

EXHIBIT I

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6453

Chapter 271, Laws of 2004

(partial veto)

58th Legislature
2004 Regular Session

PRIMARY ELECTIONS

EFFECTIVE DATE: 4/1/04 - Except sections 102 through 193, which become effective 6/10/04.

Passed by the Senate March 10, 2004
YEAS 36 NAYS 12

BRAD OWEN

President of the Senate

Passed by the House March 8, 2004
YEAS 51 NAYS 46

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6453** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved April 1, 2004, with the exception of sections 1 through 57; 101; and 201, which are vetoed.

FILED

April 1, 2004 - 10:25 a.m.

GARY F. LOCKE

Governor of the State of Washington

Secretary of State
State of Washington

ENGROSSED SENATE BILL 6453

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

By Senators Roach, Hargrove, Hale, T. Sheldon, Schmidt, Winsley, McCaslin, Carlson, Fairley and Rasmussen; by request of Secretary of State

Read first time 01/21/2004. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to a qualifying primary; amending RCW 29A.04.085,
2 29A.04.127, 29A.04.310, 29A.20.020, 29A.20.120, 29A.20.140, 29A.20.150,
3 29A.20.160, 29A.20.170, 29A.20.180, 29A.20.190, 29A.24.030, 29A.24.080,
4 29A.24.090, 29A.24.100, 29A.24.110, 29A.24.140, 29A.24.150, 29A.24.160,
5 29A.24.170, 29A.24.180, 29A.24.190, 29A.24.310, 29A.28.040, 29A.28.060,
6 29A.32.030, 29A.36.010, 29A.36.070, 29A.36.100, 29A.36.170, 29A.36.200,
7 29A.52.010, 29A.52.110, 29A.52.230, 29A.52.320, 29A.52.350, 29A.60.020,
8 29A.60.220, 29A.64.010, 29A.64.020, 29A.64.040, 29A.64.060, 29A.64.080,
9 29A.68.010, 29A.80.010, 29A.84.260, 29A.84.310, 29A.84.710, and
10 42.17.020; reenacting and amending RCW 29A.32.120; adding new sections
11 to chapter 29A.52 RCW; adding new sections to chapter 29A.04 RCW;
12 adding new sections to chapter 29A.28 RCW; adding new sections to
13 chapter 29A.08 RCW; adding a new section to chapter 29A.12 RCW; adding
14 new sections to chapter 29A.20 RCW; adding new sections to chapter
15 29A.24 RCW; adding new sections to chapter 29A.32 RCW; adding new
16 sections to chapter 29A.36 RCW; adding new sections to chapter 29A.40
17 RCW; adding new sections to chapter 29A.44 RCW; adding new sections to
18 chapter 29A.60 RCW; adding new sections to chapter 29A.80 RCW; adding
19 new sections to chapter 29A.64 RCW; adding a new section to chapter
20 29A.68 RCW; adding new sections to chapter 29A.84 RCW; creating new
21 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;

(b) All qualified registered voters of the state of Washington should be permitted to participate in all meaningful stages of the process for qualifying candidates to appear on the general election ballot by voting for the candidates of their choice in the districts and jurisdictions where they are eligible to vote; and

(c) No registered voter of the state of Washington should be required to divulge to any public or private entity his or her party affiliation, if any, as a prerequisite to voting.

*Sec. 1 was vetoed. See message at end of chapter.

*NEW SECTION. Sec. 2. The rights of Washington voters are protected by its Constitution and laws and include the following fundamental rights:

(1) The right of qualified voters to vote at all elections;

(2) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;

(3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

*Sec. 2 was vetoed. See message at end of chapter.

*Sec. 3. RCW 29A.04.085 and 2003 c 111 s 115 are each amended to read as follows:

"Major political party" means a political party (~~of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year.~~ A political party qualifying as a major political party under this section retains such status until the next even-year election at which

~~a candidate of that party does not achieve at least five percent of the vote for one of the previously specified offices. If none of these offices appear on the ballot in an even-year general election, the major party retains its status as a major party through that election))~~
identified on the declaration of candidacy of at least one candidate for statewide office who received at least five percent of the total votes cast for that office at the last primary or general election in a year that the office of governor appeared on the ballot. Once qualified, a major political party retains such status until the next primary or general election in a year that the office of governor appears on the ballot.

*Sec. 3 was vetoed. See message at end of chapter.

*NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW to read as follows:

"Partisan office" means an office for which a candidate may identify a political philosophy under RCW 29A.24.030(3), and is limited to the following offices:

- (1) United States senator and representative;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

*Sec. 4 was vetoed. See message at end of chapter.

*Sec. 5. RCW 29A.04.127 and 2003 c 111 s 122 are each amended to read as follows:

"Primary" (~~or "primary election"~~) means a statutory qualifying procedure ((for nominating candidates to public office at the polls)) in which each registered voter eligible to vote in the district or jurisdiction is permitted to cast a vote for his or her preferred candidate for each office appearing on the ballot, without any limitation based on party preference or affiliation on the part of the voter or the candidate, with the result that not more than two candidates for each office qualify to appear on the general election ballot.

*Sec. 5 was vetoed. See message at end of chapter.

*Sec. 6. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to read as follows:

~~((Nominating))~~ Qualifying primaries for general elections to be

1 held in November must be held on the third Tuesday of the preceding
 2 September or on the seventh Tuesday immediately preceding such general
 3 election, whichever occurs first.

*Sec. 6 was vetoed. See message at end of chapter.

4 *Sec. 7. RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
 5 read as follows:

6 (1) A person filing a declaration of candidacy for an office shall,
 7 at the time of filing, be a registered voter and possess the
 8 qualifications specified by law for persons who may be elected to the
 9 office.

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

13 (3) The name of a candidate for an office shall not appear on a
 14 ballot for that office unless, except as provided in RCW 3.46.067 and
 15 3.50.057, the candidate is, at the time the candidate's declaration of
 16 candidacy is filed, properly registered to vote in the geographic area
 17 represented by the office. For the purposes of this section, each
 18 geographic area in which registered voters may cast ballots for an
 19 office is represented by that office. If a person elected to an office
 20 must be ((nominated)) qualified from a district or similar division of
 21 the geographic area represented by the office, the name of a candidate
 22 for the office shall not appear on a primary ballot for that office
 23 unless the candidate is, at the time the candidate's declaration of
 24 candidacy is filed, properly registered to vote in that district or
 25 division. The officer with whom declarations of candidacy must be
 26 filed under this title shall review each such declaration filed
 27 regarding compliance with this subsection.

28 (4) ~~((This section does not apply to the office of a member of the~~
 29 ~~United States Congress.))~~ The requirements of voter registration and
 30 residence within the geographic area of a district do not apply to
 31 candidates for congressional office. Qualifications for United States
 32 Congress are specified in the United States Constitution.

*Sec. 7 was vetoed. See message at end of chapter.

33 *Sec. 8. RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
 34 read as follows:

35 ~~((1) Any nomination of a candidate for partisan public office by~~
 36 ~~other than a major political party may be made only: (a) In a~~

1 ~~convention held not earlier than the last Saturday in June and not~~
2 ~~later than the first Saturday in July or during any of the seven days~~
3 ~~immediately preceding the first day for filing declarations of~~
4 ~~candidacy as fixed in accordance with RCW 29A.28.040; (b) as provided~~
5 ~~by RCW 29A.60.020; or (c) as otherwise provided in this section.~~

6 ~~(2))~~ Nominations of candidates for president and vice president of
7 the United States other than by a major political party ((may)) must be
8 made ((either at a convention conducted under subsection (1) of this
9 section, or)) at a ((similar)) convention ((taking place)) to be held
10 not earlier than the first Sunday in July and not later than seventy
11 days before the general election. ((Conventions held during this time
12 period may not nominate candidates for any public office other than
13 president and vice president of the United States, except as provided
14 in subsection (3) of this section.

15 ~~(3) If a special filing period for a partisan office is opened~~
16 ~~under RCW 29A.24.210, candidates of minor political parties and~~
17 ~~independent candidates may file for office during that special filing~~
18 ~~period. The names of those candidates may not appear on the ballot~~
19 ~~unless they are nominated by convention held no later than five days~~
20 ~~after the close of the special filing period and a certificate of~~
21 ~~nomination is filed with the filing officer no later than three days~~
22 ~~after the convention. The requirements of RCW 29A.20.130 do not apply~~
23 ~~to such a convention. If primary ballots or a voters' pamphlet are~~
24 ~~ordered to be printed before the deadline for submitting the~~
25 ~~certificate of nomination and the certificate has not been filed, then~~
26 ~~the candidate's name will be included but may not appear on the general~~
27 ~~election ballot unless the certificate is timely filed and the~~
28 ~~candidate otherwise qualifies to appear on that ballot.~~

29 ~~(4) A minor political party may hold more than one convention but~~
30 ~~in no case shall any such party nominate more than one candidate for~~
31 ~~any one partisan public office or position. For the purpose of~~
32 ~~nominating candidates for the offices of president and vice president,~~
33 ~~United States senator, or a statewide office, a minor party or~~
34 ~~independent candidate holding multiple conventions may add together the~~
35 ~~number of signatures of different individuals from each convention~~
36 ~~obtained in support of the candidate or candidates in order to obtain~~
37 ~~the number required by RCW 29A.20.140. For all other offices for which~~

~~1 nominations are made, signatures of the requisite number of registered
2 voters must be obtained at a single convention.))~~

*Sec. 8 was vetoed. See message at end of chapter.

3 *Sec. 9. RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
4 read as follows:

5 ~~((1) To be valid, a convention must be attended by at least
6 twenty-five registered voters.~~

7 ~~(2)) In order to nominate candidates for the offices of president
8 and vice president of the United States, ((United States senator, or
9 any statewide office,)) a nominating convention shall obtain and submit
10 to the filing officer the signatures of at least two hundred registered
11 voters of the state of Washington. ((In order to nominate candidates
12 for any other office, a nominating convention shall obtain and submit
13 to the filing officer the signatures of twenty five persons who are
14 registered to vote in the jurisdiction of the office for which the
15 nominations are made.))~~

*Sec. 9 was vetoed. See message at end of chapter.

16 *Sec. 10. RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
17 read as follows:

18 A nominating petition submitted under this chapter shall clearly
19 identify the name of the minor party or independent candidate
20 ~~((convention as it appears on the certificate of nomination as required
21 by RCW 29A.20.160(3))).~~ The petition shall also contain a statement
22 that the person signing the petition is a registered voter of the state
23 of Washington and shall have a space for the voter to sign his or her
24 name and to print his or her name and address. ~~((No person may sign
25 more than one nominating petition under this chapter for an office for
26 a primary or election.))~~ The nominating petition must be submitted to
27 the secretary of state not later than ten days after adjournment of the
28 convention.

