Washington Election Law Book

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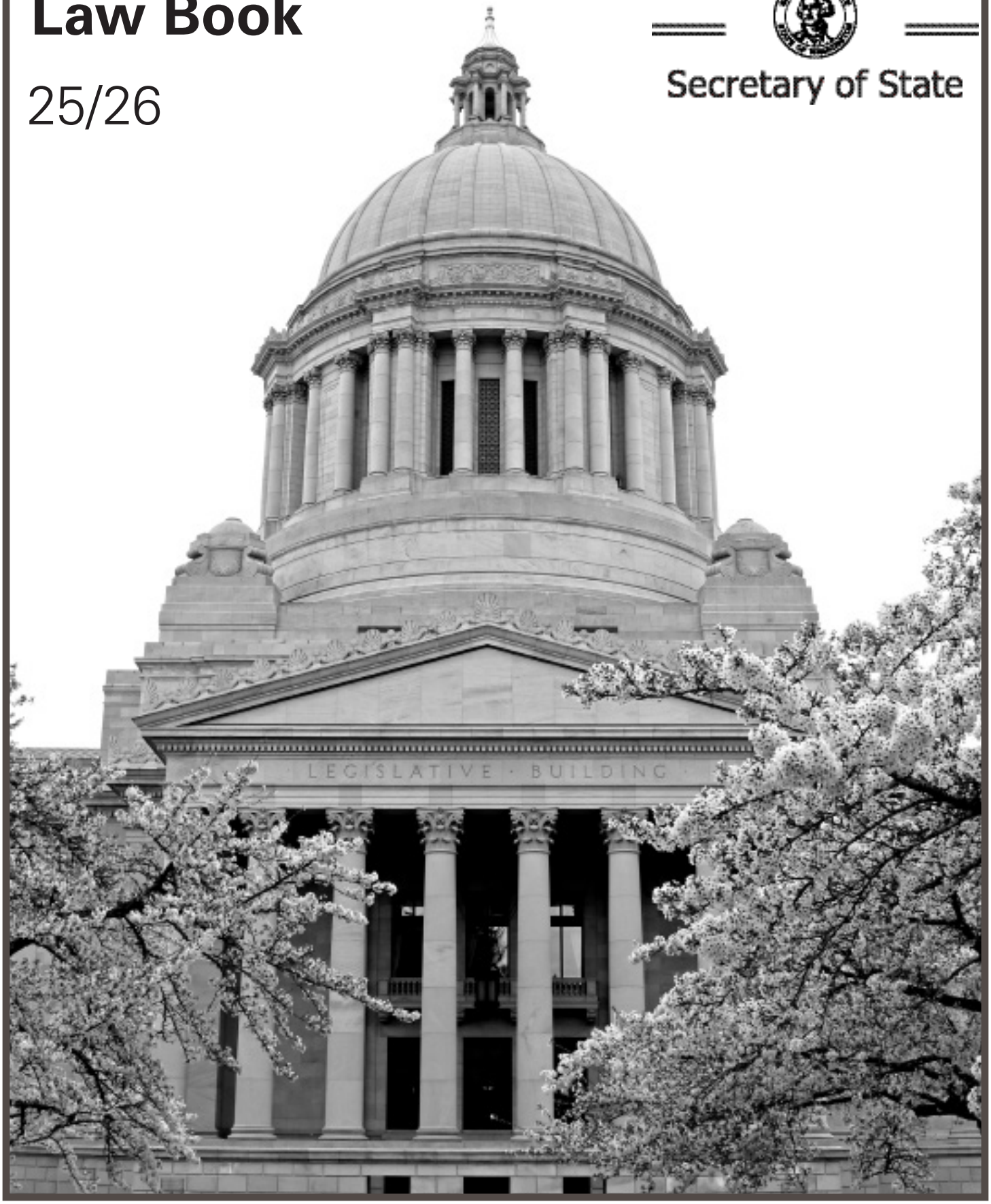
WASHINGTON

Secretary of State



State of Washington

ELECTION LAW

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RCW 29A.04.001: Scope of definitions.

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

[2003 c 111 § 101. Prior: 1965 c 9 § 29.01.005. For like prior law see 1907 c 209 § 1, part; RRS § 5177, part. Formerly

RCW 29.01.005.]

RCW 29A.04.008: Ballot and related terms.

