CHAPTER 209.

[S. B. 322.]

NOMINATION OF CANDIDATES FOR PUBLIC OFFICE.

AN ACT relating to, regulating and providing for the nomination of candidates for public office in the state of Washington and providing penalties for the violation thereof, and declaring an emergency.

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

Construction of terms.

SECTION 1. The words and phrases in this act shall, unless the same be inconsistent with the context, be construed as follows:

(a) The word "primary" the primary election provided for by this act.

(b) The words "September primary" the primary election held in September to nominate candidates to be voted for at the ensuing election.

(c) The word "election" a general or city election as distinguished from a primary election.

Candidates, how nominated.

SEC. 2. Hereafter, all candidates for elective offices in this State, either State, county, municipal, precinct or congressional, shall be nominated at a direct primary election held in pursuance of this act: *Provided*, That this act shall not be held to refer to special elections for filling the vacancies for unexpired terms, or to election to offices of any city or town of the fourth class or for any school, dike or irrigation district or other local improvement district election, or for presidential electors.

Primaries, when and where held.

SEC. 3. A primary election held to nominate candidates to be voted for at the general election in November, 1908, shall be held at the regular polling places in each precinct on the second Tuesday of September, 1908, and biennially thereafter, for the nomination of all candidates to be voted for at the succeeding general election. Except as hereinafter provided, any primary other than the September primary shall be held four weeks before the election for which candidates are to be nominated at such primary: *Provided*, That primaries for the nomination of candidates to be voted upon at municipal elections held during

1907 shall be held two weeks prior to the date of said elections.

Declaration of candidacy.

SEC. 4. The name of no candidate shall be printed upon an official ballot used at any primary election unless at least thirty (30) and not more than sixty (60) days prior to such primary a declaration of candidacy shall have been filed by him, as provided in this act, in the following form:

I,....., declare upon honor that I reside at No..... street, ...(city or town) of....., county of....., State of Washington, and am a qualified voter therein, and a member of..... party, that I hereby declare myself a candidate for nomination to the office of....., to be made at the primary election to be held on the .....day of....., and hereby request that my name be printed upon the official primary ballot as provided by law as a candidate of the ..... party, and I accompany herewith the sum of ..... dollars, the fee required by law of me for becoming such candidate.

Subscribed this.....day of .....190....

.....

Provided, That no person who desires to become a candidate for the office of Supreme or superior court judge shall certify his party affiliations.

Fees of candidates.

SEC. 5. At least thirty (30) days before the primary election day any person who shall be eligible, who shall desire to become a candidate for nomination for any office, subject to this act, shall file in the proper office a declaration of candidacy accompanied by the fee provided in this act, which fee shall be as follows:

For any office with a salary or compensation attached, of one thousand dollars or less per annum, ten ($10) dollars; when such salary or compensation exceeds one thousand dollars per annum, an additional sum, equal to 1 per cent. on such excess.

Said fees shall be paid to the following officers: When the candidacy is for a state, congressional, or district office embracing more than one county, the fee shall be paid to the Secretary of State, to be paid by him to the State Treasurer, and when for district offices for more than one county, the same shall be divided equally between the counties composing such district and paid to the respective treasurers thereof, and the Secretary of State shall issue all necessary warrants for such payments on the State Treasurer. When such fees are for county offices and offices for districts within counties, such fee shall be paid to the county auditors and by them to the respective county treasurers, and when for city or municipal offices, shall be paid to the respective clerks of such cities or municipalities and by them to the respective treasurers of the same.

Political parties, when entitled to ticket.

SEC. 6. Any political organization which at the general or city election last preceding the primary was represented on the official ballot by either regular party candidates or by individual nominees only, may, upon complying with the provisions of this act, have a separate primary election ticket as a political party, if any of its candidates or individual nominees received 10 per cent. of the total vote cast at such last preceding general or city election in this State, or subdivision thereof, in which the candidate seeks the nomination.

Declarations, how filed.

SEC. 7. All declarations of candidacy shall be filed as follows:

First. For State officers, United States senators, representatives in Congress and those members of the State Legislature and judges of the superior court whose districts comprise more than one county, in the office of the Secretary of State.

Second.—For officers to be voted for wholly in one county, in the office of the county auditor of such county.

Third.—For city officers, in the office of the city clerk.

Notice of primaries, how given.

SEC. 8. First.—At least 20 days before any September primary the Secretary of State shall transmit to each county auditor a certified list containing the name, post-office address and party designation of each person entitled to be voted for at such primary, and the office for which he is a candidate, as appears by the nomination papers filed in his office.