*Sec. 10 was vetoed. See message at end of chapter.

29 *Sec. 11. RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
30 read as follows:

31 A certificate evidencing nominations of candidates for the offices
32 of president and vice president made at a convention must:

33 (1) Be in writing;

34 (2) Contain the name of each person nominated ~~((, his or her
35 residence, and the office for which he or she is named, and if the~~

1 ~~nomination is))~~ for the offices of president and vice president of the
 2 United States, their addresses, and a sworn statement from both
 3 nominees giving their consent to the nomination;

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

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

7 (5) Be accompanied by a nominating petition or petitions bearing
 8 the signatures and addresses of registered voters equal in number to
 9 that required by RCW 29A.20.140;

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

12 (7) Be submitted to the ~~((appropriate filing officer))~~ secretary of
 13 state not later than one week following the adjournment of the
 14 convention at which the nominations were made. ~~((If the nominations~~
 15 ~~are made only for offices whose jurisdiction is entirely within one~~
 16 ~~county, the certificate and nominating petitions must be filed with the~~
 17 ~~county auditor. If a minor party or independent candidate convention~~
 18 ~~nominates any candidates for offices whose jurisdiction encompasses~~
 19 ~~more than one county, all nominating petitions and the convention~~
 20 ~~certificates must be filed with the secretary of state.))~~

*Sec. 11 was vetoed. See message at end of chapter.

21 *Sec. 12. RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
 22 read as follows:

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

34 (2) A person affected may petition the superior court of the county
 35 in which the filing officer is located for a judicial determination of
 36 the right to the name of a minor political party, either before or
 37 after documents are filed with the filing officer. The court shall

1 resolve the conflict between competing claims to the use of the same
 2 party name according to the following principles: (a) The prior
 3 established public use of the name during previous elections by a party
 4 composed of or led by the same individuals or individuals in documented
 5 succession; (b) prior established public use of the name earlier in the
 6 same election cycle; (c) ~~((the nomination of a more complete slate of~~
 7 ~~candidates for a number of offices or in a number of different regions~~
 8 ~~of the state; (d))~~ documented affiliation with a national or statewide
 9 party organization with an established use of the name; ~~((+e))~~ (d) the
 10 first date of filing of a certificate of nomination; and ~~((+f))~~ (e)
 11 such other indicia of an established right to use of the name as the
 12 court may deem relevant. ~~((If more than one filing officer is~~
 13 ~~involved, and one of them is the secretary of state, the petition must~~
 14 ~~be filed in the superior court for Thurston county.))~~ Upon resolving
 15 the conflict between competing claims, the court may also address any
 16 ballot designation for the candidate who does not prevail.

*Sec. 12 was vetoed. See message at end of chapter.

17 *Sec. 13. RCW 29A.20.180 and 2003 c 111 s 512 are each amended to
 18 read as follows:

19 A minor political party or independent candidate convention
 20 nominating candidates for the offices of president and vice president
 21 of the United States shall, not later than ten days after the
 22 adjournment of the convention, submit a list of presidential electors
 23 to the office of the secretary of state. The list shall contain the
 24 names and the mailing addresses of the persons selected and shall be
 25 verified by the ~~((presiding officer of the convention))~~ candidates
 26 named on the nominating petition.

*Sec. 13 was vetoed. See message at end of chapter.

27 *Sec. 14. RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
 28 read as follows:

29 Upon the receipt of the ~~((certificate of nomination))~~ nominating
 30 petition, the ~~((officer with whom it is filed shall check the~~
 31 ~~certificate and))~~ secretary of state shall canvass the signatures ~~((on~~
 32 ~~the accompanying nominating petitions to determine if the requirements~~
 33 ~~of RCW 29A.20.140 have been met)).~~ Once the determination of the
 34 sufficiency of the petitions has been made, the filing officer shall
 35 notify the ~~((presiding officer of the convention))~~ candidates and any
 36 other persons requesting the notification ~~((, of his or her decision~~

1 ~~regarding the sufficiency of the certificate or the nominating~~
 2 ~~petitions)).~~ Any appeal regarding the filing officer's determination
 3 must be filed with the superior court of the county in which the
 4 certificate or petitions were filed not later than five days from the
 5 date the determination is made, and shall be heard and finally disposed
 6 of by the court within five days of the filing. Nominating petitions
 7 shall not be available for public inspection or copying.

*Sec. 14 was vetoed. See message at end of chapter.

8 *Sec. 15. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
 9 read as follows:

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

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

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

24 (3) For those offices defined in section 4 of this act only, a
 25 place for the candidate to ((indicate a party designation, if
 26 applicable)) identify a major or minor political party, if any, the
 27 candidate regards as best approximating his or her own political
 28 philosophy. No candidate may list more than one political party.
 29 Nothing in this indication of political philosophy may be construed as
 30 denoting an endorsement or nomination by that party. The sole purpose
 31 of allowing candidates to identify a political party preference is to
 32 provide to voters a brief description of each candidate's political
 33 philosophy, which the voters may consider when casting their votes at
 34 a primary or general election;

35 (4) A place for the candidate to indicate the amount of the filing
 36 fee accompanying the declaration of candidacy or for the candidate to

1 indicate that he or she is filing a ((~~nominating~~)) petition in lieu of
 2 the filing fee under RCW 29A.24.090;

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

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

14 The secretary of state may require any other information on the
 15 form he or she deems appropriate to facilitate the filing process.

*Sec. 15 was vetoed. See message at end of chapter.

16 *Sec. 16. RCW 29A.24.080 and 2003 c 111 s 608 are each amended to
 17 read as follows:

18 Any candidate may mail his or her declaration of candidacy for an
 19 office to the filing officer. Such declarations of candidacy shall be
 20 processed by the filing officer in the following manner:

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

28 (2) Any properly executed declaration of candidacy received by mail
 29 on or after the tenth business day immediately preceding the first day
 30 for candidates to file for office and before the close of business on
 31 the last day of the filing period shall be included with filings made
 32 in person during the filing period. In primaries for partisan office
 33 and judicial ((~~elections~~)) offices the filing officer shall determine
 34 by lot the order in which the names of those candidates shall appear
 35 upon sample and absentee primary ballots.

36 (3) Any declaration of candidacy received by the filing officer

1 after the close of business on the last day for candidates to file for
 2 office shall be rejected and returned to the candidate attempting to
 3 file it.

*Sec. 16 was vetoed. See message at end of chapter.

4 *Sec. 17. RCW 29A.24.090 and 2003 c 111 s 609 are each amended to
 5 read as follows:

6 A filing fee of one dollar shall accompany each declaration of
 7 candidacy for precinct committee officer; a filing fee of ten dollars
 8 shall accompany the declaration of candidacy for any office with a
 9 fixed annual salary of one thousand dollars or less; a filing fee equal
 10 to one percent of the annual salary of the office at the time of filing
 11 shall accompany the declaration of candidacy for any office with a
 12 fixed annual salary of more than one thousand dollars per annum. No
 13 filing fee need accompany a declaration of candidacy for any office for
 14 which compensation is on a per diem or per meeting attended basis.

15 A candidate who lacks sufficient assets or income at the time of
 16 filing to pay the filing fee required by this section shall submit with
 17 his or her declaration of candidacy a ((nominating)) filing petition.
 18 The petition shall contain not less than a number of signatures of
 19 registered voters equal to the number of dollars of the filing fee.
 20 The signatures shall be of voters registered to vote within the
 21 jurisdiction of the office for which the candidate is filing.

22 When the candidacy is for:

23 (1) A legislative or judicial office that includes territory from
 24 more than one county, the fee shall be paid to the secretary of state
 25 for equal division between the treasuries of the counties comprising
 26 the district.

27 (2) A city or town office, the fee shall be paid to the county
 28 auditor who shall transmit it to the city or town clerk for deposit in
 29 the city or town treasury.

*Sec. 17 was vetoed. See message at end of chapter.

30 *Sec. 18. RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
 31 read as follows:

32 The ((nominating)) filing petition authorized by RCW 29A.24.090
 33 shall be printed on sheets of uniform color and size, shall contain no
 34 more than twenty numbered lines, and must be in substantially the
 35 following form:

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

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

6 If the candidate listed a political party on the declaration of
 7 candidacy, then the name of that party must appear on the filing
 8 petition.

9 The petition must include a place for each individual to sign and
 10 print his or her name, and the address, city, and county at which he or
 11 she is registered to vote.

*Sec. 18 was vetoed. See message at end of chapter.

12 *Sec. 19. RCW 29A.24.110 and 2003 c 111 s 611 are each amended to
 13 read as follows:

14 ((Nominating)) Petitions may be rejected for the following reasons:

- 15 (1) The petition is not in the proper form;
- 16 (2) The petition clearly bears insufficient signatures;
- 17 (3) The petition is not accompanied by a declaration of candidacy;
- 18 (4) The time within which the petition and the declaration of
 19 candidacy could have been filed has expired.

20 If the petition is accepted, the officer with whom it is filed
 21 shall canvass the signatures contained on it and shall reject the
 22 signatures of those persons who are not registered voters and the
 23 signatures of those persons who are not registered to vote within the
 24 jurisdiction of the office for which the ((nominating)) petition is
 25 filed. He or she shall additionally reject any signature that appears
 26 on the ((nominating)) petitions of two or more candidates for the same
 27 office and shall also reject, each time it appears, the name of any
 28 person who signs the same petition more than once.

29 If the officer with whom the petition is filed refuses to accept
 30 the petition or refuses to certify the petition as bearing sufficient
 31 valid signatures, the person filing the petition may appeal that action
 32 to the superior court. The application for judicial review shall take
 33 precedence over other cases and matters and shall be speedily heard and
 34 determined.

*Sec. 19 was vetoed. See message at end of chapter.

35 *Sec. 20. RCW 29A.24.140 and 2003 c 111 s 614 are each amended to
 36 read as follows:

1 A void in candidacy for ((~~a nonpartisan~~)) an office occurs when an
 2 election for such office, except for the short term, has been scheduled
 3 and no valid declaration of candidacy has been filed for the position
 4 or all persons filing such valid declarations of candidacy have died or
 5 been disqualified.

*Sec. 20 was vetoed. See message at end of chapter.

6 *Sec. 21. RCW 29A.24.150 and 2003 c 111 s 615 are each amended to
 7 read as follows:

8 The election officer with whom declarations of candidacy are filed
 9 shall give notice of a void in candidacy for ((~~a nonpartisan~~)) an
 10 office((~~7~~)) by notifying press, radio, and television in the county or
 11 counties involved and by such other means as may now or hereafter be
 12 provided by law. The notice shall state the office, and the time and
 13 place for filing declarations of candidacy.

*Sec. 21 was vetoed. See message at end of chapter.

