290, 29.36.300, 29.36.310, 29.36.320, 29.36.340, 29.36.350, 29.36.360, 29.51.010, 29.51.125, 29.51.180, 29.51.190, 29.54.037, 29.48.010, 29.13.080, 29.51.240, 29.51.185, 29.48.030, 29.07.170, 29.48.035, 29.57.130, 29.48.020, 29.48.070, 29.48.090, 29.48.100, 29.51.150, 29.51.050, 29.51.060, 29.51.100, 29.51.070, 29.51.200, 29.54.018, 29.51.250, 29.54.010, 29.54.015, 29.07.180, 29.48.080, 29.48.045, 29.54.093, 29.51.115, 29.51.155, 29.45.010, 29.45.020, 29.45.030, 29.45.040, 29.45.050, 29.45.060, 29.45.065, 29.45.070, 29.45.080, 29.45.090, 29.45.100, 29.45.110,

29.45.120, 29.38.010, 29.38.020, 29.38.030, 29.38.040, 29.38.050, 29.38.060, 29.15.150, 29.18.010, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.410, 29.27.030, 29.27.050, 29.27.072, 29.27.074, 29.27.080, 29.27.100, 29.27.110, 29.19.010, 29.19.020, 29.19.030, 29.19.045, 29.19.055, 29.19.080, 29.82.010, 29.82.015, 29.82.021, 29.82.023, 29.82.025, 29.82.030, 29.82.040, 29.82.060, 29.82.080, 29.82.090, 29.82.100, 29.82.105, 29.82.110, 29.82.120, 29.82.130, 29.82.140, 29.82.160, 29.71.010, 29.71.020, 29.71.030, 29.71.040, 29.71.050, 29.27.140, 29.74.010, 29.74.020, 29.74.030, 29.74.040, 29.74.050, 29.74.060, 29.74.070, 29.74.080, 29.74.100, 29.74.110, 29.74.120, 29.74.130, 29.74.140, 29.74.150, 29.13.040, 29.62.180, 29.54.042, 29.54.050, 29.54.060, 29.54.097, 29.54.105, 29.54.121, 29.54.170, 29.51.175, 29.54.075, 29.54.085, 29.27.120, 29.62.030, 29.62.020, 29.54.025, 29.36.330, 29.62.040, 29.62.050, 29.62.080, 29.62.090, 29.62.100, 29.62.120, 29.62.130, 29.64.010, 29.64.015, 29.64.020, 29.64.030, 29.64.035, 29.64.040, 29.64.051, 29.64.060, 29.64.080, 29.64.090, 29.04.030, 29.65.010, 29.65.020, 29.65.040, 29.65.050, 29.65.055, 29.65.060, 29.65.070, 29.65.080, 29.65.090, 29.65.100, 29.65.120, 29.79.010, 29.79.015, 29.79.020, 29.79.030, 29.79.035, 29.79.040, 29.79.050, 29.79.060, 29.79.070, 29.79.080, 29.79.090, 29.79.100, 29.79.110, 29.79.115, 29.79.120, 29.79.140, 29.79.150, 29.79.160, 29.79.170, 29.79.180, 29.79.190, 29.79.200, 29.79.210, 29.79.230, 29.79.270, 29.79.280, 29.79.290, 29.79.300, 29.70.100, 29.15.026, 29.10.060, 29.04.140, 29.42.010, 29.42.020, 29.42.030, 29.42.040, 29.42.050, 29.42.070, 29.85.245, 29.82.210, 29.38.070, 29.85.275, 29.07.400, 29.07.405, 29.07.410, 29.85.249, 29.79.480, 29.82.220, 29.79.440, 29.82.170, 29.79.490, 29.15.080, 29.15.110, 29.79.500, 29.15.100, 29.85.040, 29.85.020, 29.51.020, 29.51.030, 29.51.221, 29.85.010, 29.85.110, 29.85.260, 29.85.051, 29.85.060, 29.85.070, 29.85.090, 29.85.210, 29.85.220, 29.85.240, 29.51.230, 29.51.215, 29.36.370, 29.85.100, 29.85.170, 29.85.225, 29.85.230, 29.91.010, 29.91.020, 29.91.030, 29.91.040, 29.91.050, and 29.91.060.

The code reviser shall correct any cross-references to the recodified sections.

NEW SECTION. Sec. 2402. RCW 29.13.023 and 29.13.024 are each recodified as sections in chapter 35.22 RCW.

NEW SECTION. Sec. 2403. EXPIRATION. RCW 29.04.250 and 2002 c 21 s 2 and section 245 of this act expire January 1, 2005.

NEW SECTION. Sec. 2404. REPEALER. The following acts or parts of acts are each repealed:

- (1) RCW 9.81.100 (Public office—Candidate must file affidavit) and 1951 c 254 s 16;
- (2) RCW 29.01.010 (City clerk) and 1965 c 9 s 29.01.010;
- (3) RCW 29.01.020 (City council) and 1965 c 9 s 29.01.020;
- (4) RCW 29.01.030 (City precinct) and 1965 c 9 s 29.01.030;
- (5) RCW 29.01.040 (Constituency) and 1965 c 9 s 29.01.040;
- (6) RCW 29.01.087 (Local voters' pamphlet) and 1984 c 106 s 2;
- (7) RCW 29.01.150 (Rural precinct) and 1965 c 9 s 29.01.150;
- (8) RCW 29.04.210 (Ballots, voting systems—Rules by secretary of state) and 1990 c 59 s 7;
- (9) RCW 29.04.235 (Electronic facsimile documents—Rules) and 1991 c 186 s 2;

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2004, or such subsequent date as the director may provide by rule consistent with the purpose of this section.

Sec. 3. RCW 84.38.030 and 1995 c 329 s 2 are each amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381 and the parcel size limit under RCW 84.36.383.

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of physical disability: PROVIDED, That any surviving spouse of a person who was receiving a deferral at the time of the person's death shall qualify if the surviving spouse is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, of ~~((thirty-four))~~ forty thousand dollars or less.

(4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse or cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value: PROVIDED, That if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred shall not exceed one hundred percent of the claimant's equity value in the land or lot only.

(6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

Passed by the Senate March 11, 2004.

Passed by the House March 11, 2004.

Approved by the Governor March 31, 2004.

Filed in Office of Secretary of State March 31, 2004.