Second.—Each county auditor shall, at least fifteen days before the September primary, publish once, under the proper party designation and title of each office, the names and addresses of all persons for whom nomination papers have been filed in so far as the same shall affect the electors of his county, giving the date of the primary, the hours during which the polls will be open, and that the primary will be held in the regular polling place in each precinct, and shall cause to be posted copies of such notice in at least three public places in each precinct in his county: *Provided*, That the names of all candidates for the offices of Supreme and superior court judge shall be published and posted in a separate list without party designation.

Publication of notices.

SEC. 9. Any publication required in this act shall be made in two newspapers in each county, or city, of general circulation, representing the two political parties that cast the largest vote in such county or city at the last preceding general election.

In any case where the publication of a notice cannot be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county or city in which the notice is required to be published.

SEC. 10. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided.

Sample ballot shall be posted.

On the 15th day before the primary election the county auditor shall group all the candidates for each party by themselves, and shall prepare at once in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in his office. He shall proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided. These ballots to be prepared in the following manner:

Form of ballot.

Every ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain, black type, first, the name of the political party, on each ticket, following the words, "Primary Election Ballot." On the next line shall be printed the name of the political party, and below that the precinct, ward, city, and county in which the ballot is to be used. Then shall follow the words "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote." Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for.

Following this shall come the name of each candidate for that position, inclosed in a light faced rule, with a square to the right of said name, said square being separated by heavy black face rule, the parallel rules containing the names and the squares to be one-sixth of an inch apart. Each position, with the names running for that office, shall be separated from the following one by a black-face rule to separate each position clearly. The position shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided: First, congressional; next, state; next, preference for United States senators; next, Legislative; next, county officers; next, precinct officers; in all cases following under each heading here given, the rotation usd in the make-up of the various ballots at the general election. At the bottom of each ballot shall be printed under the caption "non-partisan judiciary," the names of all candidates for Supreme and superior court judges. In city elections it shall be the duty of the city clerk to prepare the ballots and arrange the position of the candidates on such ballots commencing with the office of mayor and following with the other offices for which candidates are to be selected, using his reasonable discretion as to such arrangement. The duties provided for in this act to be performed by the county auditor with reference to candidates for county and district offices or either of them shall in like manner be performed by the city clerk in each city

with reference to the preparation of ballots and primary elections for candidates for city offices.

When there shall be four or more candidates for any State or congressional office, there shall be printed, immediately under the designation of office, the following: "Vote for both first and second choice for this office." On the next line shall be printed the words "To vote for a person for first choice mark a cross (X) in the first square at the right of the name of the person for whom you desire to vote." "To vote for a person for second choice, mark a cross (X) in the second square after the name of the person for whom you desire to vote." The form of ballot shall be substantially as follows:

[FORM OF BALLOT]

PRIMARY ELECTION BALLOT

Designation of Party. PARTY

..... Precinct, ... Ward, City of ..... County

To vote for a person, make a cross (X) in the square at the **RIGHT** of the name of the person for whom you desire to vote.

CONGRESSIONAL	First Choice	Second Choice
Representative in Congress Vote for both first and second choice for this office.	Vote for	Vote for .....
JOHN DOE		
JOHN DOE		
JOHN DOE		
STATE	**First Choice**	**Second Choice**
Governor Vote for both first and second choice for this office	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
Lieutenant Governor Vote for both first and second choice for this office	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
Secretary of State Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
State Auditor Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
State Treasurer Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
Attorney General Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
Commissioner of Public Lands Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		
State Superintendent of Public Instruction Vote for both first and second choice for this office.	Vote for One	Vote for One
JOHN DOE		
JOHN DOE		
JOHN DOE		
JOHN DOE		

Vote for one choice only

United States Senator	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
JOHN DOE	
LEGISLATIVE	
State Senator, ... District	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Member of House of Representatives, ... District	Vote for ...
JOHN DOE	
JOHN DOE	
JOHN DOE	
COUNTY	
County Clerk	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Treasurer	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Sheriff	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Coroner	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Prosecuting Attorney	Vote for One
JOHN DOE	
JOHN DOE	
JOAN DOE	
County Auditor	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Surveyor	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
Superintendent of Schools	Vote for One
JOHN DOE	
JOHN DOE	
JOHN DOE	
County Commissioners	Vote for ...
JOHN DOE	
JOHN DOE	
JOHN DOE	
Justice of the Peace	Vote for ...
JOHN DOE	
JOHN DOE	
JOHN DOE	
Constable	Vote for ...
JOHN DOE	
JOHN DOE	
JOHN DOE	
Precinct committeeman	[write one name]

NON-PARTISAN JUDICIARY TICKET

To vote for a person make a cross (X) in the square at the **RIGHT** of the name of the person for whom you desire to vote.