14 *Sec. 22. RCW 29A.24.160 and 2003 c 111 s 616 are each amended to
 15 read as follows:

16 Filings to fill a void in candidacy for ((~~nonpartisan~~)) an office
 17 must be made in the same manner and with the same official as required
 18 during the regular filing period for such office((~~7 except that~~
 19 ~~nominating signature petitions that may be required of candidates~~
 20 ~~filing for certain district offices during the normal filing period may~~
 21 ~~not be required of candidates filing during the special three-day~~
 22 ~~filing period~~)).

*Sec. 22 was vetoed. See message at end of chapter.

23 *Sec. 23. RCW 29A.24.170 and 2003 c 111 s 617 are each amended to
 24 read as follows:

25 Filings for ((~~a nonpartisan~~)) an office shall be reopened for a
 26 period of three normal business days, such three day period to be fixed
 27 by the election officer with whom such declarations of candidacy are
 28 filed and notice thereof given by notifying press, radio, and
 29 television in the county or counties and by such other means as may now
 30 or hereafter be provided by law whenever before the sixth Tuesday prior
 31 to a primary:

32 (1) A void in candidacy occurs;

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

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

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

*Sec. 23 was vetoed. See message at end of chapter.

6 *Sec. 24. RCW 29A.24.180 and 2003 c 111 s 618 are each amended to
 7 read as follows:

8 Filings for a nonpartisan office (other than judge of the supreme
 9 court or superintendent of public instruction) shall be reopened for a
 10 period of three normal business days, such three day period to be fixed
 11 by the election officer with whom such declarations of candidacy are
 12 filed and notice thereof given by notifying press, radio, and
 13 television in the county and by such other means as may now or
 14 hereafter be provided by law, when:

15 (1) A void in candidacy for such nonpartisan office occurs on or
 16 after the sixth Tuesday prior to a primary but prior to the sixth
 17 Tuesday before an election; or

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

23 (3) A vacancy occurs in any nonpartisan office on or after the
 24 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
 25 an election leaving an unexpired term to be filled by an election for
 26 which filings have not been held.

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

*Sec. 24 was vetoed. See message at end of chapter.

29 *Sec. 25. RCW 29A.24.190 and 2003 c 111 s 619 are each amended to
 30 read as follows:

31 A scheduled election ((~~shall be lapsed~~)) lapses, the office is
 32 deemed stricken from the ballot, no purported write-in votes may be
 33 counted, and no candidate may be certified as elected, when:

34 (1) In an election for judge of the supreme court ((~~or~~))
 35 superintendent of public instruction, or a partisan office, a void in

1 candidacy occurs on or after the sixth Tuesday prior to a primary,
2 public filings and the primary being an indispensable phase of the
3 election process for such offices;

4 (2) Except as otherwise specified in RCW 29A.24.180, a ((nominee))
5 candidate for judge of the superior court entitled to a certificate of
6 election pursuant to Article 4, section 29, Amendment 41 of the state
7 Constitution dies or is disqualified on or after the sixth Tuesday
8 prior to a primary;

9 (3) In other elections for nonpartisan office a void in candidacy
10 occurs or a vacancy occurs involving an unexpired term to be filled on
11 or after the sixth Tuesday prior to an election.

*Sec. 25 was vetoed. See message at end of chapter.

12 *Sec. 26. RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
13 read as follows:

14 Any person who desires to be a write-in candidate and have such
15 votes counted at a primary or election may file a declaration of
16 candidacy with the officer designated in RCW 29A.24.070 not later than
17 the day before the primary or election. Declarations of candidacy for
18 write-in candidates must be accompanied by a filing fee in the same
19 manner as required of other candidates filing for the office as
20 provided in RCW 29A.24.090.

21 Votes cast for write-in candidates who have filed such declarations
22 of candidacy ~~((and write-in votes for persons appointed by political~~
23 ~~parties pursuant to RCW 29A.28.020))~~ need only specify the name of the
24 candidate in the appropriate location on the ballot in order to be
25 counted. Write-in votes cast for any other candidate, in order to be
26 counted, must designate the office sought and position number ~~((or~~
27 ~~political party))~~, if the manner in which the write-in is done does not
28 make the office or position clear. In order for write-in votes to be
29 valid in jurisdictions employing optical-scan mark sense ballot systems
30 the voter must complete the proper mark next to the write-in line for
31 that office.

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

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

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

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

The declaration of candidacy shall be similar to that required by RCW 29A.24.030. No write-in candidate filing under this section may be included in any voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

*Sec. 26 was vetoed. See message at end of chapter.

*NEW SECTION. Sec. 27. A new section is added to chapter 29A.28 RCW to read as follows:

If the death or disqualification of a candidate for a partisan or nonpartisan office does not give rise to the opening of a new filing period under RCW 29A.24.170, then the following will occur:

(1) If the candidate dies or becomes disqualified after filing a declaration of candidacy but before the close of the filing period, then the declaration of candidacy is void and his or her name will not appear on the ballot;

(2) If the candidate dies or becomes disqualified after the close of the filing period but before the day of the primary, then his or her name will appear on the primary ballot and all otherwise valid votes for that candidate will be tabulated. The candidate's name will not appear on the general election ballot even if he or she otherwise would have qualified to do so, but no other candidate will advance, or be substituted, in the place of that candidate. If the candidate was the only candidate to qualify to advance to the general election, then the general election for that office lapses, and the office will be regarded as vacant as of the time the newly elected official would have otherwise taken office;

(3) If the candidate dies or becomes disqualified on or after the day of the primary, and he or she would have otherwise qualified to

1 appear on the general election ballot, then his or her name will appear
2 on the general election ballot and all otherwise valid votes for that
3 candidate will be tabulated. If the candidate received a number of
4 votes sufficient to be elected to office, but for his or her death or
5 disqualification, then the office will be regarded as vacant as of the
6 time the newly elected official would have otherwise taken office.

*Sec. 27 was vetoed. See message at end of chapter.

7 *Sec. 28. RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
8 read as follows:

9 (1) Whenever a vacancy occurs in the United States house of
10 representatives or the United States senate from this state, the
11 governor shall order a special election to fill the vacancy.

12 (2) Within ten days of such vacancy occurring, he or she shall
13 issue a writ of election fixing a date for the special vacancy election
14 not less than ninety days after the issuance of the writ, fixing a date
15 for the primary for (~~nominating~~) qualifying candidates for the
16 special vacancy election not less than thirty days before the day fixed
17 for holding the special vacancy election, fixing the dates for the
18 special filing period, and designating the term or part of the term for
19 which the vacancy exists. If the vacancy is in the office of United
20 States representative, the writ of election shall specify the
21 congressional district that is vacant.

22 (3) If the vacancy occurs less than six months before a state
23 general election and before the second Friday following the close of
24 the filing period for that general election, the special primary and
25 special vacancy elections shall be held in concert with the state
26 primary and state general election in that year.

27 (4) If the vacancy occurs on or after the first day for filing
28 under RCW 29A.24.050 and on or before the second Friday following the
29 close of the filing period, a special filing period of three normal
30 business days shall be fixed by the governor and notice thereof given
31 to all media, including press, radio, and television within the area in
32 which the vacancy election is to be held, to the end that, insofar as
33 possible, all interested persons will be aware of such filing period.
34 The last day of the filing period shall not be later than the third
35 Tuesday before the primary (~~at which candidates are to be nominated~~).
36 The names of candidates who have filed valid declarations of candidacy

1 during this three-day period shall appear on the approaching primary
2 ballot.

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

*Sec. 28 was vetoed. See message at end of chapter.

8 *Sec. 29. RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
9 read as follows:

10 The general election laws and laws relating to ((partisan))
11 primaries ((shall)) for partisan offices apply to the special primaries
12 and vacancy elections provided for in RCW 29A.28.040 through 29A.28.050
13 to the extent that they are not inconsistent with the provisions of
14 these sections. Statutory time deadlines relating to availability of
15 absentee ballots, certification, canvassing, and related procedures
16 that cannot be met in a timely fashion may be modified for the purposes
17 of a specific primary or vacancy election under this chapter by the
18 secretary of state through emergency rules adopted under RCW
19 29A.04.610.

*Sec. 29 was vetoed. See message at end of chapter.

20 *Sec. 30. RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
21 read as follows:

22 The voters' pamphlet must contain:

23 (1) Information about each ballot measure initiated by or referred
24 to the voters for their approval or rejection as required by RCW
25 29A.32.070;

26 (2) In even-numbered years, statements, if submitted, advocating
27 the candidacies of ((nominees)) candidates qualified to appear on the
28 ballot for the office of president and vice president of the United
29 States, United States senator, United States representative, governor,
30 lieutenant governor, secretary of state, state treasurer, state
31 auditor, attorney general, commissioner of public lands, superintendent
32 of public instruction, insurance commissioner, state senator, state
33 representative, justice of the supreme court, judge of the court of
34 appeals, or judge of the superior court. Candidates may also submit a
35 campaign mailing address and telephone number and a photograph not more

1 than five years old and of a size and quality that the secretary of
 2 state determines to be suitable for reproduction in the voters'
 3 pamphlet;

4 (3) In odd-numbered years, if any office voted upon statewide
 5 appears on the ballot due to a vacancy, then statements and photographs
 6 for candidates for any vacant office listed in subsection (2) of this
 7 section must appear;

8 (4) In even-numbered years, a section explaining how voters may
 9 participate in the election campaign process; the address and telephone
 10 number of the public disclosure commission established under RCW
 11 42.17.350; and a summary of the disclosure requirements that apply when
 12 contributions are made to candidates and political committees;

13 (5) In even-numbered years the name, address, and telephone number
 14 of each political party (~~((with nominees listed in the pamphlet, if~~
 15 ~~filed with the secretary of state by the state committee of a major~~
 16 ~~political party or the presiding officer of the convention of a minor~~
 17 ~~political party))~~ for which a candidate appearing on the ballot has
 18 expressed a preference on his or her declaration of candidacy, if the
 19 party has provided that information to the secretary of state;

20 (6) In each odd-numbered year immediately before a year in which a
 21 president of the United States is to be nominated and elected,
 22 information explaining the precinct caucus and convention process used
 23 by each major political party to elect delegates to its national
 24 presidential candidate nominating convention. The pamphlet must also
 25 provide a description of the statutory procedures by which minor
 26 political parties are formed and the statutory methods used by the
 27 parties to nominate candidates for president;

28 (7) In even-numbered years, a description of the office of precinct
 29 committee officer and its duties;

30 (8) An application form for an absentee ballot;

31 (9) A brief statement explaining the deletion and addition of
 32 language for proposed measures under RCW 29A.32.080;

33 (10) Any additional information pertaining to elections as may be
 34 required by law or in the judgment of the secretary of state is deemed
 35 informative to the voters.

*Sec. 30 was vetoed. See message at end of chapter.