CHAPTER 271

[Engrossed Senate Bill 6453]

PRIMARY ELECTIONS

AN ACT Relating to a qualifying primary; amending RCW 29A.04.085, 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200, 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020,

29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.28 RCW; adding new sections to chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding new sections to chapter 29A.20 RCW; adding new sections to chapter 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding new sections to chapter 29A.64 RCW; adding a new section to chapter 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new sections; repealing RCW 29A.04.157, 29A.20.110, 29A.20.130, 29A.20.200, 29A.24.200, 29A.24.210, 29A.28.010, 29A.28.020, 29A.36.190, 29A.52.130, 29A.04.903, 29A.04.007, 29A.04.085, 29A.04.127, 29A.04.215, 29A.04.310, 29A.04.320, 29A.04.610, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080, 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.130, 29A.24.140, 29A.24.150, 29A.24.160, 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060, 29A.28.070, 29A.32.030, 29A.32.120, 29A.32.240, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.110, 29A.36.120, 29A.36.130, 29A.36.140, 29A.36.150, 29A.36.160, 29A.36.170, 29A.36.200, 29A.40.060, 29A.40.090, 29A.44.200, 29A.44.220, 29A.44.230, 29A.52.010, 29A.52.110, 29A.52.120, 29A.52.230, 29A.52.310, 29A.52.320, 29A.52.350, 29A.60.020, 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080, 29A.68.010, 29A.80.010, 29A.80.040, 29A.80.050, 29A.80.060, 29A.84.260, 29A.84.310, and 29A.84.710; prescribing penalties; providing a contingent effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

PART 1 - QUALIFYING PRIMARY

***NEW SECTION.** *Sec. 1. A new section is added to chapter 29A.52 RCW to read as follows:*

(1) This act may be known and cited as the Qualifying Primary Act.

(2) The purpose of any primary held in this state is to qualify candidates to appear on the general election ballot. Primary elections do not function as a procedure to determine the nominees of political parties. The sole purpose of allowing candidates to identify a political party preference is to provide to voters a brief description of each candidate's political philosophy, which the voters may consider when casting their votes at a primary or general election. In a primary election, each voter, regardless of party affiliation, may vote for any candidate listed on the ballot, and the two candidates who receive the most votes, also known as the top two vote getters, and who receive at least one percent of the total votes cast for that office, advance to the general election. Primary election voters are not choosing a party's nominee. A qualifying primary ensures more choice, greater participation, increased privacy, and a sense of fairness for the voters.

(3) The provisions of this title relating to primaries must be liberally construed to further the following interests:

(a) The legislature finds that the process of determining which candidates will appear on the general election ballot or be elected to office is a public process, in which all voters must be permitted to participate. The legislature further finds that it is not in the public interest to expend public funds on an election procedure that limits the rights of voters by restricting their ability to participate based on the party affiliation, if any, of the voters or the candidates, or that requires voters to publicly declare an affiliation with a political party;

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.

NEW SECTION. Sec. 182. A new section is added to chapter 29A.68 RCW to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

NEW SECTION. Sec. 183. A new section is added to chapter 29A.80 RCW to read as follows:

(1) Each political party organization may:

(a) Make its own rules and regulations; and

(b) Perform all functions inherent in such an organization.

(2) Only major political parties may designate candidates to appear on the state primary ballot as provided in section 191 of this act.

absentee ballots), either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

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

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

NEW SECTION. Sec. 193. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.007 (Ballot and related terms) and 2003 c 111 s 102, 1994 c 57 s 2, 1990 c 59 s 2, & 1977 ex.s. c 361 s 1;
- (2) RCW 29A.04.085 (Major political party) and section 3 of this act, 2003 c 111 s 115, 1977 ex.s. c 329 s 9, & 1965 c 9 s 29.01.090;
- (3) RCW 29A.04.127 (Primary) and section 5 of this act & 2003 c 111 s 122;
- (4) RCW 29A.04.215 (County auditor—Duties—Exceptions) and 2003 c 111 s 134, 1987 c 295 s 1, 1977 ex.s. c 361 s 2, 1971 ex.s. c 202 s 1, 1965 c 123 s 1, & 1965 c 9 s 29.04.020;
- (5) RCW 29A.04.310 (Primaries) and section 6 of this act, 2003 c 111 s 143, 1977 ex.s. c 361 s 29, 1965 ex.s. c 103 s 6, & 1965 c 9 s 29.13.070;
- (6) RCW 29A.04.320 (State and local general elections—Statewide general election—Exceptions—Special county elections) and 2003 c 111 s 144, 1994 c 142 s 1, 1992 c 37 s 1, 1989 c 4 s 9 (Initiative Measure No. 99), 1980 c 3 s 1, 1975-'76 2nd ex.s. c 111 s 1, 1975-'76 2nd ex.s. c 3 s 1, 1973 2nd ex.s. c 36 s 1, 1973 c 4 s 1, 1965 c 123 s 2, & 1965 c 9 s 29.13.010;
- (7) RCW 29A.04.610 (Rules by secretary of state) and 2003 c 111 s 161, 1971 ex.s. c 202 s 2, & 1965 c 9 s 29.04.080;
- (8) RCW 29A.12.100 (Requirements of tallying systems for approval) and 2003 c 111 s 310;
- (9) RCW 29A.20.020 (Qualifications for filing, appearance on ballot) and section 7 of this act, 2004 c ... (Senate Bill No. 6417) s 11, 2003 c 111 s 502, 1999 c 298 s 9, 1993 c 317 s 10, & 1991 c 178 s 1;
- (10) RCW 29A.20.120 (Nomination by convention or write-in—Dates—Special filing period) and section 8 of this act & 2003 c 111 s 506;
- (11) RCW 29A.20.140 (Convention—Requirements for validity) and section 9 of this act & 2003 c 111 s 508;
- (12) RCW 29A.20.150 (Nominating petition—Requirements) and section 10 of this act & 2003 c 111 s 509;
- (13) RCW 29A.20.160 (Certificate of nomination—Requisites) and section 11 of this act, 2003 c 111 s 510, 1989 c 215 s 4, 1977 ex.s. c 329 s 4, & 1965 c 9 s 29.24.040;
- (14) RCW 29A.20.170 (Multiple certificates of nomination) and section 12 of this act & 2003 c 111 s 511;