As used in this title:
(1) "Ballot" means, as the context implies, either:
(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;
(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;
(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or
(d) The physical document on which the voter's choices are to be recorded;
(2) "Paper ballot" means a piece of paper on which the ballot for a particular election or primary has been printed, on which a voter may record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;
(3) "Ballot card" means any type of card or piece of paper of any size on which a voter may record his or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;
(4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election;
(5) "Provisional ballot" means a ballot issued to a voter who would otherwise be denied an opportunity to vote a regular ballot, for any reason authorized by the Help America Vote Act, including but not limited to the following:
(a) The voter's name does not appear in the list of registered voters for the county;
(b) There is an indication in the voter registration system that the voter has already voted in that primary, special election, or general election, but the voter wishes to vote again;
(c) There is a question on the part of the voter concerning the issues or candidates on which the voter is qualified to vote;
(d) Any other reason allowed by law.

[2013 c 11 § 1; 2011 c 10 § 1; 2007 c 38 § 1; 2005 c 243 § 1; 2004 c 271 § 102.]

Notice to registered poll voters—Elections by mail—2011 c 10: "The county auditor of any county that maintained poll sites as of July 22, 2011, shall notify by mail each registered poll voter that all future primaries, special elections, and general elections will be conducted by mail." [2011 c 10 § 85.]

RCW 29A.04.010: By mail.

"By mail" means delivery of a completed original voter registration application by mail to a county auditor or the office of the secretary of state.

[2019 c 391 § 2.]

RCW 29A.04.013: Canvassing.

"Canvassing" means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of a primary, special, or general election and includes the tabulation of any votes that were not previously tabulated.

[2013 c 11 § 2; 2011 c 10 § 2; 2003 c 111 § 103; 1990 c 59 § 3. Formerly RCW 29.01.008.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—1990 c 59: "By this act the legislature intends to unify and simplify the laws and procedures governing filing for elective office, ballot layout, ballot format, voting equipment, and canvassing." [1990 c 59 § 1.]
Effective date—1990 c 59: "Sections 1 through 6, 8 through 96, and 98 through 112 of this act shall take effect July 1, 1992." [1990 c 59 § 113.]

RCW 29A.04.019: Counting center.

"Counting center" means the facility or facilities designated by the county auditor to count and canvass ballots.

[2011 c 10 § 3; 2003 c 111 § 104. Prior: 1999 c 158 § 1; 1990 c 59 § 4. Formerly RCW 29.01.042.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.04.025: County auditor.

"County auditor" means the county auditor in a noncharter county or the officer, irrespective of title, having the overall responsibility to maintain voter registration and to conduct state and local elections in a charter county.

[2003 c 111 § 105; 1984 c 106 § 1. Formerly RCW 29.01.043.]

RCW 29A.04.031: Date of mailing.

For registered voters voting by mail, "date of mailing" means the date of the postal cancellation on the envelope in which the ballot is returned to the election official by whom it was issued. For all service and overseas voters, "date of mailing" means the date stated by the voter on the declaration.

[2011 c 10 § 4; 2003 c 111 § 106; 1987 c 346 § 3. Formerly RCW 29.01.045.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

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

RCW 29A.04.037: Disabled voter.

"Disabled voter" means any registered voter who qualifies for special parking privileges under RCW 46.19.010, or who is defined as blind under RCW 74.18.020, or who qualifies to require assistance with voting under RCW 29A.40.160.

[2011 c 10 § 5; 2010 c 161 § 1103; 2003 c 111 § 107. Prior: 1987 c 346 § 4. Formerly RCW 29.01.047.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

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

RCW 29A.04.043: Election.

"Election" when used alone means a general election except where the context indicates that a special election is included. "Election" when used without qualification does not include a primary.

[2003 c 111 § 108. Prior: 1990 c 59 § 5; 1965 c 9 § 29.01.050; prior: 1907 c 209 § 1, part; RRS § 5177(c). See also 1950 ex.s. c 14 § 3. Formerly RCW 29.01.050.]

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

RCW 29A.04.055: Election officer.

"Election officer" includes any officer who has a duty to perform relating to elections under the provisions of any statute, charter, or ordinance.

[2003 c 111 § 110. Prior: 1965 c 9 § 29.01.060. Formerly RCW 29.01.060.]

RCW 29A.04.058: Election official.