Judges of Supreme Court	Vote for ...	Judges Superior Court	Vote for ...
JOHN DOE		JOHN DOE	
JOHN DOE		JOHN DOE	
JOHN DOE		JOHN DOE	

Separate party ballots.

SEC. 11. The primary election ballots for the several political parties shall be separate ballots, and the primary election of all parties shall be held at the same time and place and under the same officers and in all respects as a general election, under the laws of the State of Washington, except as otherwise changed by this act.

Qualification of voters.

SEC. 12. Every qualified person, properly registered as a voter in the election precinct enabling him to vote at the ensuing election where registration is required, and every qualified person in precincts where registration is not required, shall be entitled to participate in the primary election. When he desires to vote at said primary each elector shall have the right to receive the ballot and only the ballot of the party for which he asks: *Provided*, That if he is challenged he shall be required to make oath or affirmation that he intends to affiliate with said party at the ensuing election and whose candidates generally he intends to support, whereupon he shall retire to one of the booths and without undue delay mark the ballot received by him and fold it so that its face will be concealed. He shall immediately thereafter deliver said ballot received by him to the election officers. In the event said voter shall soil or deface the ballot he desires to vote he shall at once return the ballot received by him and get a new ballot and the election officers shall destroy or render unfit for use the ballot so returned. The elector shall designate his choice on his ballot by marking a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than are to be elected thereto at the election to follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

Manner of voting.

Where under the provisions of this act a voter is required to designate his first and second choice the voter shall designate his first choice by marking a cross (X) in each of the small squares nearest to the names of the candidates for whom he desires to vote for first choice and shall designate his second choice by marking a cross (X) in the second square opposite to and parallel to the names of the candidates for whom he desires to vote as a second choice.

Order of printing names on ballots.

SEC. 13. The names of candidates for each office upon the ballot and under the heading designating each official position upon the ballots to be used in voting shall be arranged in the order in which their declarations of candidacy shall have been filed. There shall be no printing upon the back of the ballots, or any marks to distinguish them. Said ballots shall be consecutively numbered, said numbering perforated, and torn off by the election officers on the voting of the ballot. Sample ballots shall be in the same form as the official ballot, but upon colored paper.

General election laws to govern.

SEC. 14. Except as herein otherwise provided, all primary elections shall be conducted as required for general elections under the general election laws of the State of Washington, as far as the provisions thereof are applicable, and the election officers for such primary elections shall have the same powers as those for general elections.

Inspectors and judges of election.

SEC. 15. Inspectors and judges of election shall be appointed and designated in the manner provided by said general election law at least ten (10) days prior to the primary election day: *Provided*, That one of the judges may act and perform the duties of the clerk of election; And *provided, further*, That the members of each political party, in any precinct entitled to participate in any primary election, may in any appointed meeting held at least fifteen (15) days before such primary election, select three (3) members of that party who are duly qualified electors and certify the names of the persons so selected, to the board of county commissioners or the city council, whose duty it is to appoint the election officers, and one of said persons shall be appointed and designated as a judge or inspector for that precinct. The same fees shall be allowed and paid from the public funds for the services of any one so serving as a judge, inspector or clerk as for general elections.

Secretary of State to provide copies of law.

SEC. 16. The Secretary of State shall provide copies of this law in conjunction with the general election law of the State, and transmit the same to the county auditor of each county, at least twenty (20) days before any such primary election, and the same shall be in lieu of any such

copies of said general election law required to be transmitted to county auditors by the Secretary of State for use in such counties.

Poles to be open, when.

SEC. 17. The polls in the several election precincts on the primary election day shall be kept open from 11 o'clock in the morning until 8 o'clock in the evening of said day. If at the hour of closing there are any electors in the polling place desiring to vote, and who are qualified to participate therein, and who have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour of closing to allow those so present at that hour to vote. No one not present at the hour of closing shall be entitled to vote because the polls may not be actually closed when he arrives. No adjournment or intermission whatever shall take place until the polls shall be closed, and until all the votes cast at such poll have been counted and the result publicly announced.

Voters shall designate second choice.