- (15) RCW 29A.20.180 (Presidential electors—Selection at convention) and section 13 of this act & 2003 c 111 s 512;
- (16) RCW 29A.20.190 (Certificate of nomination—Checking signatures—Appeal of determination) and section 14 of this act & 2003 c 111 s 513;
- (17) RCW 29A.24.030 (Declaration of candidacy) and section 15 of this act, 2003 c 111 s 603, 2002 c 140 s 1, & 1990 c 59 s 82.
- (18) RCW 29A.24.080 (Declaration—Filing by mail) and section 17 of this act & 2003 c 111 s 608;
- (19) RCW 29A.24.090 (Declaration—Fees and petitions) and section 18 of this act & 2003 c 111 s 609;
- (20) RCW 29A.24.100 (Nominating petition—Form) and section 19 of this act, 2003 c 111 s 610, & 1984 c 142 s 5;
- (21) RCW 29A.24.110 (Petitions—Rejection—Acceptance, canvass of signatures—Judicial review) and section 20 of this act & 2003 c 111 s 611;
- (22) RCW 29A.24.130 (Withdrawal of candidacy) and 2003 c 111 s 613;
- (23) RCW 29A.24.140 (Void in candidacy—Exception) and section 21 of this act & 2003 c 111 s 614;
- (24) RCW 29A.24.150 (Notice of void in candidacy) and section 22 of this act & 2003 c 111 s 615;
- (25) RCW 29A.24.160 (Filings to fill void in candidacy—How made) and section 23 of this act, 2003 c 111 s 616, & 1972 ex.s. c 61 s 6;
- (26) RCW 29A.24.170 (Reopening of filing—Before sixth Tuesday before primary) and section 24 of this act & 2003 c 111 s 617;
- (27) RCW 29A.24.180 (Reopening of filing—After sixth Tuesday before primary) and section 25 of this act & 2003 c 111 s 618;
- (28) RCW 29A.24.190 (Scheduled election lapses, when) and section 26 of this act, 2003 c 111 s 619, 2002 c 108 s 1, 1975-'76 2nd ex.s. c 120 s 12, & 1972 ex.s. c 61 s 4;
- (29) RCW 29A.24.310 (Write-in voting—Candidates, declaration) and section 27 of this act, 2003 c 111 s 622, 1999 c 157 s 1, 1995 c 158 s 1, 1990 c 59 s 100, & 1988 c 181 s 1;
- (30) RCW 29A.28.040 (Congress—Special election) and section 29 of this act, 2003 c 111 s 704, 1990 c 59 s 105, 1985 c 45 s 4, 1973 2nd ex.s. c 36 s 3, & 1965 c 9 s 29.68.080;
- (31) RCW 29A.28.060 (Congress—General, primary election laws to apply—Time deadlines, modifications) and section 30 of this act, 2003 c 111 s 706, 1985 c 45 s 7, & 1965 c 9 s 29.68.130;
- (32) RCW 29A.28.070 (Precinct committee officer) and 2003 c 111 s 707;
- (33) RCW 29A.32.030 (Contents) and section 31 of this act & 2003 c 111 s 803;
- (34) RCW 29A.32.120 (Candidates' statements—Length) and section 32 of this act, 2004 c ... (Senate Bill No. 6417) s 12, 2003 c 254 s 6, 2003 c 111 s 812, & 1999 c 260 s 11;
- (35) RCW 29A.32.240 (Contents) and 2003 c 111 s 816 & 1984 c 106 s 6;
- (36) RCW 29A.36.010 (Certifying primary candidates) and section 33 of this act & 2003 c 111 s 901;
- (37) RCW 29A.36.070 (Local measures—Ballot title—Formulation—Advertising) and section 34 of this act & 2003 c 111 s 907;

- (38) RCW 29A.36.100 (Names on primary ballot) and section 35 of this act, 2003 c 111 s 910, & 1990 c 59 s 93;
- (39) RCW 29A.36.110 (Uniformity, arrangement, contents required) and 2003 c 111 s 911;
- (40) RCW 29A.36.120 (Order of offices and issues—Party indication) and 2003 c 111 s 912;
- (41) RCW 29A.36.130 (Order of candidates on ballots) and 2003 c 111 s 913;
- (42) RCW 29A.36.140 (Primaries—Rotating names of candidates) and 2003 c 111 s 914;
- (43) RCW 29A.36.150 (Sample ballots) and 2003 c 111 s 915;
- (44) RCW 29A.36.160 (Arrangement of instructions, measures, offices—Order of candidates—Numbering of ballots) and 2003 c 111 s 916, 1990 c 59 s 13, 1986 c 167 s 11, 1982 c 121 s 1, & 1977 ex.s. c 361 s 60;
- (45) RCW 29A.36.170 (Nonpartisan candidates qualified for general election) and section 36 of this act, 2004 c ... (Senate Bill No. 6518) s 1, & 2003 c 111 s 917;
- (46) RCW 29A.36.200 (Names qualified to appear on election ballot) and section 37 of this act & 2003 c 111 s 920;
- (47) RCW 29A.40.060 (Issuance of ballot and other materials) and 2003 c 111 s 1006, 2001 c 241 s 6, & 1991 c 81 s 31;
- (48) RCW 29A.40.090 (Envelopes and instructions) and 2003 c 111 s 1009;
- (49) RCW 29A.44.200 (Issuing ballot to voter—Challenge) and 2003 c 111 s 1119, 1990 c 59 s 40, & 1965 c 9 s 29.51.050;
- (50) RCW 29A.44.220 (Casting vote) and 2003 c 111 s 1121, 1990 c 59 s 43, 1988 c 181 s 4, 1965 ex.s. c 101 s 15, & 1965 c 9 s 29.51.100;
- (51) RCW 29A.44.230 (Record of participation) and 2003 c 111 s 1122;
- (52) RCW 29A.52.010 (Elections to fill unexpired term—No primary, when) and section 38 of this act & 2003 c 111 s 1301;
- (53) RCW 29A.52.110 (Application of chapter) and section 39 of this act & 2003 c 111 s 1302;
- (54) RCW 29A.52.120 (General election laws govern primaries) and 2003 c 111 s 1303;
- (55) RCW 29A.52.230 (Nonpartisan offices specified) and section 41 of this act & 2003 c 111 s 1307;
- (56) RCW 29A.52.310 (Notice of primary) and 2003 c 111 s 1309 & 1965 c 9 s 29.27.030;
- (57) RCW 29A.52.320 (Certification of nominees) and section 42 of this act & 2003 c 111 s 1310;
- (58) RCW 29A.52.350 (Election—Certification of measures) and section 43 of this act, 2003 c 111 s 1313, 1999 c 4 s 1, 1984 c 106 s 12, 1980 c 35 s 8, & 1965 c 9 s 29.27.080;
- (59) RCW 29A.60.020 (Write-in voting—Declaration of candidacy—Counting of vote) and section 44 of this act & 2003 c 111 s 1502;
- (60) RCW 29A.60.220 (Tie in primary or final election) and section 45 of this act, 2003 c 111 s 1522, & 1965 c 9 s 29.62.080;
- (61) RCW 29A.64.010 (Application—Requirements—Application of chapter) and section 46 of this act, 2003 c 111 s 1601, 2001 c 225 s 3, 1987 c 54 s 3, 1977 ex.s. c 361 s 98, & 1965 c 9 s 29.64.010;