"Election official" when pertaining to voter registration includes any staff member of the office of the secretary of state, staff of state agencies or offices providing voter registration services, or a staff member of a county auditor's office.

[2023 c 466 § 34; 2019 c 391 § 1.]

RCW 29A.04.061: Elector.

"Elector" means any person who possesses all of the qualifications to vote under Article VI of the state

Constitution, including persons who are seventeen years of age at the primary election or presidential primary election but who will be eighteen years of age by the general election.

[2020 c 208 § 13; 2003 c 111 § 111. Prior: 1987 c 346 § 2. Formerly RCW 29.01.065.]

Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

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

RCW 29A.04.067: Filing officer.

"Filing officer" means the county or state officer with whom declarations of candidacy for an office are required to be filed under this title.

[2003 c 111 § 112. Prior: 1990 c 59 § 77. Formerly RCW 29.01.068.]

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

RCW 29A.04.070: Future voter.

"Future voter" means a United States citizen and Washington state resident, age sixteen or seventeen, who has provided information related to voter registration to the appropriate state agencies.

[2023 c 361 § 2; 2018 c 109 § 2.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

RCW 29A.04.073: General election.

"General election" means an election required to be held on a fixed date recurring at regular intervals.

[2003 c 111 § 113. Prior: 1965 c 9 § 29.01.070. Formerly RCW 29.01.070.]

RCW 29A.04.079: Infamous crime.

An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state or federal correctional facility. Neither an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor a conviction for a misdemeanor or gross misdemeanor, is an "infamous crime."

[2013 c 11 § 3; 2009 c 369 § 1; 2003 c 111 § 114. Prior: 1992 c 7 § 31; 1965 c 9 § 29.01.080; prior: Code 1881 § 3054; 1865 p 25 § 5; RRS § 5113. Formerly RCW 29.01.080.]

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

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

RCW 29A.04.086: Major political party.

"Major political party" means a political party whose nominees for president and vice president received at least five percent of the total vote cast at the last presidential election. A political party qualifying as a major political party under this section retains such status until the next presidential election at which the presidential and vice presidential candidates of that party do not achieve at least five percent of the vote.

[2013 c 11 § 4; 2004 c 271 § 103.]

RCW 29A.04.091: Measures.

"Measure" includes any proposition or question submitted to the voters.

[2003 c 111 § 117; 1965 c 9 § 29.01.110. Formerly RCW 29.01.110.]

RCW 29A.04.097: Minor political party.

"Minor political party" means a political organization other than a major political party.

[2003 c 111 § 116. Prior: 1965 c 9 § 29.01.100; prior: 1955 c 102 § 8; prior: 1907 c 209 § 26, part; RRS § 5203, part. Formerly RCW 29.01.100.]

Minor party convention: RCW 29A.56.600 through 29A.56.670.

Political parties: Chapter 29A.80 RCW.

RCW 29A.04.109: Overseas voter.

"Overseas voter" means any elector of the state of Washington outside the territorial limits of the

United States.

[2009 c 369 § 2; 2003 c 111 § 119. Prior: 1987 c 346 § 6. Formerly RCW 29.01.117.]

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

RCW 29A.04.110: Partisan office.

"Partisan office" means a public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The following are partisan offices:

(1) United States senator and United States representative;

(2) All state offices, including legislative, 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 for which a county home rule charter provides otherwise.

[2005 c 2 § 4 (Initiative Measure No. 872, approved November 2, 2004).]

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

RCW 29A.04.121: Precinct.

"Precinct" means a geographical subdivision for voting purposes that is established by a county legislative authority.

[2003 c 111 § 121; 1965 c 9 § 29.01.120. Prior: 1933 c 1 § 2; RRS § 5114-2; prior: 1915 c 16 § 1; RRS § 5114. Formerly RCW 29.01.120.]

RCW 29A.04.127: Primary.

"Primary" or "primary election" means a procedure for winnowing candidates for public office to a final list of two as part of a special or general election. Each voter has the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

[2005 c 2 § 5 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 122. Prior: 1965 c 9 § 29.01.130; prior: 1907 c 209 § 1, part; RRS § 5177(a). See also 1950 ex.s. c 14 § 2. Formerly RCW 29.01.130.]

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

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

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

Partisan primaries: RCW 29A.52.112 and 29A.52.121.

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

Times for holding primaries: RCW 29A.04.311.