36 *Sec. 31. RCW 29A.32.120 and 2003 c 254 s 6 and 2003 c 111 s 812
 37 are each reenacted and amended to read as follows:

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

(2) Arguments written by committees under RCW 29A.32.060 may not exceed two hundred fifty words in length.

(3) Rebuttal arguments written by committees may not exceed seventy-five words in length.

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates ((or-nominees)) for each office.
*Sec. 31 was vetoed. See message at end of chapter.

*Sec. 32. RCW 29A.36.010 and 2003 c 111 s 901 are each amended to read as follows:

On or before the day following the last day allowed for ((~~political parties to fill vacancies in the ticket as provided by RCW 29A.28.010~~)) candidates to withdraw under RCW 29A.24.130, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party ((~~designation~~)) preference, if any.
*Sec. 32 was vetoed. See message at end of chapter.

*Sec. 33. RCW 29A.36.070 and 2003 c 111 s 907 are each amended to read as follows:

(1) Except as provided to the contrary in RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW 29A.72.050, except that the concise description must not exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town

1 attorney. If the local governmental unit is a county, the concise
 2 statement shall be prepared by the prosecuting attorney of the county.
 3 If the unit is a unit of local government other than a city, town, or
 4 county, the concise statement shall be prepared by the prosecuting
 5 attorney of the county within which the majority area of the unit is
 6 located.

7 (2) A referendum measure on the enactment of a unit of local
 8 government shall be advertised in the manner provided for ((nominees))
 9 candidates for elective office.

10 (3) Subsection (1) of this section does not apply if another
 11 provision of law specifies the ballot title for a specific type of
 12 ballot question or proposition.

*Sec. 33 was vetoed. See message at end of chapter.

13 *Sec. 34. RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
 14 read as follows:

15 Except for the candidates for the positions of president and vice
 16 president or for a partisan or nonpartisan office for which no primary
 17 is required, the names of all candidates who, under this title, filed
 18 a declaration of candidacy (~~((, were certified as a candidate to fill a~~
 19 ~~vacancy on a major party ticket, or were nominated as an independent or~~
 20 ~~minor party candidate))~~ will appear on the appropriate ballot at the
 21 primary throughout the jurisdiction (~~((in which they are to be~~
 22 ~~nominated))~~ of the office for which they are a candidate.

*Sec. 34 was vetoed. See message at end of chapter.

23 *Sec. 35. RCW 29A.36.170 and 2003 c 111 s 917 are each amended to
 24 read as follows:

25 (1) Except as provided in RCW 29A.36.180 and in subsection (2) of
 26 this section, on the ballot at the general election for ((a
 27 ~~nonpartisan~~)) an office for which a primary was held, only the names of
 28 the candidate who received the greatest number of votes and the
 29 candidate who received the next greatest number of votes for that
 30 office shall appear under the title of that office, and the names shall
 31 appear in that order. If a primary was conducted, no candidate's name
 32 may be printed on the subsequent general election ballot unless he or
 33 she receives at least one percent of the total votes cast for that
 34 office at the preceding primary. On the ballot at the general election
 35 for (~~((any other nonpartisan))~~) an office for which no primary was held,

the names of the candidates shall be listed in the order determined under RCW 29A.36.130.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

*Sec. 35 was vetoed. See message at end of chapter.

*Sec. 36. RCW 29A.36.200 and 2003 c 111 s 920 are each amended to read as follows:

The names of the persons certified (~~(as nominees)~~) by the secretary of state or the county canvassing board as having qualified to appear on the general election ballot shall be printed on the ballot at the ensuing election.

No name of any candidate (~~(whose nomination at a primary is required by law shall)~~) for an office for which a primary is conducted may be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state(~~(7)~~) or (2) the county canvassing board(~~(7 or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29A.28.020)~~).

Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, a candidate's name shall not appear more than once upon a ballot for a position regularly (~~(nominated or)~~) elected at the same election.

*Sec. 36 was vetoed. See message at end of chapter.

*Sec. 37. RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no (~~(September)~~) primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw(~~(7 either of the following circumstances exist:~~

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

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

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

*Sec. 37 was vetoed. See message at end of chapter.

9 *Sec. 38. RCW 29A.52.110 and 2003 c 111 s 1302 are each amended to
10 read as follows:

11 Candidates for (~~the following offices shall be nominated at~~)
12 partisan offices will appear on the ballot at primaries held (~~pursuant~~
13 ~~to the provisions of~~) under this chapter(~~+~~

14 ~~(1) Congressional offices;~~

15 ~~(2) All state offices except (a) judicial offices and (b) the~~
16 ~~office of superintendent of public instruction;~~

17 ~~(3) All county offices except (a) judicial offices and (b) those~~
18 ~~offices where a county home rule charter provides otherwise)).~~

*Sec. 38 was vetoed. See message at end of chapter.

19 *NEW SECTION. Sec. 39. A new section is added to chapter 29A.52
20 RCW to read as follows:

21 (1) Whenever candidates for partisan office are to be elected, the
22 general election must be preceded by a primary conducted under this
23 chapter, except as otherwise provided in law. Based upon votes cast at
24 the primary, two candidates must be certified as qualified to appear on
25 the general election ballot, under RCW 29A.52.320 and 29A.36.170.

26 (2) A primary may not be used to select the nominees of a political
27 party. A primary is a critical stage in the public process by which
28 voters elect candidates to public office.

29 (3) If a candidate indicates a political philosophy as provided by
30 RCW 29A.24.030(3) on his or her declaration of candidacy, then the
31 philosophy will be listed for the candidate on the primary and general
32 election ballots. Each candidate who does not express a philosophy
33 will be listed as an independent candidate on the primary and general
34 election ballots. Political philosophy will be listed for the
35 information of the voters only, and may not be used for any purpose

1 relating to the conduct, canvassing, or certification of the primary,
 2 and may in no way limit the options available to voters in deciding for
 3 whom to cast a vote.

*Sec. 39 was vetoed. See message at end of chapter.

4 *Sec. 40. RCW 29A.52.230 and 2003 c 111 s 1307 are each amended to
 5 read as follows:

6 The offices of superintendent of public instruction, justice of the
 7 supreme court, judge of the court of appeals, judge of the superior
 8 court, and judge of the district court shall be nonpartisan and the
 9 candidates therefor shall be ((nominated)) qualified and elected as
 10 such.

11 All city, town, and special purpose district elective offices shall
 12 be nonpartisan and the candidates therefor shall be ((nominated))
 13 qualified and elected as such.

*Sec. 40 was vetoed. See message at end of chapter.

14 *Sec. 41. RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
 15 read as follows:

16 No later than the day following the certification of the returns of
 17 any primary, the secretary of state shall certify to the appropriate
 18 county auditors, the names of all persons ((nominated)) qualified to
 19 appear on the general election ballot as candidates for offices, the
 20 returns of which have been canvassed by the secretary of state.

*Sec. 41 was vetoed. See message at end of chapter.

21 *Sec. 42. RCW 29A.52.350 and 2003 c 111 s 1313 are each amended to
 22 read as follows:

23 Except as provided in RCW 29A.32.260, notice for any state,
 24 county, district, or municipal election, whether special or general,
 25 must be given by at least one publication not more than ten nor less
 26 than three days before the election by the county auditor or the
 27 officer conducting the election as the case may be, in one or more
 28 newspapers of general circulation within the county. The legal notice
 29 must contain the title of each office under the proper party
 30 ((designation)) preference, the names and addresses of all ((officers))
 31 candidates who have been ((nominated)) qualified to appear on the
 32 ballot for an office to be voted upon at that election, together with
 33 the ballot titles of all measures, the hours during which the polls
 34 will be open, and the polling places for each precinct, giving the
 35 address of each polling place. The names of all candidates for

1 nonpartisan offices must be published separately with designation of
2 the offices for which they are candidates but without party
3 designation. This is the only notice required for a state, county,
4 district, or municipal general or special election and supersedes the
5 provisions of any and all other statutes, whether general or special in
6 nature, having different requirements for the giving of notice of any
7 general or special elections.

*Sec. 42 was vetoed. See message at end of chapter.

8 *Sec. 43. RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
9 read as follows:

10 (1) For any office at any election or primary, any voter may write
11 in on the ballot the name of any person for an office who has filed as
12 a write-in candidate for the office in the manner provided by RCW
13 29A.24.310 and such vote shall be counted the same as if the name had
14 been printed on the ballot and marked by the voter. No write-in vote
15 made for any person who has not filed a declaration of candidacy
16 pursuant to RCW 29A.24.310 is valid if that person filed for the same
17 office, either as a regular candidate or a write-in candidate, at the
18 preceding primary. Any abbreviation used to designate office,
19 position, or political party shall be accepted if the canvassing board
20 can determine, to their satisfaction, the voter's intent.

21 (2) The number of write-in votes cast for each office must be
22 recorded and reported with the canvass for the election.

23 (3) Write-in votes cast for an individual candidate for an office
24 need not be tallied if the total number of write-in votes cast for the
25 office is not greater than the number of votes cast for the candidate
26 apparently (~~nominated~~) qualified to appear on the general election
27 ballot or elected, and the write-in votes could not have altered the
28 outcome of the primary or election. In the case of write-in votes for
29 statewide office or for any office whose jurisdiction encompasses more
30 than one county, write-in votes for an individual candidate must be
31 tallied whenever the county auditor is notified by either the office of
32 the secretary of state or another auditor in a multicounty jurisdiction
33 that it appears that the write-in votes could alter the outcome of the
34 primary or election.

35 (4) In the case of statewide offices or jurisdictions that
36 encompass more than one county, if the total number of write-in votes
37 cast for an office within a county is greater than the number of votes

1 cast for a candidate apparently ((nominated)) qualified to appear on
 2 the general election ballot or elected in a primary or election, the
 3 auditor shall tally all write-in votes for individual candidates for
 4 that office and notify the office of the secretary of state and the
 5 auditors of the other counties within the jurisdiction, that the write-
 6 in votes for individual candidates should be tallied.

*Sec. 43 was vetoed. See message at end of chapter.

7 *Sec. 44. RCW 29A.60.220 and 2003 c 111 s 1522 are each amended to
 8 read as follows:

9 (1) If the requisite number of any federal, state, county, city, or
 10 district offices have not ((been-nominated)) qualified to appear on the
 11 general election ballot in a primary by reason of two or more persons
 12 having an equal and requisite number of votes for being placed on the
 13 general election ballot, the official empowered by state law to certify
 14 candidates for the general election ballot shall give notice to the
 15 several persons so having the equal and requisite number of votes to
 16 attend at the appropriate office at the time designated by that
 17 official, who shall then and there proceed publicly to decide by lot
 18 which of those persons will be declared ((nominated)) qualified and
 19 placed on the general election ballot.