(62) RCW 29A.64.020 (Mandatory) and section 47 of this act & 2003 c 111 s 1602;

(63) RCW 29A.64.040 (Procedure—Observers—Request to stop) and section 48 of this act & 2003 c 111 s 1604;

(64) RCW 29A.64.060 (Amended abstracts) and section 49 of this act & 2003 c 111 s 1606;

(65) RCW 29A.64.080 (Expenses—Charges) and section 50 of this act & 2003 c 111 s 1608;

(66) RCW 29A.68.010 (Prevention and correction of election frauds and errors) and section 51 of this act & 2003 c 111 s 1701;

(67) RCW 29A.80.010 (Authority—Generally) and section 52 of this act, 2003 c 111 s 2001, 1977 ex.s. c 329 s 16, & 1965 c 9 s 29.42.010;

(68) RCW 29A.80.040 (Precinct committee officer, eligibility) and 2003 c 111 s 2004;

(69) RCW 29A.80.050 (Precinct committee officer—Election—Declaration of candidacy, fee—Term) and 2003 c 111 s 2005, 1991 c 363 s 34, 1987 c 295 s 14, 1973 c 4 s 7, 1967 ex.s. c 32 s 2, 1965 ex.s. c 103 s 3, & 1965 c 9 s 29.42.050;

(70) RCW 29A.80.060 (Legislative district chair—Election—Term—Removal) and 2003 c 111 s 2006, 1991 c 363 s 35, 1987 c 295 s 15, & 1967 ex.s. c 32 s 1;

(71) RCW 29A.84.260 (Petitions—Improperly signing) and section 53 of this act & 2003 c 111 s 2114;

(72) RCW 29A.84.310 (Candidacy declarations, nominating petitions) and section 54 of this act & 2003 c 111 s 2117;

(73) RCW 29A.84.710 (Documents regarding nomination, election, candidacy—Frauds and falsehoods) and section 55 of this act, 2003 c 111 s 2137, 1991 c 81 s 8, & 1965 c 9 s 29.85.100;

(74) Section 1 of this act;

(75) Section 2 of this act;

(76) Section 4 of this act;

(77) Section 28 of this act; and

(78) Section 40 of this act.

PART 3 - MISCELLANEOUS PROVISIONS

****NEW SECTION. Sec. 201. Sections 102 through 193 of this act take effect the June 1st following the secretary of state issuing a notification that no qualifying primary may be held in this state.***

**Sec. 201 was vetoed. See message at end of chapter.*

NEW SECTION. Sec. 202. The code reviser shall correct any internal references accordingly if sections 102 through 193 of this act take effect.

NEW SECTION. Sec. 203. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 204. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

REMINGTON'S
COMPILED STATUTES

OF WASHINGTON

ANNOTATED

(Cite REM. COMP. STAT.)

SHOWING ALL

STATUTES IN FORCE TO AND INCLUDING THE SESSION LAWS OF 1921
FULLY ANNOTATED TO THE DECISIONS IN THREE TERRITORIAL
AND ONE HUNDRED AND THIRTEEN VOLUMES OF WASHING-
TON STATE REPORTS AND TO THE NOTES IN THE
PRINCIPAL SERIES OF ANNOTATED REPORTS

BY

HON. ARTHUR REMINGTON,

Reporter of the Supreme Court, Author of "Notes on Washington Reports," "Remington's Washington Digest," "Remington & Ballinger's Annotated Codes and Statutes," "Remington's 1915 Washington Code," etc.

IN THREE VOLUMES

VOLUME II

[AGRICULTURE—IRRIGATION.]

GENERAL STATUTES

PERKINS COIE

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1922

Second.—A statement of the names of the persons or candidates, of each political party who are nominated as hereinbefore provided. Where there is more than one person to be elected to a given office at the ensuing election, there shall be included in said statement of nominations the names of so many candidates for said office, nominated under the provisions of this act, as there are persons to be elected to said office at the ensuing election. Said statement shall, in like manner, be made separately as to each political party.

Third.—A statement of the whole number of electors registered and the number of ballots cast at said primary election. If two or more of the candidates of the same political party are "tied" for the same office, the "tie" shall be determined by a lot to be cast then and there by and as the canvassing board may determine. It shall be the duty of the county auditor upon the completion of its canvass by the canvassing board to immediately mail, or deliver, in person to each candidate so nominated, a notice of such fact and that his name will be placed upon the official ballot at the ensuing election. The persons whose names are so placed in said statement of nomination shall be and constitute the nominees of the said political parties of which they are candidates, and such names shall be printed upon the official ballot prepared for the ensuing election. No names of candidates of any political party which is required to make nominations under this act shall be placed upon the official election ballot, unless such candidate shall have been chosen in accordance with this act, except in cases of a vacancy occasioned by the death, removal or resignation of any candidate so chosen, or arising otherwise, and in such a case the campaign or party committee of the political party on whose ticket the same occurs, or if there be no such committee, then a convention of such party may fill such vacancy. The name of such new candidate shall be certified under oath to the county auditor, or the city clerk, as the case may be, by the chairman and secretary of said committee or convention. [L. '07, p. 469, § 24.]

Cited in 50 Wash. 519; 70 Wash. 432, 433; 93 Wash. 258.

§ 5202. [4829.] Errors in Printing Ballots.

Whenever it shall appear by affidavit to any judge of the supreme court or superior court of the county that any error or omission has occurred or is about to occur in the printing in the name of any candidate on official ballots, or that any error has been or is about to be committed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, the county auditor, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred, or is about to occur, such judge shall, by order, require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty, and to do as the court shall order, or to show cause forthwith why such error should not be corrected, wrongful act desisted from, or such duty or order not performed. Failing to obey the order of such court shall be con-

tempt. Any candidate at such primary election who may desire to contest the nomination of any candidate for the same office at said primary election may proceed by such affidavit so presented: Provided, that such affidavit may be presented within five days after the completion of the canvass by said canvassing board, and not later, and the candidate whose nomination is so contested shall, by order of such judge, duly served, be required to appear and abide by the orders of the court to be made therein. [L. '07, p. 471, § 25.]

Cited in 50 Wash. 517; 59 Wash. 635; 60 Wash. 422; 70 Wash. 469; 82 Wash. 135, 145; 93 Wash. 259.