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

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

RCW 29A.04.133: Qualified.

"Qualified" when pertaining to a winner of an election means that for such election:

(1) The results have been certified;

(2) Any required bond has been posted; and

(3) The winner has taken and subscribed an oath or affirmation in compliance with the appropriate statute, or if none is specified, that he or she will faithfully and impartially discharge the duties of the office to the best of his or her ability. This oath or affirmation shall be administered and certified by any officer or notary public authorized to administer oaths, without charge therefor.

[2007 c 374 § 1; 2003 c 111 § 123. Prior: 1979 ex.s. c 126 § 2. Formerly RCW 29.01.135.]

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

RCW 29A.04.139: Recount.

"Recount" means the process of retabulating ballots and producing amended election returns based on that retabulation, even if the vote totals have not changed.

[2003 c 111 § 124. Prior: 2001 c 225 § 1. Formerly RCW 29.01.136.]

RCW 29A.04.145: Registered voter.

"Registered voter" means any elector who has completed the statutory registration procedures established by this title. The terms "registered voter" and "qualified elector" are synonymous.

[2003 c 111 § 125; 1987 c 346 § 7. Formerly RCW 29.01.137.]

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

RCW 29A.04.151: Residence.

"Residence" for the purpose of registering and voting means a person's permanent address where he or she physically resides and maintains his or her abode. However, no person gains residence by reason of his or her presence or loses his or her residence by reason of his or her absence:

(1) While employed in the civil or military service of the state or of the United States;

(2) While engaged in the navigation of the waters of this state or the United States or the high seas;

(3) While a student at any institution of learning;

(4) While confined in any public prison.

Absence from the state on business shall not affect the question of residence of any person unless the right to vote has been claimed or exercised elsewhere.

[2003 c 111 § 126; 1971 ex.s. c 178 § 1; 1965 c 9 § 29.01.140. Prior: 1955 c 181 § 1; prior: (i) Code 1881 § 3051; [8] 1865 p 25 § 2; RRS § 5110. (ii) Code 1881 § 3053; 1866 p 8 § 11; 1865 p 25 § 4; RRS § 5111. Formerly RCW 29.01.140.]

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

RCW 29A.04.163: Service voter.

"Service voter" means any elector of the state of Washington who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6 while in active service, is a member of a reserve component of the armed forces, is a student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, or is a member of a religious group or welfare agency officially attached to and service with the armed forces of the United States.

[2009 c 369 § 3; 2003 c 111 § 127. Prior: 1991 c 23 § 13; 1987 c 346 § 8. Formerly RCW 29.01.155.]

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

RCW 29A.04.169: Short term.

"Short term" means the brief period of time starting upon certification of the general election or issuance of a certificate of election, and ending with the start of the next full term, and is applicable only when there has been a vacancy in the office after the last election at which such office could have been voted upon for an unexpired term. Short term elections are always held in conjunction with elections for the full term for the office.

[2013 c 11 § 6; 2003 c 111 § 130; 1975-'76 2nd ex.s. c 120 § 14. Formerly RCW 29.01.180.]

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

RCW 29A.04.175: Special election.

"Special election" means any election that is not a general election and may be held in conjunction with a general election or primary.

[2003 c 111 § 129; 1965 c 9 § 29.01.170. Prior: Code 1881 § 3056; 1865 p 27 § 2; RRS § 5155. Formerly RCW 29.01.170.]

RCW 29A.04.180: Total confinement.

"Total confinement" has the same meaning as in RCW 9.94A.030, but a sentence of total confinement

does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).

[2021 c 10 § 4.]
Effective date—2021 c 10: See note following RCW 29A.08.520.

RCW 29A.04.205: State policy.

It is the policy of the state of Washington to encourage every eligible person to register to vote and to participate fully in all elections, and to protect the integrity of the electoral process by providing equal access to the process while guarding against discrimination and fraud. The election registration laws and the voting laws of the state of Washington must be administered without discrimination based upon race, creed, color, national origin, sex, or political affiliation.
[2003 c 111 § 132; 2001 c 41 § 1. Formerly RCW 29.04.001.]

RCW 29A.04.206: Voters' rights.

(1) The rights of Washington voters are protected by its constitution and laws and include the following fundamental rights:
(a) The right of qualified voters to vote at all elections;
(b) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;
(c) 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.
(2) Nothing in subsection (1)(b) or (c) of this section alters or supersedes RCW 29A.56.020 through 29A.56.050, which govern presidential primary elections.