20 (2) If the requisite number of any federal, state, county, city,
 21 district, or precinct officers have not been elected by reason of two
 22 or more persons having an equal and highest number of votes for one and
 23 the same office, the official empowered by state law to issue the
 24 original certificate of election shall give notice to the several
 25 persons so having the highest and equal number of votes to attend at
 26 the appropriate office at the time to be appointed by that official,
 27 who shall then and there proceed publicly to decide by lot which of
 28 those persons will be declared duly elected, and the official shall
 29 make out and deliver to the person thus duly declared elected a
 30 certificate of election.

*Sec. 44 was vetoed. See message at end of chapter.

31 *Sec. 45. RCW 29A.64.010 and 2003 c 111 s 1601 are each amended to
 32 read as follows:

33 An officer of a political party or any person for whom votes were
 34 cast in a primary who was not declared ((nominated)) qualified to
 35 appear on the general election ballot may file a written application

1 for a recount of the votes or a portion of the votes cast at that
 2 primary for all persons for whom votes were cast for ((~~nomination to~~))
 3 that office.

4 An officer of a political party or any person for whom votes were
 5 cast at any election may file a written application for a recount of
 6 the votes or a portion of the votes cast at that election for all
 7 candidates for election to that office.

8 Any group of five or more registered voters may file a written
 9 application for a recount of the votes or a portion of the votes cast
 10 upon any question or issue. They shall designate one of the members of
 11 the group as chair and shall indicate the voting residence of each
 12 member of the group.

13 An application for a recount of the votes cast for an office or on
 14 a ballot measure must be filed with the officer with whom filings are
 15 made for the jurisdiction.

16 An application for a recount must specify whether the recount will
 17 be done manually or by the vote tally system. A recount done by the
 18 vote tally system must use programming that recounts and reports only
 19 the office or ballot measure in question. The county shall also
 20 provide for a test of the logic and accuracy of that program.

21 An application for a recount must be filed within three business
 22 days after the county canvassing board or secretary of state has
 23 declared the official results of the primary or election for the office
 24 or issue for which the recount is requested.

25 This chapter applies to the recounting of votes cast by paper
 26 ballots and to the recounting of votes recorded on ballots counted by
 27 a vote tally system.

*Sec. 45 was vetoed. See message at end of chapter.

28 *Sec. 46. RCW 29A.64.020 and 2003 c 111 s 1602 are each amended to
 29 read as follows:

30 (1) If the official canvass of all of the returns for any office at
 31 any primary or election reveals that the difference in the number of
 32 votes cast for a candidate apparently ((~~nominated~~)) qualified to appear
 33 on the general election ballot or elected to any office and the number
 34 of votes cast for the closest apparently defeated opponent is less than
 35 two thousand votes and also less than one-half of one percent of the
 36 total number of votes cast for both candidates, the county canvassing
 37 board shall conduct a recount of all votes cast on that position.

1 (a) Whenever such a difference occurs in the number of votes cast
2 for candidates for a position the declaration of candidacy for which
3 was filed with the secretary of state, the secretary of state shall,
4 within three business days of the day that the returns of the primary
5 or election are first certified by the canvassing boards of those
6 counties, direct those boards to recount all votes cast on the
7 position.

8 (b) If the difference in the number of votes cast for the apparent
9 winner and the closest apparently defeated opponent is less than one
10 hundred fifty votes and also less than one-fourth of one percent of the
11 total number of votes cast for both candidates, the votes shall be
12 recounted manually or as provided in subsection (3) of this section.

13 (2) A mandatory recount shall be conducted in the manner provided
14 by RCW 29A.64.030, 29A.64.040, and 29A.64.060. No cost of a mandatory
15 recount may be charged to any candidate.

16 (3) The apparent winner and closest apparently defeated opponent
17 for an office for which a manual recount is required under subsection
18 (1)(b) of this section may select an alternative method of conducting
19 the recount. To select such an alternative, the two candidates shall
20 agree to the alternative in a signed, written statement filed with the
21 election official for the office. The recount shall be conducted using
22 the alternative method if: It is suited to the balloting system that
23 was used for casting the votes for the office; it involves the use of
24 a vote tallying system that is approved for use in this state by the
25 secretary of state; and the vote tallying system is readily available
26 in each county required to conduct the recount. If more than one
27 balloting system was used in casting votes for the office, an
28 alternative to a manual recount may be selected for each system.

*Sec. 46 was vetoed. See message at end of chapter.

29 *Sec. 47. RCW 29A.64.040 and 2003 c 111 s 1604 are each amended to
30 read as follows:

31 (1) At the time and place established for a recount, the canvassing
32 board or its duly authorized representatives, in the presence of all
33 witnesses who may be in attendance, shall open the sealed containers
34 containing the ballots to be recounted, and shall recount the votes for
35 the offices or issues for which the recount has been ordered. Ballots
36 shall be handled only by the members of the canvassing board or their
37 duly authorized representatives.

1 Witnesses shall be permitted to observe the ballots and the process
 2 of tabulating the votes, but they shall not be permitted to handle the
 3 ballots. The canvassing board shall not permit the tabulation of votes
 4 for any ((~~nomination, election,~~)) office or issue other than the ones
 5 for which a recount was applied for or required.

6 (2) At any time before the ballots from all of the precincts listed
 7 in the application for the recount have been recounted, the applicant
 8 may file with the board a written request to stop the recount.

9 (3) The recount may be observed by persons representing the
 10 candidates affected by the recount or the persons representing both
 11 sides of an issue that is being recounted. The observers may not make
 12 a record of the names, addresses, or other information on the ballots,
 13 poll books, or applications for absentee ballots unless authorized by
 14 the superior court. The secretary of state or county auditor may limit
 15 the number of observers to not less than two on each side if, in his or
 16 her opinion, a greater number would cause undue delay or disruption of
 17 the recount process.

*Sec. 47 was vetoed. See message at end of chapter.

18 *Sec. 48. RCW 29A.64.060 and 2003 c 111 s 1606 are each amended to
 19 read as follows:

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

25 If the ((~~nomination, election,~~)) office or issue for which the
 26 recount was conducted was submitted only to the voters of a county, the
 27 canvassing board shall file the amended abstract with the original
 28 results of that election or primary.

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

*Sec. 48 was vetoed. See message at end of chapter.

1 *Sec. 49. RCW 29A.64.080 and 2003 c 111 s 1608 are each amended to
2 read as follows:

3 The canvassing board shall determine the expenses for conducting a
4 recount of votes.

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

*Sec. 49 was vetoed. See message at end of chapter.

12 *Sec. 50. RCW 29A.68.010 and 2003 c 111 s 1701 are each amended to
13 read as follows:

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

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

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

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

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

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

35 (6) An error or omission has occurred or is about to occur in the
36 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. 50 was vetoed. See message at end of chapter.

*Sec. 51. RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to read as follows:

~~((1))~~ Each political party organization may ~~((+ (a) Make its own))~~ adopt rules ~~((and regulations; and (b) Perform all functions inherent in such an organization. (2) Only major political parties may designate candidates to appear on the state primary ballot as provided in RCW 29A.28.010))~~ governing its own organization and the nonstatutory functions of that organization.

*Sec. 51 was vetoed. See message at end of chapter.

*Sec. 52. RCW 29A.84.260 and 2003 c 111 s 2114 are each amended to read as follows:

The following apply to persons signing ~~((nominating))~~ petitions prescribed by RCW 29A.20.150 and 29A.24.100:

(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.

(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.

*Sec. 52 was vetoed. See message at end of chapter.

*Sec. 53. RCW 29A.84.310 and 2003 c 111 s 2117 are each amended to read as follows:

Every person who:

1 (1) Knowingly provides false information on his or her declaration
 2 of candidacy ~~((or))~~, filing petition ~~((of nomination))~~, or nominating
 3 petition; or

4 (2) Conceals or fraudulently defaces or destroys a certificate that
 5 has been filed with an elections officer under RCW ~~((29A.20.110 through~~
 6 ~~29A.20.200))~~ 29A.20.120 through 29A.20.180 or a declaration of
 7 candidacy or petition of nomination that has been filed with an
 8 elections officer, or any part of such a certificate, declaration, or
 9 petition, is guilty of a class C felony punishable under RCW 9A.20.021.

*Sec. 53 was vetoed. See message at end of chapter.

10 *Sec. 54. RCW 29A.84.710 and 2003 c 111 s 2137 are each amended to
 11 read as follows:

12 Every person who:

13 (1) Knowingly and falsely issues a certificate of ~~((nomination))~~
 14 qualification or election; or

15 (2) Knowingly provides false information on a certificate which
 16 must be filed with an elections officer under RCW ~~((29A.20.110 through~~
 17 ~~29A.20.200))~~ 29A.20.120 through 29A.20.180, is guilty of a class C
 18 felony punishable under RCW 9A.20.021.

*Sec. 54 was vetoed. See message at end of chapter.

19 *Sec. 55. RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
 20 as follows:

21 (1) "Agency" includes all state agencies and all local agencies.
 22 "State agency" includes every state office, department, division,
 23 bureau, board, commission, or other state agency. "Local agency"
 24 includes every county, city, town, municipal corporation, quasi-
 25 municipal corporation, or special purpose district, or any office,
 26 department, division, bureau, board, commission, or agency thereof, or
 27 other local public agency.

28 (2) "Authorized committee" means the political committee authorized
 29 by a candidate, or by the public official against whom recall charges
 30 have been filed, to accept contributions or make expenditures on behalf
 31 of the candidate or public official.

32 (3) "Ballot proposition" means any "measure" as defined by RCW
 33 ~~((29.01.110))~~ 29A.04.091, or any initiative, recall, or referendum
 34 proposition proposed to be submitted to the voters of the state or any
 35 municipal corporation, political subdivision, or other voting

1 constituency from and after the time when the proposition has been
 2 initially filed with the appropriate election officer of that
 3 constituency prior to its circulation for signatures.

4 (4) "Benefit" means a commercial, proprietary, financial, economic,
 5 or monetary advantage, or the avoidance of a commercial, proprietary,
 6 financial, economic, or monetary disadvantage.

7 (5) "Bona fide political party" means:

8 (a) An organization that has filed a valid certificate of
 9 nomination with the secretary of state under chapter ((29.24)) 29A.20
 10 RCW;

11 (b) The governing body of the state organization of a major
 12 political party, as defined in RCW ((29.01.090)) 29A.04.085, that is
 13 the body authorized by the charter or bylaws of the party to exercise
 14 authority on behalf of the state party; or

15 (c) The county central committee or legislative district committee
 16 of a major political party. There may be only one legislative district
 17 committee for each party in each legislative district.

18 (6) "Depository" means a bank designated by a candidate or
 19 political committee pursuant to RCW 42.17.050.

20 (7) "Treasurer" and "deputy treasurer" mean the individuals
 21 appointed by a candidate or political committee, pursuant to RCW
 22 42.17.050, to perform the duties specified in that section.