Contests, Trial and Determination by Courts: See Remington's Digest, Elections, § 28; State ex rel. Cann v. Moore, 23 Wash. 276, 62 Pac. 789; State ex rel. Socialist Labor Party v. Nichols, 51 Wash. 79, 97 Pac. 1087; Hill v. Howell, 70 Wash. 803, 127 Pac. 211; State ex rel. Peters v. Superior Court, 70 Wash. 662, 127 Pac. 310; State ex rel. Case v. Superior Court, 70 Wash. 428, 126 Pac. 937; State ex rel. Blackman v. Superior Court, 82 Wash. 134, 143 Pac. 889; State ex rel. Murphy v. Tallman, 82 Wash. 141, 143 Pac. 874.

This section authorizes any candidate for nomination at a primary election to contest the nomination of any other candidate for the same office, and provides a tribunal to try the question; and the fixing of the specific procedure is not essential to the validity of the statute: State ex rel. McAvoy v. Gilliam, 60 Wash. 420, 111 Pac. 401.

Where a primary election contest was filed within five days as required by this section, the statute prescribing no time for service of citation, the court has jurisdiction, after quashing a citation, to issue another citation: State ex rel. McAvoy v. Gilliam, 60 Wash. 420, 111 Pac. 401.

§ 5203. [4830.] Minority Parties—Nominations by Convention—Fee.

Any political party which at the last preceding election cast less than ten per cent of the votes, may nominate candidates in the manner provided by existing laws for conventions: Provided, however, that all such conventions must be held upon the same day as the primary elections are held: And provided further, that no candidate's name shall be printed upon the election ballot until he shall have paid the fee provided by law to be paid by candidates to be nominated at primary elections for like offices. Persons nominated as provided in this section shall be subject to the provisions and penalties of sections 4832, 4833, 4834 and 4835 of Remington & Ballinger's Annotated Codes and Statutes of Washington. [L. '07, p. 471, § 26.]

Sections 4832 and 4835 repealed. For §§ 4833 and 4834, see infra, §§ 5205 and 5206. Cited in 50 Wash. 530; 70 Wash. 666; 82 Wash. 145; 92 Wash. 393, 394.

§ 5204. [4831.] Forms Prepared by Secretary of State and Attorney General.

It shall be the duty of the secretary of state and attorney general, on or before July 1, 1907, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution. [L. '07, p. 472, § 27.]

Cited in 50 Wash. 581-590; 59 Wash. 635.

§ 5205. [4833.] Newspapers not to Receive Consideration for Their Support—"Paid Advertisements."

It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter or employee of any newspaper, magazine, or periodical printed or published in this state, to take, accept or receive,

Cited in 21 Wash. 246; 58 Wash. 650, 651; 60 Wash. 371, 380.

This section, subdivision 6, is a reasonable regulation of the elective franchise, and violates no constitutional right of the voter to vote for a candidate of his choice: State ex rel. Shepard v. Superior Court, 60 Wash. 370, 111 Pac. 233, 140 Am. St. Rep. 925.

Form and Contents of Official Ballots: See Remington's Digest, Elections, §§ 30,

31; State ex rel. Bloomfield v. Weir, 5 Wash. 82, 31 Pac. 417; State ex rel. Hewen v. Elliott, 17 Wash. 18, 48 Pac. 734; State ex rel. Zent v. Nichols, 50 Wash. 508, 97 Pac. 728; Williams v. Shoudy, 12 Wash. 362, 41 Pac. 169; State ex rel. Shepard v. Superior Court, 60 Wash. 370, 111 Pac. 233, 140 Am. St. Rep. 925; Edes v. Hadley, 94 Wash. 232, 162 Pac. 50.

§ 5275. [4894.] Number to be Furnished.

The clerk of the board of county commissioners of each county shall provide for each election precinct in the county a number of ballots equal to one hundred and ten per centum of the registered electors in the precinct or such further number as the county auditor may certify to be necessary and two tallying books, that shall be printed in relation with the ballots. Provided, however, that in municipal elections it shall be the duty of the city or town clerk to provide ballots as specified in this section. [L. '15, p. 348, § 1. Cf. L. '90, p. 407, § 18; 1 H. C., § 380; L. '95, p. 390, § 5.]

Compare L. '95, p. 35, § 1, amending § 380 of 1 Hill's Code, omitted as superseded by the above section, this being the later enactment.

Validity and effect of statute requiring ballots to be numbered. 6

Ann. Cas. 969; 8 L. B. A. (N. S.) 888.

§ 5276. [4895.] Error of Omission of Name from, How Cured.

Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names of the candidates nominated for office, or in the printing of the ballots, the superior court of the county may, upon application of any elector, by order, require the clerk of the board of county commissioners or municipal clerk to correct such error, or to show cause why such error should not be corrected. [L. '90, p. 407, § 19; 1 H. C., § 381.]

Cited in 1 Wash. 66.

§ 5277. [4896.] When and to Whom Delivered.

Before the opening of the polls, the clerk of the board of county commissioners (or the municipal clerk in the case of municipal elections) shall cause to be delivered to the judges of election of each election precinct which is within the county (or within the municipality in case of municipal elections), and in which the election is to be held, at the polling place of the precinct, the proper number of ballots provided for in section 5275 of this chapter. The ballots shall be given to the inspector of each election precinct; but in case it may be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the judges of election of any such precinct, and in making the appointment of judges of election under this chapter and other election laws of this state, not more than a majority of such judges of election shall be appointed from any one political party for each precinct. [L. '90, p. 407, § 20; 1 H. C., § 382; L. '95, p. 390, § 6.]

This section is not in the enacting clause of the Laws of 1895.

Cited in 12 Wash. 381.

STATE OF WASHINGTON
SENATE COMMITTEE SERVICES



MEMORANDUM

DATE: March 4, 1983
TO: Senate Committee on Local Government
FROM: Mel Sorensen, Legal Assistant
SUBJECT: Section Analysis of Proposed Substitute Senate Bill 3520

BACKGROUND FACTS

Pursuant to a constituent inquiry regarding a contested general election held on November 3, 1981 in Gold Bar, Washington, Senator Woody has developed proposed legislation clearing up confusion between the provisions for contested elections and registration challenges. The contest was based on illegal votes -- votes allegedly cast by persons not properly registered as town voters.

The facts of the Gold Bar case bear a short review. On December 3, 1981 a Complaint to Contest was filed under Chapter 29.65 RCW in the Superior Court of Snohomish County. The contest was dismissed on June 3, 1982 on defendant's motion that an election may not be contested under Chapter 29.65 RCW for improper registration or residency of voters when a specific statute governing challenges of registration exists in Chapter 29.59 RCW. The court held that the specific statute governing registration must control registration challenges. The contest was dismissed because all votes had already been validated under Chapter 29.59 RCW and because no challenge had been made within the statutory timeline. The case is currently on appeal to the Supreme Court.