[2019 c 7 § 7; 2005 c 2 § 3 (Initiative Measure No. 872, approved November 2, 2004).]

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

RCW 29A.04.210: Registration required—Exception.

Except for service and overseas voters, only persons registered to vote shall be permitted to vote:
(1) At any election held for the purpose of electing persons to public office;
(2) At any recall election of a public officer;
(3) At any election held for the submission of a measure to any voting constituency;
(4) At any primary election.
This section does not apply to elections where being registered to vote is not a prerequisite to voting.
[2009 c 369 § 4; 2003 c 111 § 133; 1965 c 9 § 29.04.010. Prior: 1955 c 181 § 8; prior: (i) 1933 c 1 § 22, part; RRS § 5114-22, part. (ii) 1933 c 1 § 23; RRS § 5114-23. See also 1935 c 26 § 3; RRS § 5189. Formerly RCW 29.04.010.]
Overseas, service voters, same ballots as registered voters: RCW 29A.40.010.

Subversive activities, disqualification from voting: RCW 9.81.040.

RCW 29A.04.216: County auditor—Duties—Exceptions.

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be the county auditor's duty to provide places for holding such primaries and elections; to provide the supplies and materials necessary for the conduct of elections; and to publish and post notices of calling such primaries and elections in the manner provided by law. The auditor shall also apportion to the county, each city, town, or district, and to the state of Washington, its share of the expense of such primaries and elections. This section does not apply to general or special elections for any city, town, or district that is not subject to RCW 29A.04.321 and 29A.04.330, but all such elections must be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.
[2020 c 337 § 3; 2013 c 11 § 7; 2011 c 10 § 6; 2004 c 271 § 104.]
Effective date—2020 c 337: See note following RCW 29A.04.410.

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

RCW 29A.04.220: County auditor—Public notice of availability of services.

The county auditor shall provide public notice of the availability of registration and voting aids, assistance to elderly and disabled persons, and procedures for voting calculated to reach elderly and disabled persons not later than public notice of the closing of registration for a primary or election.

[2011 c 10 § 7; 2003 c 111 § 135; 1999 c 298 § 18; 1985 c 205 § 10. Formerly RCW 29.57.140.]

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

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

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

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

RCW 29A.04.223: Vote by mail impacts on voters with disabilities—Mitigation—Advisory committee, plan.

(1) The legislature finds that the elimination of polling places resulting from the transition to vote by mail creates barriers that restrict the ability of many voters with disabilities from achieving the independence and privacy in voting provided by the accessible voting devices required under the help America vote act. Counties must take appropriate steps to mitigate these impacts and to address the obligation to provide voters with disabilities an equal opportunity to vote independently and privately, to the extent that this can be achieved without incurring undue administrative and financial burden.

(2) Each county shall establish and maintain an advisory committee that includes persons with diverse disabilities and persons with expertise in providing accommodations for persons with disabilities. The committee shall assist election officials in developing a plan to identify and implement changes to improve the accessibility of elections for voters with disabilities. The plan shall include recommendations for the following:

(a) The number of voting centers that will be maintained in order to ensure that people with disabilities have reasonable access to accessible voting devices, and a written explanation for how the determination was made;

(b) The locations of ballot drop-off facilities, voting centers, and other election-related functions necessary to maximize accessibility to persons with disabilities;

(c) Outreach to voters with disabilities on the availability of disability accommodation, including in-person disability access voting;

(d) Transportation of voting devices to locations convenient for voters with disabilities in order to ensure reasonable access for voters with disabilities; and

(e) Implementation of the provisions of the help America vote act related to persons with disabilities.

Counties must update the plan at least annually. The election review staff of the secretary of state shall review and evaluate the plan in conformance with the review procedure identified in RCW 29A.04.570.

(3) Counties may form a joint advisory committee to develop the plan identified in subsection (2) of this section if no more than one of the participating counties has a population greater than seventy thousand.

[2011 c 10 § 44; 2010 c 215 § 5; 2006 c 207 § 7. Formerly RCW 29A.46.260.]

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

Findings—2010 c 215: See note following RCW 50.40.071.

RCW 29A.04.230: Secretary of state as chief election officer.