23 (8) "Candidate" means any individual who seeks nomination for
 24 election or election to public office. An individual seeks nomination
 25 or election when he or she first:

26 (a) Receives contributions or makes expenditures or reserves space
 27 or facilities with intent to promote his or her candidacy for office;

28 (b) Announces publicly or files for office;

29 (c) Purchases commercial advertising space or broadcast time to
 30 promote his or her candidacy; or

31 (d) Gives his or her consent to another person to take on behalf of
 32 the individual any of the actions in (a) or (c) of this subsection.

33 (9) "Caucus political committee" means a political committee
 34 organized and maintained by the members of ((a major political party
 35 in)) the majority caucus in the state senate or state house of
 36 representatives, or by the members of the minority caucus in the state
 37 senate or state house of representatives.

1 (10) "Commercial advertiser" means any person who sells the service
2 of communicating messages or producing printed material for broadcast
3 or distribution to the general public or segments of the general public
4 whether through the use of newspapers, magazines, television and radio
5 stations, billboard companies, direct mail advertising companies,
6 printing companies, or otherwise.

7 (11) "Commission" means the agency established under RCW 42.17.350.

8 (12) "Compensation" unless the context requires a narrower meaning,
9 includes payment in any form for real or personal property or services
10 of any kind: PROVIDED, That for the purpose of compliance with RCW
11 42.17.241, the term "compensation" shall not include per diem
12 allowances or other payments made by a governmental entity to reimburse
13 a public official for expenses incurred while the official is engaged
14 in the official business of the governmental entity.

15 (13) "Continuing political committee" means a political committee
16 that is an organization of continuing existence not established in
17 anticipation of any particular election campaign.

18 (14) (a) "Contribution" includes:

19 (i) A loan, gift, deposit, subscription, forgiveness of
20 indebtedness, donation, advance, pledge, payment, transfer of funds
21 between political committees, or anything of value, including personal
22 and professional services for less than full consideration;

23 (ii) An expenditure made by a person in cooperation, consultation,
24 or concert with, or at the request or suggestion of, a candidate, a
25 political committee, or their agents;

26 (iii) The financing by a person of the dissemination, distribution,
27 or republication, in whole or in part, of broadcast, written, graphic,
28 or other form of political advertising prepared by a candidate, a
29 political committee, or its authorized agent;

30 (iv) Sums paid for tickets to fund-raising events such as dinners
31 and parties, except for the actual cost of the consumables furnished at
32 the event.

33 (b) "Contribution" does not include:

34 (i) Standard interest on money deposited in a political committee's
35 account;

36 (ii) Ordinary home hospitality;

37 (iii) A contribution received by a candidate or political committee

1 that is returned to the contributor within five business days of the
2 date on which it is received by the candidate or political committee;

3 (iv) A news item, feature, commentary, or editorial in a regularly
4 scheduled news medium that is of primary interest to the general
5 public, that is in a news medium controlled by a person whose business
6 is that news medium, and that is not controlled by a candidate or a
7 political committee;

8 (v) An internal political communication primarily limited to the
9 members of or contributors to a political party organization or
10 political committee, or to the officers, management staff, or
11 stockholders of a corporation or similar enterprise, or to the members
12 of a labor organization or other membership organization;

13 (vi) The rendering of personal services of the sort commonly
14 performed by volunteer campaign workers, or incidental expenses
15 personally incurred by volunteer campaign workers not in excess of
16 fifty dollars personally paid for by the worker. "Volunteer services,"
17 for the purposes of this section, means services or labor for which the
18 individual is not compensated by any person;

19 (vii) Messages in the form of reader boards, banners, or yard or
20 window signs displayed on a person's own property or property occupied
21 by a person. However, a facility used for such political advertising
22 for which a rental charge is normally made must be reported as an in-
23 kind contribution and counts towards any applicable contribution limit
24 of the person providing the facility;

25 (viii) Legal or accounting services rendered to or on behalf of:

26 (A) A political party or caucus political committee if the person
27 paying for the services is the regular employer of the person rendering
28 such services; or

29 (B) A candidate or an authorized committee if the person paying for
30 the services is the regular employer of the individual rendering the
31 services and if the services are solely for the purpose of ensuring
32 compliance with state election or public disclosure laws.

33 (c) Contributions other than money or its equivalent are deemed to
34 have a monetary value equivalent to the fair market value of the
35 contribution. Services or property or rights furnished at less than
36 their fair market value for the purpose of assisting any candidate or
37 political committee are deemed a contribution. Such a contribution

1 must be reported as an in-kind contribution at its fair market value
2 and counts towards any applicable contribution limit of the provider.

3 (15) "Elected official" means any person elected at a general or
4 special election to any public office, and any person appointed to fill
5 a vacancy in any such office.

6 (16) "Election" includes any primary, general, or special election
7 for public office and any election in which a ballot proposition is
8 submitted to the voters: PROVIDED, That an election in which the
9 qualifications for voting include other than those requirements set
10 forth in Article VI, section 1 (Amendment 63) of the Constitution of
11 the state of Washington shall not be considered an election for
12 purposes of this chapter.

13 (17) "Election campaign" means any campaign in support of or in
14 opposition to a candidate for election to public office and any
15 campaign in support of, or in opposition to, a ballot proposition.

16 (18) "Election cycle" means the period beginning on the first day
17 of December after the date of the last previous general election for
18 the office that the candidate seeks and ending on November 30th after
19 the next election for the office. In the case of a special election to
20 fill a vacancy in an office, "election cycle" means the period
21 beginning on the day the vacancy occurs and ending on November 30th
22 after the special election.

23 (19) "Expenditure" includes a payment, contribution, subscription,
24 distribution, loan, advance, deposit, or gift of money or anything of
25 value, and includes a contract, promise, or agreement, whether or not
26 legally enforceable, to make an expenditure. The term "expenditure"
27 also includes a promise to pay, a payment, or a transfer of anything of
28 value in exchange for goods, services, property, facilities, or
29 anything of value for the purpose of assisting, benefiting, or honoring
30 any public official or candidate, or assisting in furthering or
31 opposing any election campaign. For the purposes of this chapter,
32 agreements to make expenditures, contracts, and promises to pay may be
33 reported as estimated obligations until actual payment is made. The
34 term "expenditure" shall not include the partial or complete repayment
35 by a candidate or political committee of the principal of a loan, the
36 receipt of which loan has been properly reported.

37 (20) "Final report" means the report described as a final report in
38 RCW 42.17.080(2).

1 (21) "General election" for the purposes of RCW 42.17.640 means the
2 election that results in the election of a person to a state office.
3 It does not include a primary.

4 (22) "Gift," is as defined in RCW 42.52.010.

5 (23) "Immediate family" includes the spouse, dependent children,
6 and other dependent relatives, if living in the household. For the
7 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
8 an individual's spouse, and child, stepchild, grandchild, parent,
9 stepparent, grandparent, brother, half brother, sister, or half sister
10 of the individual and the spouse of any such person and a child,
11 stepchild, grandchild, parent, stepparent, grandparent, brother, half
12 brother, sister, or half sister of the individual's spouse and the
13 spouse of any such person.

14 (24) "Independent expenditure" means an expenditure that has each
15 of the following elements:

16 (a) It is made in support of or in opposition to a candidate for
17 office by a person who is not (i) a candidate for that office, (ii) an
18 authorized committee of that candidate for that office, (iii) a person
19 who has received the candidate's encouragement or approval to make the
20 expenditure, if the expenditure pays in whole or in part for political
21 advertising supporting that candidate or promoting the defeat of any
22 other candidate or candidates for that office, or (iv) a person with
23 whom the candidate has collaborated for the purpose of making the
24 expenditure, if the expenditure pays in whole or in part for political
25 advertising supporting that candidate or promoting the defeat of any
26 other candidate or candidates for that office;

27 (b) The expenditure pays in whole or in part for political
28 advertising that either specifically names the candidate supported or
29 opposed, or clearly and beyond any doubt identifies the candidate
30 without using the candidate's name; and

31 (c) The expenditure, alone or in conjunction with another
32 expenditure or other expenditures of the same person in support of or
33 opposition to that candidate, has a value of five hundred dollars or
34 more. A series of expenditures, each of which is under five hundred
35 dollars, constitutes one independent expenditure if their cumulative
36 value is five hundred dollars or more.

37 (25) (a) "Intermediary" means an individual who transmits a
38 contribution to a candidate or committee from another person unless the

1 contribution is from the individual's employer, immediate family as
2 defined for purposes of RCW 42.17.640 through 42.17.790, or an
3 association to which the individual belongs.

4 (b) A treasurer or a candidate is not an intermediary for purposes
5 of the committee that the treasurer or candidate serves.

6 (c) A professional fund-raiser is not an intermediary if the fund-
7 raiser is compensated for fund-raising services at the usual and
8 customary rate.

9 (d) A volunteer hosting a fund-raising event at the individual's
10 home is not an intermediary for purposes of that event.

11 (26) "Legislation" means bills, resolutions, motions, amendments,
12 nominations, and other matters pending or proposed in either house of
13 the state legislature, and includes any other matter that may be the
14 subject of action by either house or any committee of the legislature
15 and all bills and resolutions that, having passed both houses, are
16 pending approval by the governor.

17 (27) "Lobby" and "lobbying" each mean attempting to influence the
18 passage or defeat of any legislation by the legislature of the state of
19 Washington, or the adoption or rejection of any rule, standard, rate,
20 or other legislative enactment of any state agency under the state
21 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
22 "lobbying" includes an association's or other organization's act of
23 communicating with the members of that association or organization.

24 (28) "Lobbyist" includes any person who lobbies either in his or
25 her own or another's behalf.

26 (29) "Lobbyist's employer" means the person or persons by whom a
27 lobbyist is employed and all persons by whom he or she is compensated
28 for acting as a lobbyist.

29 (30) "Person" includes an individual, partnership, joint venture,
30 public or private corporation, association, federal, state, or local
31 governmental entity or agency however constituted, candidate,
32 committee, political committee, political party, executive committee
33 thereof, or any other organization or group of persons, however
34 organized.

35 (31) "Person in interest" means the person who is the subject of a
36 record or any representative designated by that person, except that if
37 that person is under a legal disability, the term "person in interest"
38 means and includes the parent or duly appointed legal representative.

1 (32) "Political advertising" includes any advertising displays,
2 newspaper ads, billboards, signs, brochures, articles, tabloids,
3 flyers, letters, radio or television presentations, or other means of
4 mass communication, used for the purpose of appealing, directly or
5 indirectly, for votes or for financial or other support in any election
6 campaign.

7 (33) "Political committee" means any person (except a candidate or
8 an individual dealing with his or her own funds or property) having the
9 expectation of receiving contributions or making expenditures in
10 support of, or opposition to, any candidate or any ballot proposition.