SECTION ANALYSIS

Section 1:

Challenges of voter registration filed within 30 days of an election are to be handled under the procedures listed in Sections 2 and 3 of this bill.

No change from the original bill.

Section 2:

This section of the bill specifically authorizes precinct election officers to challenge registration at any time, for any reason up through election day. Currently, there is no specific authority of this sort.

Additionally, any registered voter is authorized to challenge registration for any reason other than residency at the polls. Registered voters may challenge on grounds of residency no later than seven days before an election. The current statute requires that challenges based on residency must be filed no later than 60 days before an election. This period is so long, however, that it may be a practical impossibility to perceive and file a proper challenge.

Finally, voters whose registration is successfully challenged, but who have met the residency requirements of the state, are afforded the opportunity to re-register properly until three days before the election. No authority of this sort is currently in place.

No substantial change from original bill.

Section 3:

This section of the bill stipulates the procedures for handling the vote of a challenged voter. Under the provision, any challenged voter shall be allowed to cast a paper ballot which is sealed in an envelope and transmitted to the appropriate canvassing board. The canvassing board must then determine the status of the voter's registration as well as the validity of his vote. The burden is upon the challenging party to prove his challenge by clear and convincing evidence. If this burden is not met, the residency must be determined valid and the vote counted.

Proposed substitute removes language referring to officers refusing to accept votes. It also references challenges under these procedures back to Sections 1 and 2.

Section 4:

This section allows any registered voter to request that the registration of another voter be cancelled on the grounds of residency.

This section was not included in the original bill. It amends the current cancellation provision which only allows certain precinct election officers to request cancellation.

Section 5:

This section sets out the procedures for cancellation. Notice of intent to cancel must be sent to the challenged voter, who must respond within 20 days. A hearing must be held within 10 days of the challenged voter's response to determine the validity of the registration. Both

parties may submit affidavits in lieu of personal appearance at the hearing.

This section was not included in the original bill. It amends the current cancellation procedures so that cancellation timelines extend until 30 days before an election.

Section 6:

Contested elections are governed by Chapter 29.65 RCW. This section of the bill amends the "illegal votes" provision of RCW 29.65.010 by setting out nonexclusive examples of what "illegal votes" includes. Examples qualifying as "illegal votes" for contest purposes are: more than one vote cast by a single voter, and votes cast by those not entitled to vote by the State Constitution. Specifically excluded from this section are votes cast by improperly registered voters who were not properly challenged under the challenge procedures.

This section is unchanged from the original bill.

Section 7:

It should be noted that the organizational structure of the Washington Code with respect to registration challenges and contested elections is confusing. Currently, registration challenges are governed by Chapter 29.59 RCW and election contests by Chapter 29.65 RCW. Because most other registration requirements are contained in Chapter 29.07 RCW and Chapter 29.10 RCW, it is suggested that registration challenges would be more appropriately included there. Thus, this bill repeals all of Chapter 29.59 RCW and includes registration challenge provisions within Chapter 29.10 RCW -- the chapter currently dealing with registration transfers and cancellations.

MS:d5/8

FINAL LEGISLATIVE BILL REPORT

SSB 3520

BY Senate Committee on Local Government (Originally sponsored by Senators Woody, Zimmerman and Thompson)

Revising procedures regarding contested elections and challenged voters.

SENATE COMMITTEE on Local Government

HOUSE COMMITTEE on Constitutions, Elections, and Ethics

SYNOPSIS AS PASSED LEGISLATURE E1

BACKGROUND:

The statutes authorizing challenges of voter registration require that challenges based on residency must be filed at least 60 days prior to an election. These challenges are subject to the timelines and procedures for registration cancellation laid out in RCW 29.10.140. This 60-day period may be too long to facilitate legitimate challenges.

Challenges based on other grounds may be filed at the polls by any legal voter. All challenged voters are allowed to cast a paper ballot which is transmitted to the canvassing board and its validity is determined there.

An election may be contested on the basis of illegal votes. There is no statutory definition or direction to clarify what constitutes illegal votes. Considerable confusion exists over whether an election contest may be based upon improperly registered voters who vote without being challenged.

SUMMARY:

Registration challenges by registered voters based on residency are authorized until seven days before an election. Any successfully challenged voter may properly re-register until three days before the primary or election. Precinct election officers may challenge registration for any reason, including residency, at the polls. Registered voters may challenge on grounds other than residency at the polls.

Voters challenged at the polls are allowed to cast a paper ballot which shall be considered by the canvassing board no later than the time of canvassing. The burden is upon the challenging party to prove by clear and convincing evidence that the challenge

should be upheld. If the burden is not met, the registration must be found valid and the vote counted.

The chapter on registration challenges, Chapter 29.59 RCW, is repealed. All sections dealing with registration challenges are placed in Chapter 29.10 RCW which deals with registration transfers and cancellations.

Provisions dealing with registration cancellation are amended to allow any registered voter to request that another voter's registration be cancelled on the basis of improper residency. Notice of intent to cancel must be sent to the challenged voter, who then has 20 days to file a response. A hearing to determine the issue must be scheduled within 10 days of this response.

The statute listing the grounds for contesting an election is amended to generally state what constitutes an illegal vote for the purposes of the section. Illegal votes specifically include votes cast by persons constitutionally prohibited from voting, and more than one vote cast by a single voter. Votes cast by improperly registered voters who are not properly challenged are specifically excluded from the definition of illegal votes. If a voter is not properly challenged, his vote counts and no election contest may be based upon that vote.

VOTES ON FINAL PASSAGE:

Regular Session

Senate	45	0	
House	97	0	(House amended)
Senate			(Senate asked House to recede)

First Special Session

Senate	40	0	
House	94	0	(House amended)
Senate			(Senate refused to concur)
House			(House refused to recede)
Senate			(Senate refused to concur)
House	95	0	(House receded)

ELECTION CONTEST
BEFORE THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
THIRTY-FIRST LEGISLATURE OF THE STATE OF WASHINGTON

OTTO A. CASE,
vs.
JACK TAYLOR.

Contestant.
Contestee.

To the Senate and House of Representatives of the Thirty-first
Legislature of the State of Washington:

Otto A. Case hereby contests the election of Jack Taylor, to hold office as Com-
missioner of Public Lands of the State of Washington under the claim of being the
successful candidate in the general election held on November 2, 1948, and for his
grounds of contest alleges:

I.
Otto A. Case is a native born citizen of the United States, and at all times herein
mentioned has been a resident of the State of Washington, a qualified elector therein,
and qualified to hold the office of Commissioner of Public Lands of the State of Wash-
ington.