SEC. 18. In all cases where there are four or more candidates of any political party for one state or congressional position, every elector voting at a primary election held under the terms of this act shall be required to designate one first choice and one second choice for each such position. No voter shall vote for the same person for first choice and second choice, and no voter shall, where there are four or more candidates for such nomination, vote for one person only, either as first or second choice, and no ballot so voted for one person only, for either first or second choice, or for the same person for both first and second choice, shall be considered a complete ballot, but any ballot under said conditions, failing to show both first and second choice of different persons, shall not be considered or counted, for that office.

Counting votes.

SEC. 19. As soon as the polls are finally closed, the inspector and judges of election shall immediately open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles,

and shall then fasten each pile together. As soon as the inspectors and judges shall have assorted and fastened together the ballots of each separate party, they shall take the tally sheets provided by the county auditor or city clerk, and shall count all the ballots for each party separately, until the count is completed, and shall certify to the number of votes cast for each candidate, and as to candidates where first and second choice votes are cast shall certify to the number of votes cast for each candidate as first choice and for each candidate as second choice and the total votes cast for each candidate for each office. The tally sheets shall be so kept that such sheets shall show the number of votes received, and shall also show the number of first and second choice votes received and the total number of votes received by each candidate. They shall then place the counted ballots in the box, but in no case shall they intermingle party votes. After all have been counted and certified to by the clerks and judges, they shall seal the returns for all parties in one envelope, to be returned to the county auditor or city clerk.

Tally sheets.

SEC. 20. Two sets of tally sheets for each political party having candidates to be voted for at said primary election shall be furnished for each election precinct by the county auditor or city clerk, at the same time and in the same manner that the ballots are furnished, and shall be as follows:

Each tally sheet, or the first sheet of each tally book to be furnished, shall be headed, "Tally sheet for ..... (name of political party) ..... (name of city or village) ..... (county) ..... (ward) ..... (election precinct), for a primary election held ..... (date)."

The names of candidates shall be placed on the tally sheets in the order in which they appear on the official ballots, and in each case have the proper party designation at the head thereof.

Returns of primary elections.

SEC. 21. In making out the returns of the primary election in the several election precincts, the same shall be done and all matter pertaining thereto conducted in

accordance with the provisions of the general election laws for the returns of general elections, except that the first-choice votes, second-choice votes and total votes received by each candidate for each office shall be shown.

Selection of party committeemen.

SEC. 22. At the September primary each voter may write in the space left on the ticket for that purpose the name of one qualified elector to the precinct for member of the party county committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. The party committee of each county shall consist of the precinct committeemen from the several precincts of such county. The present party organization both state and county of the several parties shall continue until their successors are elected under the provisions of this act. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors, and perform all other functions inherent to such organizations, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election. City committeemen may be elected at municipal elections in the manner provided in this section, as near as may be.

Nomination—number of votes required.

SEC. 23. Candidates for party offices who receive a plurality of the votes cast for such candidates shall be the party nominees of such party, except as to offices where first and second choice votes are cast, and as to such offices, if no candidate shall have received more than 40 per cent. of the first choice votes cast, then, and in that event a canvass shall be made of the second choice votes received by candidates for said office at said primary election, and said second choice votes shall be counted with and added to the first choice votes received by each and every candidate for such office at the primary election; and the candidate receiving the highest number of first and second choice votes shall be the nominee for such office of the political party represented by him.

In the event that any candidate for an office shall have received 40 per cent. or more of the first choice votes of his political party cast at said primary election, the candidate receiving the highest number of first choice votes shall be declared the nominee of his party to such position, without reference to the second choice votes.

In the event that there are more than one position of the same kind to be filled and more candidates of any political party receive majorities of the votes of such party cast at such election than there are positions to be filled, then in that event the number of candidates equal to the number of positions to be filled receiving the highest number of votes shall be the nominees of such political party for such positions.

Canvassing returns.

SEC. 24. The canvassing of the vote and the returns of reports of the primary elections, as to candidates for State offices, United States Senators and Representatives in Congress, and any other candidate whose district extends beyond the limits of a single county, shall be done by a canvassing board consisting of the Secretary of State, State Treasurer and State Auditor. Said State canvassing board shall meet at the office of the Secretary of State on the 3rd Tuesday at ten o'clock a. m. next after the September primary. As soon as said board has canvassed said vote it shall file a certificate with the Secretary of State which certificate shall show the vote of each candidate of each political party for each office. A copy of such certificate shall be published once in some newspaper published at the State capital, which publication shall be made by the Secretary of State immediately after the same is filed in his office. The vote for all county, city and municipal officers shall be canvassed and the returns made by the same officers and in the same manner as returns of the votes cast at general elections are by law now required to be made. Such canvassing board and other officers canvassing votes cast at such primary elections shall file with the proper officer a statement and report of such canvass which statement and report of said primary election shall contain:

First.—A statement duly certified to containing the names of all candidates voted for at the primary election with the number of votes received, and also the number of first-choice votes received by each and the number of second-choice votes received by each and the total number of votes received by each and for what office, said statement to be made as to each political party separately.