11 (34) "Primary" for the purposes of RCW 42.17.640 means the
12 procedure for ((nominating)) qualifying a candidate to state office
13 under chapter ((29.18 or 29.21 RCW or any other primary for an election
14 that uses, in large measure, the procedures established in chapter
15 29.18 or 29.21)) 29A.52 RCW.

16 (35) "Public office" means any federal, state, county, city, town,
17 school district, port district, special district, or other state
18 political subdivision elective office.

19 (36) "Public record" includes any writing containing information
20 relating to the conduct of government or the performance of any
21 governmental or proprietary function prepared, owned, used, or retained
22 by any state or local agency regardless of physical form or
23 characteristics. For the office of the secretary of the senate and the
24 office of the chief clerk of the house of representatives, public
25 records means legislative records as defined in RCW 40.14.100 and also
26 means the following: All budget and financial records; personnel
27 leave, travel, and payroll records; records of legislative sessions;
28 reports submitted to the legislature; and any other record designated
29 a public record by any official action of the senate or the house of
30 representatives.

31 (37) "Recall campaign" means the period of time beginning on the
32 date of the filing of recall charges under RCW ((29.82.015)) 29A.56.120
33 and ending thirty days after the recall election.

34 (38) "State legislative office" means the office of a member of the
35 state house of representatives or the office of a member of the state
36 senate.

37 (39) "State office" means state legislative office or the office of

governor, lieutenant governor, secretary of state, attorney general, commissioner of public lands, insurance commissioner, superintendent of public instruction, state auditor, or state treasurer.

(40) "State official" means a person who holds a state office.

(41) "Surplus funds" mean, in the case of a political committee or candidate, the balance of contributions that remain in the possession or control of that committee or candidate subsequent to the election for which the contributions were received, and that are in excess of the amount necessary to pay remaining debts incurred by the committee or candidate prior to that election. In the case of a continuing political committee, "surplus funds" mean those contributions remaining in the possession or control of the committee that are in excess of the amount necessary to pay all remaining debts when it makes its final report under RCW 42.17.065.

(42) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires.

*Sec. 55 was vetoed. See message at end of chapter.

***NEW SECTION.** Sec. 56. (1) The subheadings in chapter 29A.52 RCW "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under one subheading "PRIMARIES."

(2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND INDEPENDENT PRESIDENTIAL CANDIDATES."

(3) The code reviser shall recaption RCW 29A.24.100 as "Filing petition--Form."

(4) The code reviser shall recaption RCW 29A.36.170 as "Candidates qualified for the general election."

(5) The code reviser shall recaption RCW 29A.52.320 as

1 "Certification of candidates qualified to appear on the general
2 election ballot."

3 (6) The code reviser shall recaption RCW 29A.84.310 as "Candidacy
4 declarations, filing petitions, nominating petitions."

5 (7) The code reviser shall recaption RCW 29A.84.710 as "Documents
6 regarding qualification, election, candidacy--Frauds and falsehoods."
*Sec. 56 was vetoed. See message at end of chapter.

7 *NEW SECTION. Sec. 57. The following acts or parts of acts are
8 each repealed:

9 (1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

10 (2) RCW 29A.20.110 (Definitions--"Convention" and "election
11 jurisdiction") and 2003 c 111 s 505, 1977 ex.s. c 329 s 1, & 1965 c 9
12 s 29.24.010;

13 (3) RCW 29A.20.130 (Convention--Notice) and 2003 c 111 s 507;

14 (4) RCW 29A.20.200 (Declarations of candidacy required,
15 exceptions--Payment of fees) and 2003 c 111 s 514, 1990 c 59 s 103,
16 1989 c 215 s 8, 1977 ex.s. c 329 s 7, & 1965 c 9 s 29.24.070;

17 (5) RCW 29A.24.200 (Lapse of election when no filing for single
18 positions--Effect) and 2003 c 111 s 620;

19 (6) RCW 29A.24.210 (Vacancy in partisan elective office--Special
20 filing period) and 2003 c 111 s 621;

21 (7) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990
22 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

23 (8) RCW 29A.28.020 (Death or disqualification--Correcting ballots--
24 Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, &
25 1977 ex.s. c 329 s 13;

26 (9) RCW 29A.36.190 (Partisan candidates qualified for general
27 election) and 2003 c 111 s 919;

28 (10) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
29 1304; and

30 (11) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
31 2405.

*Sec. 57 was vetoed. See message at end of chapter.

32 PART 2 - NOMINATING PRIMARY

33 *NEW SECTION. Sec. 101. A new section is added to chapter 29A.52
34 RCW to read as follows:

35 If a court of competent jurisdiction holds that a candidate may not

1 (5) "Provisional ballot" means a ballot issued to a voter at the
2 polling place on election day by the precinct election board, for one
3 of the following reasons:

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

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

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

10 (6) "Party ballot" means a primary election ballot specific to a
11 particular major political party that lists all partisan offices to be
12 voted on at that primary, and the candidates for those offices who
13 affiliate with that same major political party;

14 (7) "Nonpartisan ballot" means a primary election ballot that lists
15 all nonpartisan races and ballot measures to be voted on at that
16 primary.

17 NEW SECTION. Sec. 103. A new section is added to chapter 29A.04
18 RCW to read as follows:

19 "Major political party" means a political party of which at least
20 one nominee for president, vice president, United States senator, or a
21 statewide office received at least five percent of the total vote cast
22 at the last preceding state general election in an even-numbered year.
23 A political party qualifying as a major political party under this
24 section retains such status until the next even-year election at which
25 a candidate of that party does not achieve at least five percent of the
26 vote for one of the previously specified offices. If none of these
27 offices appear on the ballot in an even-year general election, the
28 major party retains its status as a major party through that election.
29 However, a political party of which no nominee received at least ten
30 percent of the total vote cast may forgo its status as a major
31 political party by filing with the secretary of state an appropriate
32 party rule within sixty days of attaining major party status under this
33 section, or within fifteen days of the effective date of this section,
34 whichever is later.

35 NEW SECTION. Sec. 104. A new section is added to chapter 29A.04
36 RCW to read as follows:

1 The county auditor of each county shall be ex officio the
2 supervisor of all primaries and elections, general or special, and it
3 shall be the county auditor's duty to provide places for holding such
4 primaries and elections; to appoint the precinct election officers and
5 to provide for their compensation; to provide the supplies and
6 materials necessary for the conduct of elections to the precinct
7 election officers; and to publish and post notices of calling such
8 primaries and elections in the manner provided by law. The notice of
9 a primary held in an even-numbered year must indicate that the office
10 of precinct committee officer will be on the ballot. The auditor shall
11 also apportion to each city, town, or district, and to the state of
12 Washington in the odd-numbered year, its share of the expense of such
13 primaries and elections. This section does not apply to general or
14 special elections for any city, town, or district that is not subject
15 to section 106 of this act and RCW 29A.04.330, but all such elections
16 must be held and conducted at the time, in the manner, and by the
17 officials (with such notice, requirements for filing for office, and
18 certifications by local officers) as provided and required by the laws
19 governing such elections.

20 NEW SECTION. **Sec. 105.** A new section is added to chapter 29A.04
21 RCW to read as follows:

22 Nominating primaries for general elections to be held in November,
23 and the election of precinct committee officers, must be held on the
24 third Tuesday of the preceding September or on the seventh Tuesday
25 immediately preceding such general election, whichever occurs first.

26 NEW SECTION. **Sec. 106.** A new section is added to chapter 29A.04
27 RCW to read as follows:

28 (1) All state, county, city, town, and district general elections
29 for the election of federal, state, legislative, judicial, county,
30 city, town, and district officers, and for the submission to the voters
31 of the state, county, city, town, or district of any measure for their
32 adoption and approval or rejection, shall be held on the first Tuesday
33 after the first Monday of November, in the year in which they may be
34 called. A statewide general election shall be held on the first
35 Tuesday after the first Monday of November of each year. However, the
36 statewide general election held in odd-numbered years shall be limited

1 to (a) city, town, and district general elections as provided for in
2 RCW 29A.04.330, or as otherwise provided by law; (b) the election of
3 federal officers for the remainder of any unexpired terms in the
4 membership of either branch of the Congress of the United States; (c)
5 the election of state and county officers for the remainder of any
6 unexpired terms of offices created by or whose duties are described in
7 Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22,
8 and 23, and Article IV, sections 3 and 5 of the state Constitution and
9 RCW 2.06.080; (d) the election of county officers in any county
10 governed by a charter containing provisions calling for general county
11 elections at this time; and (e) the approval or rejection of state
12 measures, including proposed constitutional amendments, matters
13 pertaining to any proposed constitutional convention, initiative
14 measures and referendum measures proposed by the electorate, referendum
15 bills, and any other matter provided by the legislature for submission
16 to the electorate.

17 (2) A county legislative authority may, if it deems an emergency to
18 exist, call a special county election by presenting a resolution to the
19 county auditor at least forty-five days prior to the proposed election
20 date. Except as provided in subsection (4) of this section, a special
21 election called by the county legislative authority shall be held on
22 one of the following dates as decided by such governing body:

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

24 (b) The second Tuesday in March;

25 (c) The fourth Tuesday in April;

26 (d) The third Tuesday in May;

27 (e) The day of the primary as specified by section 105 of this act;

28 or

29 (f) The first Tuesday after the first Monday in November.

30 (3) In addition to the dates set forth in subsection (2)(a) through
31 (f) of this section, a special election to validate an excess levy or
32 bond issue may be called at any time to meet the needs resulting from
33 fire, flood, earthquake, or other act of God. Such county special
34 election shall be noticed and conducted in the manner provided by law.

35 (4) In a presidential election year, if a presidential preference
36 primary is conducted in February, March, April, or May under chapter
37 29A.56 RCW, the date on which a special election may be called by the

1 county legislative authority under subsection (2) of this section
2 during the month of that primary is the date of the presidential
3 primary.

4 (5) This section shall supersede the provisions of any and all
5 other statutes, whether general or special in nature, having different
6 dates for such city, town, and district elections, the purpose of this
7 section being to establish mandatory dates for holding elections except
8 for those elections held pursuant to a home-rule charter adopted under
9 Article XI, section 4 of the state Constitution. This section shall
10 not be construed as fixing the time for holding primary elections, or
11 elections for the recall of any elective public officer.

12 NEW SECTION. **Sec. 107.** A new section is added to chapter 29A.08
13 RCW to read as follows:

14 No record may be created or maintained by a state or local
15 governmental agency or a political organization that identifies a voter
16 with the information marked on the voter's ballot, including the choice
17 that a voter makes on a partisan primary ballot regarding political
18 party affiliation.

19 NEW SECTION. **Sec. 108.** A new section is added to chapter 29A.08
20 RCW to read as follows:

21 Under no circumstances may an individual be required to affiliate
22 with, join, adhere to, express faith in, or declare a preference for,
23 a political party or organization upon registering to vote.