The secretary of state through the election division shall be the chief election officer for all federal, state, county, city, town, and district elections that are subject to this title. The secretary of state shall keep records of elections held for which he or she is required by law to canvass the results, make such records available to the public upon request, and coordinate those state election activities required by federal law.

[2003 c 111 § 137; 1994 c 57 § 4; 1965 c 9 § 29.04.070. Prior: 1963 c 200 § 23; 1949 c 161 § 12; Rem. Supp. 1949 § 5147-2. Formerly RCW 29.04.070.]

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

RCW 29A.04.235: Election laws for county auditors.

The secretary of state shall ensure that each county auditor is provided with the most recent version of the election laws of the state, as contained in this title. Where amendments have been enacted after the last compilation of the election laws, he or she shall ensure that each county auditor receives a copy of those amendments before the next primary or election.

[2011 c 10 § 8; 2003 c 111 § 138; 1965 c 9 § 29.04.060. Prior: (i) 1907 c 209 § 16; RRS § 5193. (ii) 1889 p 413 § 34; RRS § 5299. Formerly RCW 29.04.060.]

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

RCW 29A.04.250: Toll-free media and web page.

The secretary of state shall provide a toll-free media and web page designed to allow voter communication with the office of the secretary of state.

[2003 c 111 § 141. Prior: 2001 c 41 § 5. Formerly RCW 29.04.091.]

RCW 29A.04.255: Electronic documents—Acceptance.

The secretary of state or a county auditor shall accept and file in his or her office electronic transmissions of the following documents:

(1) Declarations of candidacy;

(2) County canvass reports;

(3) Voters' pamphlet statements;

(4) Arguments for and against ballot measures that will appear in a voters' pamphlet;

(5) Requests for recounts;

(6) Certification of candidates and measures by the secretary of state;

(7) Direction by the secretary of state for the conduct of a recount;

(8) Requests for ballots;

(9) Any other election related document authorized by rule adopted by the secretary of state under RCW 29A.04.611. The acceptance by the secretary of state or the county auditor is conditional upon the document being filed in a timely manner, being legible, and otherwise satisfying the requirements of state law or rules with respect to form and content.

The secretary may by rule require that the original of any document, a copy of which is filed by electronic transmission under this section, also be filed by a deadline established by the secretary by rule.

[2011 c 349 § 1; 2011 c 348 § 1; 2011 c 10 § 9; 2004 c 266 § 5; 2003 c 111 § 142; 1991 c 186 § 1. Formerly RCW 29.04.230.]

Reviser's note: This section was amended by 2011 c 10 § 9, 2011 c 348 § 1, and by 2011 c 349 § 1, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2011 c 349: "Except for sections 10 through 12, 21, 27, 28, and 30 of this act, this act takes effect January 1, 2012." [2011 c 349 § 33.]

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

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

RCW 29A.04.260: Exemptions from disclosure—In-person inspection.

(1) In accordance with RCW 42.56.420, the following are exempt from disclosure:

(a) Voter signatures on ballot return envelopes, ballot declarations, and signature correction forms, including the original documents, copies, and electronic images; and

(b) A voter's phone number and email address contained on ballot return envelopes, ballot declarations, or signature correction forms.

(2) The secretary of state may, by rule, authorize in-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms. Except as provided under subsection (3) of this section, a person may not photocopy, photograph, or otherwise reproduce an image of the ballot return envelope, ballot declaration, or signature correction form. When inspecting a ballot return envelope, ballot declaration, or signature correction form in person, a person may not carry with them any materials or devices that could be used to record any voter information found on the ballot return

envelope, ballot declaration, or signature correction form.
(3) Nothing in this section or RCW 42.56.420(7)(a)(iii) prevents disclosure of any information on ballot return envelopes, ballot declarations, or signature correction forms, other than a voter's signature, phone numbers, and email addresses. Nothing in this section prevents election officials from disclosing information listed in subsection (1) of this section for official purposes. The secretary of state may adopt rules identifying official purposes for which a voter's signature, phone numbers, and email addresses may be disclosed.
(4) For purposes of this section, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature.

[2022 c 140 § 2.]
Application—2022 c 140 §§ 1 and 2: "The exemptions in sections 1 and 2 of this act apply to any public records request made prior to March 24, 2022, for which disclosure of records has not already been completed." [2022 c 140 § 3.]
Effective date—2022 c 140: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 24, 2022]." [2022 c 140 § 4.]