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

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

Errors in printing ballots, how prevented.

SEC. 25. Whenever it shall appear by affidavit to any judge of the Supreme Court or superior court of the county that any error or omission has occurred or is about to occur in the printing in the name of any candidate on official ballots, or that any error has been or is about to be committed in printing the ballots, or that the name of any person has been or is about to be wrongfully placed upon such ballots, or that any wrongful act has been performed or is about to be performed by any judge or clerk of the primary election, the county auditor, canvassing board or member thereof, or by any person charged with a duty under this act, or that any neglect of duty by any of the persons aforesaid has occurred, or is about to occur, such judge shall, by order, require the officer or person or persons charged with the error, wrongful act or neglect, to forthwith correct the error, desist from the wrongful act, or perform the duty, and to do as the court shall order, or to show cause fortwith why such error should not be corrected, wrongful act desisted from, or such duty or order not performed. Failing to obey the order of such court shall be contempt. Any candidate at such primary election who may desire to contest the nomination of any candidate for the same office at said primary election may proceed by such affidavit so presented: *Provided*, That such affidavit may be presented within five days after the completion of the canvass by said canvassing board, and not later, and the candidate whose nomination is so contested shall, by order of such judge, duly served, be required to appear and abide by the orders of the court to be made therein.

Nominations by minority parties.

SEC. 26. Any political party which at the last preceding election cast less than 10 per cent. of the votes, may nominate candidates in the manner provided by existing

laws for conventions: *Provided, however*, That all such conventions must be held upon the same day as the primary elections are held: *And provided further*, That no candidate's name shall be printed upon the election ballot until he shall have paid the fee provided by law to be paid by candidates to be nominated at primary elections for like offices. Persons nominated as provided in this section shall be subject to the provisions and pelanties of sections 28, 29, 30 and 31 of this act.

Forms to be prepared.

SEC. 27. It shall be the duty of the Secretary of State and Attorney General, on or before July 1, 1907, to prepare all forms necessary to carry out the provisions of this act, which forms shall be substantially followed in all primaries held in pursuance hereof. Such forms shall be printed with copies of this act for public use and distribution.

Expenses of candidates.

SEC. 28. No person shall, in order to aid or promote his own nomination to a public office under the provisions of this act, or any amendment thereto, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute any money or other valuable thing, except for personal expenses. The words "personal expenses," as used in this act, shall include only expenses directly incurred and paid by a candidate for traveling and for purposes properly incidental to traveling, and for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for stationery and postage, for telegraph, telephone and public messenger service, and for other similar expenses, and for the necessary expense of hiring halls or other rooms for the purpose of holding meetings to address the voters and others upon public questions and matters relating to his candidacy.

No person shall be competent to qualify for any public office, who shall have, prior to the holding of any primary election, paid, or promised or agreed to pay, either directly or through another or in any manner whatsoever, to the

owner, publisher, manager or representative of any newspaper, any sum of money or other thing of value, for any article or published statement in a newspaper, wherein the electors are advised or counseled to vote for such candidate, or his fitness or qualifications for office are set forth, or his photograph or biography is published.

Unlawful for newspapers to accept money from candidates.

SEC. 29. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter, or employe of any newspaper, magazine or periodical printed or published in this State, to take, accept or receive, or agree to take, accept or receive, for himself or any other person or persons, firm or corporation either by himself or any other person, persons, firm or corporation, any money, gratuity or other valuable consideration or article of value for or on account of or as a consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than $25.00 and not more than $500.00 or confined in the county jail not less than 10 days or more than six months or be punished by both such fine and imprisonment: *Provided, however*, Nothing herein shall prevent any person or persons, firm or corporation engaged in the publication of any newspaper, magazine or periodical from receiving for publication and publishing any matter, article or articles advocating the election or defeat of any candidate or candidates and receiving a consideration therefor, if such articles so published or printed have placed at the beginning thereof in plain type of black-faced Roman capitals in a conspicuous place, the statement "PAID ADVERTISMENT." But this section shall not be construed as permitting the payment for any publication prohibited by section twenty-eight of this act.