24 NEW SECTION. **Sec. 109.** A new section is added to chapter 29A.12
25 RCW to read as follows:

26 The secretary of state shall not approve a vote tallying system
27 unless it:

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

30 (2) Ignores votes marked for any office or issue where more than
31 the allowable number of votes have been marked, but correctly counts
32 the properly voted portions of the ballot;

33 (3) Accumulates a count of the specific number of ballots tallied
34 for each precinct, total votes by candidate for each office, and total
35 votes for and against each issue of the ballot in that precinct;

1 (4) Produces precinct and cumulative totals in printed form; and
2 (5) Except for functions or capabilities unique to this state, has
3 been tested, certified, and used in at least one other state or
4 election jurisdiction.

5 NEW SECTION. **Sec. 110.** A new section is added to chapter 29A.20
6 RCW to read as follows:

7 (1) Any nomination of a candidate for partisan public office by
8 other than a major political party may be made only: (a) In a
9 convention held not earlier than the last Saturday in June and not
10 later than the first Saturday in July or during any of the seven days
11 immediately preceding the first day for filing declarations of
12 candidacy as fixed in accordance with section 118 of this act; (b) as
13 provided by section 147 of this act; or (c) as otherwise provided in
14 this section. Minor political party and independent candidates may
15 appear only on the general election ballot.

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

25 (3) If a special filing period for a partisan office is opened
26 under section 116 of this act, candidates of minor political parties
27 and independent candidates may file for office during that special
28 filing period. The names of those candidates may not appear on the
29 general election ballot unless they are nominated by convention held no
30 later than five days after the close of the special filing period and
31 a certificate of nomination is filed with the filing officer no later
32 than three days after the convention. The requirements of section 189
33 of this act do not apply to such a convention.

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

1 United States senator, United States representative, or a statewide
2 office, a minor party or independent candidate holding multiple
3 conventions may add together the number of signatures of different
4 individuals from each convention obtained in support of the candidate
5 or candidates in order to obtain the number required by section 111 of
6 this act. For all other offices for which nominations are made,
7 signatures of the requisite number of registered voters must be
8 obtained at a single convention.

9 NEW SECTION. Sec. 111. A new section is added to chapter 29A.20
10 RCW to read as follows:

11 (1) To be valid, a convention must be attended by at least one
12 hundred registered voters.

13 (2) In order to nominate candidates for the offices of president
14 and vice president of the United States, United States senator, United
15 States representative, or any statewide office, a nominating convention
16 shall obtain and submit to the filing officer the signatures of at
17 least one thousand registered voters of the state of Washington. In
18 order to nominate candidates for any other office, a nominating
19 convention shall obtain and submit to the filing officer the signatures
20 of one hundred persons who are registered to vote in the jurisdiction
21 of the office for which the nominations are made.

22 NEW SECTION. Sec. 112. A new section is added to chapter 29A.20
23 RCW to read as follows:

24 A nominating petition submitted under this chapter shall clearly
25 identify the name of the minor party or independent candidate
26 convention as it appears on the certificate of nomination as required
27 by section 154(3) of this act. The petition shall also contain a
28 statement that the person signing the petition is a registered voter of
29 the state of Washington and shall have a space for the voter to sign
30 his or her name and to print his or her name and address. No person
31 may sign more than one nominating petition under this chapter for an
32 office for an election.

33 NEW SECTION. Sec. 113. A new section is added to chapter 29A.20
34 RCW to read as follows:

35 Not later than the Friday immediately preceding the first day for

1 candidates to file, the secretary of state shall notify the county
 2 auditors of the names and designations of all minor party and
 3 independent candidates who have filed valid convention certificates and
 4 nominating petitions with that office. Except for the offices of
 5 president and vice president, persons nominated under this chapter
 6 shall file declarations of candidacy as provided by section 158 of this
 7 act and RCW 29A.24.070. The name of a candidate nominated at a
 8 convention shall not be printed upon the general election ballot unless
 9 he or she pays the fee required by law to be paid by candidates for the
 10 same office to be nominated at a primary.

11 NEW SECTION. **Sec. 114.** A new section is added to chapter 29A.24
 12 RCW to read as follows:

13 (1) The nominating petition authorized by section 160 of this act
 14 must be printed on sheets of uniform color and size, must include a
 15 place for each individual to sign and print his or her name and the
 16 address, city, and county at which he or she is registered to vote, and
 17 must contain no more than twenty numbered lines.

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

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

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

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

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

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

1 NEW SECTION. **Sec. 115.** A new section is added to chapter 29A.24
2 RCW to read as follows:

3 A candidate may withdraw his or her declaration of candidacy at any
4 time before the close of business on the Thursday following the last
5 day for candidates to file under RCW 29A.24.050 by filing, with the
6 officer with whom the declaration of candidacy was filed, a signed
7 request that his or her name not be printed on the ballot. There shall
8 be no withdrawal period for declarations of candidacy filed during
9 special filing periods held under this title. The filing officer may
10 permit the withdrawal of a filing for the office of precinct committee
11 officer at the request of the candidate at any time if no absentee
12 ballots have been issued for that office and the ballots for that
13 precinct have not been printed. The filing officer may permit the
14 withdrawal of a filing for any elected office of a city, town, or
15 special district at the request of the candidate at any time before a
16 primary if the primary ballots for that city, town, or special district
17 have not been ordered. No filing fee may be refunded to any candidate
18 who withdraws under this section. Notice of the deadline for
19 withdrawal of candidacy and that the filing fee is not refundable shall
20 be given to each candidate at the time he or she files.

21 NEW SECTION. **Sec. 116.** A new section is added to chapter 29A.24
22 RCW to read as follows:

23 Filings for a partisan elective office shall be opened for a period
24 of three normal business days whenever, on or after the first day of
25 the regular filing period and before the sixth Tuesday prior to a
26 primary, a vacancy occurs in that office, leaving an unexpired term to
27 be filled by an election for which filings have not been held.

28 Any such special three-day filing period shall be fixed by the
29 election officer with whom declarations of candidacy for that office
30 are filed. The election officer shall give notice of the special
31 three-day filing period by notifying the press, radio, and television
32 in the county or counties involved, and by such other means as may be
33 required by law.

34 Candidacies validly filed within the special three-day filing
35 period shall appear on the ballot as if filed during the regular filing
36 period.

1 NEW SECTION. **Sec. 117.** A new section is added to chapter 29A.24
2 RCW to read as follows:

3 Any person who desires to be a write-in candidate and have such
4 votes counted at a primary or election may file a declaration of
5 candidacy with the officer designated in RCW 29A.24.070 not later than
6 the day before the primary or election. Declarations of candidacy for
7 write-in candidates must be accompanied by a filing fee in the same
8 manner as required of other candidates filing for the office as
9 provided in section 160 of this act.

10 Votes cast for write-in candidates who have filed such declarations
11 of candidacy and write-in votes for persons appointed by major
12 political parties pursuant to section 192 of this act need only specify
13 the name of the candidate in the appropriate location on the ballot in
14 order to be counted. Write-in votes cast for any other candidate, in
15 order to be counted, must designate the office sought and position
16 number or political party, if the manner in which the write-in is done
17 does not make the office or position clear.

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

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

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

27 (3) The name of the person attempting to file already appears on
28 the ballot as a candidate for another office, unless one of the two
29 offices for which he or she is a candidate is precinct committeeperson.

30 The declaration of candidacy shall be similar to that required by
31 section 158 of this act. No write-in candidate filing under this
32 section may be included in any voter's pamphlet produced under chapter
33 29A.32 RCW unless that candidate qualifies to have his or her name
34 printed on the general election ballot. The legislative authority of
35 any jurisdiction producing a local voter's pamphlet under chapter
36 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
37 candidates in such pamphlets.

1 NEW SECTION. **Sec. 118.** A new section is added to chapter 29A.28
2 RCW to read as follows:

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

8 (2) Within ten days of such vacancy occurring, he or she shall
9 issue a writ of election fixing a date for the special vacancy election
10 not less than ninety days after the issuance of the writ, fixing a date
11 for the primary for nominating major political party candidates for the
12 special vacancy election not less than thirty days before the day fixed
13 for holding the special vacancy election, fixing the dates for the
14 special filing period, and designating the term or part of the term for
15 which the vacancy exists. If the vacancy is in the office of United
16 States representative, the writ of election shall specify the
17 congressional district that is vacant.

18 (3) If the vacancy occurs less than six months before a state
19 general election and before the second Friday following the close of
20 the filing period for that general election, the special primary,
21 special vacancy election, and minor party and independent candidate
22 nominating conventions must be held in concert with the state primary
23 and state general election in that year.

24 (4) If the vacancy occurs on or after the first day for filing
25 under RCW 29A.24.050 and on or before the second Friday following the
26 close of the filing period, a special filing period of three normal
27 business days shall be fixed by the governor and notice thereof given
28 to all media, including press, radio, and television within the area in
29 which the vacancy election is to be held, to the end that, insofar as
30 possible, all interested persons will be aware of such filing period.
31 The last day of the filing period shall not be later than the third
32 Tuesday before the primary at which major political party candidates
33 are to be nominated. The names of major political party candidates who
34 have filed valid declarations of candidacy during this three-day period
35 shall appear on the approaching primary ballot. The requirements of
36 section 189 of this act do not apply to a minor political party or
37 independent candidate convention held under this subsection.

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

7 NEW SECTION. Sec. 119. A new section is added to chapter 29A.28
8 RCW to read as follows:

9 The general election laws and laws relating to partisan primaries
10 shall apply to the special primaries and vacancy elections provided for
11 in chapter 29A.28 RCW to the extent that they are not inconsistent with
12 the provisions of these sections. Minor political party and
13 independent candidates may appear only on the general election ballot.
14 Statutory time deadlines relating to availability of absentee ballots,
15 certification, canvassing, and related procedures that cannot be met in
16 a timely fashion may be modified for the purposes of a specific primary
17 or vacancy election under this chapter by the secretary of state
18 through emergency rules adopted under section 151 of this act.

19 NEW SECTION. Sec. 120. A new section is added to chapter 29A.28
20 RCW to read as follows:

21 If a vacancy occurs in the office of precinct committee officer by
22 reason of death, resignation, or disqualification of the incumbent, or
23 because of failure to elect, the respective county chair of the county
24 central committee shall fill the vacancy by appointment. However, in
25 a legislative district having a majority of its precincts in a county
26 with a population of one million or more, the appointment may be made
27 only upon the recommendation of the legislative district chair. The
28 person so appointed must have the same qualifications as candidates
29 when filing for election to the office for that precinct. When a
30 vacancy in the office of precinct committee officer exists because of
31 failure to elect at a state primary, the vacancy may not be filled
32 until after the organization meeting of the county central committee
33 and the new county chair has been selected as provided by RCW
34 29A.80.030.