II.
At the last general primary election Otto A. Case was nominated as the candidate
for Commissioner of Public Lands for the State of Washington, on the Republican
Ticket, and Jack Taylor was the successful candidate for the nomination of said office
on the Democratic Ticket.

III.
At the general election held on November 2, 1948, the following votes were received
by said candidates according to the official tabulation on record in the office of the
Secretary of State of the State of Washington, to-wit:

Jack Taylor	394,322
Otto A. Case	394,830
Total votes cast	789,152
Difference	1,608

IV

This contest is based upon the following alleged irregularities, which, affected the
result of said election:

First: That the said Jack Taylor willfully and knowingly made false, unlawful and
dishonest assertions against Otto A. Case in newspaper advertising and radio broadcasts
during the campaign immediately preceding the general election on November 2, 1948;
that these false and untrue statements are more fully set forth in a printed petition,
marked Exhibit "A", attached hereto and by reference made a part hereof; that your
petitioner verily believes, and therefore alleges the fact to be that said false, unlawful
and dishonest statements and claims influenced a sufficient number of voters of the State
of Washington to cast their votes for Jack Taylor who otherwise would not have done
so, and thus to cause the election of the said Jack Taylor; herein complained of is de-
nounced by the laws of this state and constitutes a crime under the provisions of
section 899 of Remington's Revised Statutes of the State of Washington. That your
Honorable bodies should not approve this open violation of the law and declare elected
one whose vote was obtained by such fraudulent and criminal methods.
Wherefore, your contestant prays that this contest be entertained and pending the
determination thereof Jack Taylor be not held to be elected and qualified to assume
the office of Commissioner of Public Lands of the State of Washington.

Otto A. Case, Petitioner.

STATE OF WASHINGTON }
COUNTY OF TULSA } ss.

Otto A. Case, being first duly sworn, on oath, deposes and says:
That he is the petitioner in the above-entitled action; that he has read the foregoing
petition of contest, knows the contents thereof and believes the same to be true.
Otto A. Case.

Subscribed and sworn to before me this tenth day of January, 1949.
W. K. CROVIER,
Notary Public in and for the State of
Washington, residing at Olympia.
(Notarial Seal)

MOTION

Mr. Ford moved that the Petition of Contest be indefinitely postponed.
The Speaker recognized Senator Rosellini.
Senator Rosellini:

"Mr. Speaker:
It does not deserve an answer. It seems to me there have been some serious and un-
founded accusations made upon a man who has long served the state as a public
official, which will require a few remarks to the accusations made here.

"In the first place, even assuming for the purpose of argument that the things
set out in the petition were true, so what? Nothing could be done about it. I would
like to point out that the contents of the petition are nothing but unmitigated lies.
Otto Case commanded that radio and newspaper advertisements published by Taylor
contained false statements as to the true facts. However, he has since admitted that
they were true but that he was not responsible for the acts of Jack Taylor. One
thing he points out is the sale of timber at \$481,000 above the appraised value that
Otto Case himself had made on that timber. Then Otto Case tried to evade the
responsibility by saying that the Land Commissioner had—that Otto Case had not
appreciated the timber himself but a timber cruiser, who was in the employ of Otto
Case, had appraised it.

"Another point he raised, I think the members of the Senate who were here in
1941 will recall, was the fact that Otto Case had taken credit for co-sponsoring Senate
Bill No. 769, which bill placed the Attorney General and the Superintendent of Public
Instruction on the Land Board and gave to that Board added power that they never
had before, to check the appraisal made by the Land Commissioner on school lands.
I think, Mr. Speaker, that the people here who served in the 1931 session will recall, and
the Senate Journal shows, that Jack Taylor did that.

"I do hope that you people and the public will pay no attention to the lies set
forth in this motion, as the motion does not recite the true facts.

The Speaker recognized Senator McCutcheon.
Senator McCutcheon:

"Mr. Speaker, and Members of the Joint Session:
I regret to take exception at any time to what my good friend Senator Rosellini
has said, but I realize in all political campaigns the people say things that are a little
bit straggling the point, to say it mildly, but there should be care taken in
political campaigns to tell the truth.

"Speaking against the indefinite postponement, speaking a word for my good friend,
Otto Case,—he has been in public life a long time in the State of Washington, and
nobody has been able to point a finger at him. I do not like the statements made here,
they're purely libelous—that he put up for sale 80 acres of replanted land for \$400.
This land had been growing trees eventually worth \$100,000. Replanting this land would
cost \$18 an acre. What sinister motive caused Otto to put this land up for sale? Did
he know what he was doing? It is certainly libelous and I have been informed, wholly
untrue.

"Otto Case is an old man and has had a very long public career and no one has
ever questioned his honesty and integrity, and I think no one can successfully do so
at any time.

The Speaker recognized Senator Miller.

Senator Miller:

"I know that Jack Taylor is innocent and I think he should hold his position."

Mr. Riley demanded the previous question and the demand was sustained.
The motion to indefinitely postpone the Petition of Contest of Otto Case
was carried.

JOINT SESSION

The Sergeant-at-Arms announced the arrival of the Senate at the bar of the House.

The Speaker invited the Senators to seats within the House, and the President of the Senate to a seat on the rostrum beside the Speaker.

The Joint Session was called to order at 11:00 a. m.

The Secretary of the Senate called the roll of the Senate and all members were present except Senator Keefe, and Senator Ritter, having been excused.

The Clerk called the roll of the House and all members were present except Representatives Bassett, Fray, Kinnear, Powell and Raugust.

The President announced that the Joint Session was called for the purpose of canvassing the vote of the constitutional elective officials.

MOTION

Mr. Ford moved that the Petition of Contest be indefinitely postponed.

The Speaker recognized Senator Rosellini.

Senator Rosellini:

"Mr. Speaker: Speaking on the motion. This is a matter probably so ridiculous in my mind that it does not deserve an answer. It seems to me there have been some serious and unfounded accusations made upon a man who has long served the State as a public official which will require a few remarks to the accusations made here.

"In the first place, even assuming for the purpose of argument that the things set out in the petition were true, so what? Nothing could be done about it. I would like to point out that the contents of the petition are nothing but unmitigated lies. Otto Case contended that radio and newspaper advertisements published by Taylor contained false statements as to the true facts. However, he has shown admitted that they were true but that he was not responsible for the acts of Jack Taylor. One thing he points out is the sale of timber at \$37,000 above the appraised value that Otto Case himself had made on that timber. Then Otto Case tried to evade the responsibility by saying that the Land Commissioner had—that Otto Case had not appraised the timber himself but a timber cruiser, who was in the employ of Otto Case, had appraised it.