Advertisements.

Statement of expenses to be filed.

SEC. 30. Every candidate for nomination under the terms of this act, or any amendment thereto shall, not less

than ten days after the day of holding the primary election at which he is a candidate, file an itemized statement in writing, duly sworn to as to its correctness, with the officer with whom his declaration of candidacy or other nomination paper is filed, setting forth each sum of money and thing of value, or any consideration whatever, contributed, paid or promised by him, or any one for him, with his knowledge or acquiescence, for the purpose of securing or influencing, or in any way affecting, his nomination to said office. Said statement to set forth the sums paid as personal expenses and stating fully the nature, kind and character of the expense for which the sums were expended separately, and the party, or parties, to whom the sums were paid and the purposes for which such payments were made; and in this statement all sums or other considerations promised and not paid shall be included. Such statement, when so filed, shall immediately be subject to the inspection and examination of any elector and shall be and become a part of the public records.

Penalty for failure to file statement.

SEC. 31. Any candidate for nomination for any office under the terms of this act who shall fail, neglect or refuse to file with the proper officer the statement provided for in section 30 within the time provided therein, or who shall fail to fully set out and detail any and all sums of money or other thing of value or consideration expended, paid, contributed or promised, as in section 28 provided, shall be guilty of a misdemeanor, and on conviction fined not less than twenty-five ($25) dollars and not more than five hundred ($500) dollars or be imprisoned in the county jail not less than ten (10) days and not more than six (6) months.

Corrupt solicitation prohibited.

SEC. 32. Any person who shall solicit, request or demand, directly or indirectly, any money, intoxicating liquor, or any thing of value, or promise thereof, either to influence his vote or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of any election under this act, for or against any candidate for office or for or against any measure or

question to be voted upon at such election, shall be guilty of a misdemeanor, and upon trial and conviction thereof, be punished by a fine of not less than $10 nor more than $500, or by imprisonment in the county jail for not less than thirty days nor more than six months, or by both such fine and imprisonment.

General election laws applicable.

SEC. 33. The provisions of the statutes in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act.

Perjury defined.

SEC. 34. If any person whose vote is challenged under the provisions of this act shall knowingly, wilfully and corruptly swear or affirm falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

Forgery defined.

SEC. 35. Any person who shall forge any name of a person as a signer or witness to a nomination paper shall be deemed guilty of forgery, and on conviction thereof punished accordingly.

Vote for United States Senator to be certified.

SEC. 36. It shall be the duty of the Secretary of State to certify to both houses of the Legislature, the names of the persons of each political party for whom the highest number of votes were cast at any primary election under the provisions of this law at which any persons were candidates for the nomination for United States Senators, said certificates to be made and filed upon the first day of the session of such Legislature convening next after said primary election.

Pledge to vote for party choice for United States Senator.

SEC. 37. Any candidate under this act for office of State Senator, or member of the House of Representatives, if he desires to do so, may sign and file with his declaration of candidacy or nomination paper, a declaration as follows:

I hereby declare to the people of the State of Washington, and particularly of my legislative district, that during my term of office I will always vote for the candidate for United States Senator who has received the highest num-

ber of votes upon my party ticket for the position at the primary election next preceding the election of United States Senator; and in such case there shall be printed on the official primary ballot, opposite or just below said candidate's name, the following: "Pledged to vote for party choice for United States Senator."

Nomination of candidates for supreme and superior court judges.

SEC. 38. Judges of the Supreme and superior courts, State Senators and Representatives shall not be considered State officers within the meaning of the provisions of this act relating to first choice and second choice voting. When there are to be elected at any general election, two or more judges of the Supreme Court or superior court of any county, the candidates for each respective office whose names are to be placed upon the general election ticket, shall be determined as follows: The number of candidates, equalling the number of judicial positions to be filled, who receive the highest number of votes at the primary election, shall be candidates for such respective offices, and their names shall appear on the general election ticket under the designation of such respective offices. Where a vacancy or other cause shall necessitate the election of a judge for a short term and at the same election one or more judges are to be elected for the full term, candidates may announce themselves for either the short or full term and the ballots shall be arranged accordingly.

Emergency.

SEC. 39. An emergency exists and this act shall take effect immediately.

Passed the Senate March 11th, 1907.
Passed the House March 12th, 1907.
Approved by the Governor March 15th, 1907.