"Another point to be raised. I think the members of the Senate who were here in 1941 will recall, was the fact that Otto Case had taken credit for co-sponsoring Senate Bill No. 129, which bill placed the Attorney General and the Superintendent of Public Instruction on the Land Board and gave to that Board added power that they never had before. To check the appraisal made by the Land Commissioner on school lands, I think Mr. Speaker, that the people here who served in the 1941 session will recall, and the Senate Journal shows that Jack Taylor did that.

"I do hope that you people and the public will pay no attention to the lies set forth in this petition, as the petition does not recite the true facts."

The Speaker recognized Senator McCutcheon.

Senator McCutcheon:

"Mr. Speaker, and members of the Joint Session: I regret to take exception at any time to what my good friend, Senator Rosellini, has said, but I realize in all political campaigns the people say things that are a little bit stretching the point, to say it mildly, but there should be care taken even in political campaigns to tell the truth.

"Speaking against the indefinite postponement, speaking a word for my good friend, Otto Case, he has been in public life a long time in the State of Washington and nobody has been able to point a finger at him. I do not like the statements made here, they are purely libelous—that he put up for sale 50 acres of replanted land for \$500. This land had fine growing trees eventually worth \$150,000. Replanting this land would cost \$15 an acre. What sinister motive caused Otto to put this land up for sale? Did he know what he was doing? It is certainly libelous and I have been informed, wholly untrue.

"Otto Case is an old man and has had a very long public career and no one has ever questioned his honesty and integrity, and I think no one can successfully do so at any time."

The Speaker recognized Senator Miller:

"I know that Jack Taylor is innocent and I think he should hold his position." Riley demanded the previous question and the demand was sustained.

The motion to indefinitely postpone the Petition of Contest of Otto Case was defeated.

There being no objection, the Speaker announced he was about to sign certificates of election of the following elective officials of the State of Washington:

- Arthur B. Langille.....Governor
- Victor A. Meyers.....Lieutenant Governor
- Earl Coe.....Secretary of State
- Tom Martin.....State Treasurer
- Clus Yale.....State Auditor
- Jack Troy.....Attorney General
-Commissioner of Public Lands
- Pearl A. Wenzelaker.....Superintendent of Public Instruction
- William A. Sullivan.....State Insurance Commissioner

There being no objection, the President of the Senate announced that he would sign the certificates of election of the following elective officials of the State of Washington:

- Arthur B. Langille.....Governor
- Victor A. Meyers.....Lieutenant Governor
- Earl Coe.....Secretary of State
- Tom Martin.....State Treasurer
- Clus Yale.....State Auditor
- Jack Troy.....Attorney General
-Commissioner of Public Lands
- Pearl A. Wenzelaker.....Superintendent of Public Instruction
- William A. Sullivan.....State Insurance Commissioner

The House declared the following to be elected to the offices for the State of Washington:

-Governor
-Lieutenant Governor
-Secretary of State
-State Treasurer
-State Auditor
-Attorney General
-Commissioner of Public Lands
-Superintendent of Public Instruction
-State Insurance Commissioner

MOTION

Senator Mr. Ford, the Joint Session was dissolved.

The Speaker requested the Sergeant-at-Arms of the House to escort the members of the Senate and all Senators to the Senate Chamber.

The President Pro Tempore called the Senate to order at 11:40 a. m.

The Senate proceeded with consideration of the rules for this session.

Senator Blitzer moved that the following rules be adopted as the rules of the Senate.

Senator Zednick seconded the motion.

The motion carried.

RULES OF THE SENATE

DUTIES OF THE PRESIDENT

Rule 1. The president shall take the chair and call the senate to order precisely at the hour appointed for meeting, and, if a quorum be present, shall cause the Journal

Section 75, Amends RCW 29.62.100: authorizes ~~to canvass and certify the primary returns of state officers, U.S. senators and representatives and all other candidates whose district extends beyond a single county.~~ *to canvass and certify the primary returns of state officers, U.S. senators and representatives and all other candidates whose district extends beyond a single county.*

Section 76. Amends RCW 29.64.010: Provides procedures for applying for a recount of votes for any primary or election; permits recount of ballot cards to be done manually or on the vote tallying system using a separate program from that employed in the original count.

Section 77. Amends RCW 29.64.020: *Specifies amount of* Requires a deposit to be made to cover the cost of a recount; *provides for notice of time and place of* ~~recount. as fixed by canvassing~~

Section 78. Amends RCW 29.64.060: Specifies that an unsuccessful applicant for a recount shall pay the actual cost of the recount.

Section 79. Amends RCW 29.65.010: Permits any registered voter to contest the issuance of a certificate of elections; specifies the grounds for such contest.

Section 80. Amends RCW 29.65.020: Specifies the time and place for filing an affidavit charging error or omission in the issuance of a certificate of election; provides that persons so charged an opportunity to call witnesses (see section 2).

Section 81. Amends RCW 29.65.040: Specifies the procedures to be followed by the court, upon receiving an affidavit contesting an election; provides for the setting of a hearing date; provides for the issuance of a citation directing appearance of the person charged.

ESSB 2034

SPONSORS: Committee on Constitution and Elections
(Originally sponsored by Senator Beck)

COMMITTEE: Constitution and Elections

Making various changes in election laws.

ANALYSIS AS OF APRIL 4, 1977

ISSUE:

SSB 2034 is the product of an interim task force established to study ways of improving the state's election law. The task force consisted of members of the Senate Constitution and Elections Committee, state and county election officials, and staff from both houses. Two broad problem areas were studied by the group: (1) Clarification and standardization of the provisions of Chapter 29.30 RCW relating to ballot format and preparation as they apply to the three voting systems (paper ballots, punch card, voting machines); (2) The security and accuracy of the punch card voting system.

SUMMARY:

SSB 2034 establishes separate provisions relating to ballots for the three voting systems. These provisions provide for uniformity of ballots across voting systems while taking into account the distinctive physical characteristics of each.

The bill authorizes the Secretary of State to adopt rules to regulate ballot page formats and to establish procedures for conducting logic and accuracy tests. In addition to existing provisions for pretesting of the programs used in punch card systems, the bill provides for additional tests on the day of the election. Political party observers, upon mutual agreement, may request that a manual count of the ballots of a randomly selected precinct be made and compared to the computer printout. The bill also details procedures for the transport of punch card ballots from the polling place to the counting center.

Other changes made by SSB 2034: (1) Clarifies the procedures relating to election contests; (2) Increases the deposit for a recount and provides that an unsuccessful applicant for a recount must pay the costs of that recount; (3) Clarifies polling place procedures.