RCW 29A.04.311: Primaries.

Primaries for general elections to be held in November, and the election of precinct committee officers, must be held on the first Tuesday of the preceding August.

[2011 c 349 § 2; 2006 c 344 § 1; 2004 c 271 § 105.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—2006 c 344 §§ 1-16 and 18-40: "Sections 1 through 16 and 18 through 40 of this act take effect January 1, 2007." [2006 c 344 § 41.]

RCW 29A.04.321: State and local general elections—Statewide general election—Exceptions—Special county elections.

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to
(a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law;
(b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States;
(c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080;
(d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and
(e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.
(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:
(a) The second Tuesday in February;
(b) The fourth Tuesday in April;
(c) The day of the primary as specified by RCW 29A.04.311; or
(d) The first Tuesday after the first Monday in November.
(3) A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date. A

resolution calling for a special election on a date set forth in subsection (2)(c) of this section must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on a date set forth in subsection (2)(d) of this section must be presented to the county auditor no later than the day of the primary.
(4) In addition to the dates set forth in subsection (2)(a) through (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.
(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.
[2015 c 146 § 1; 2013 c 11 § 8; 2011 c 349 § 3; 2009 c 413 § 2; (2009 c 413 § 1 expired July 1, 2011); 2006 c 344 § 2; 2004 c 271 § 106.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—2009 c 413 §§ 2 and 4: "Sections 2 and 4 of this act take effect July 1, 2011." [2009 c 413 § 6.]
Expiration date—2009 c 413 §§ 1 and 3: "Sections 1 and 3 of this act expire July 1, 2011." [2009 c 413 § 5.]
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.04.330: City, town, and district general and special elections—Exceptions.

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years. This section shall not apply to:
(a) Elections for the recall of any elective public officer;
(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;
(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW; and
(d) Special flood control districts consisting of three or more counties.
(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, shall call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. Such a special election shall be held on one of the following dates as decided
(a) The second Tuesday in February;
(b) The fourth Tuesday in April;
(c) The day of the primary election as specified by RCW 29A.04.311; or
(d) The first Tuesday after the first Monday in November.
(3) A resolution calling for a special election on a date set forth in subsection (2)(a) and (b) of this section must be presented to the county auditor at least sixty days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)(c) of this section must be presented to the county auditor no later than the Friday immediately before the first day of regular candidate filing. A resolution calling for a special election on a date set forth in subsection (2)(d) of this section must be presented to the county auditor no later than the day of the primary.
(4) In addition to subsection (2)(a) through (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)(c) and (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.
(5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section

being to establish mandatory dates for holding elections.

[2015 c 146 § 2; 2013 c 11 § 9; 2011 c 349 § 4. Prior: 2009 c 413 § 4; (2009 c 413 § 3 expired July 1, 2011); 2009 c 144 § 3; 2006 c 344 § 3; 2004 c 266 § 6; 2003 c 111 § 145; 2002 c 43 § 2; 1994 c 142 § 2; 1992 c 37 § 2; 1990 c 33 § 562; 1989 c 4 § 10 (Initiative Measure No. 99); 1986 c 167 § 6; 1980 c 3 § 2; 1975-'76 2nd ex.s. c 111 § 2; 1965 c 123 § 3; 1965 c 9 § 29.13.020; prior: 1963 c 200 § 1; 1955 c 55 § 1; 1951 c 101 § 1; 1949 c 161 § 1; 1927 c 182 § 1; 1923 c 53 § 2; 1921 c 61 § 2; Rem. Supp. 1949 § 5144. Formerly RCW 29.13.020.]

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

Effective date—2009 c 413 §§ 2 and 4: See note following RCW 29A.04.321.

Expiration date—2009 c 413 §§ 1 and 3: See note following RCW 29A.04.321.

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

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

Intent—2002 c 43: "The legislature finds that there are conflicting interpretations as to the intent of the legislature in the enactment of chapter 305, Laws of 1999. The purpose of this act is to make statutory changes that further clarify this intent. It is the intent of the legislature that elections of conservation district supervisors continue to be conducted under procedures in the conservation district statutes, chapter 89.08 RCW, and that such elections not be conducted under the general election laws contained in Title 29 RCW. Further, it is the intent of the legislature that there be no change made with regard to applicability of the public disclosure act, *chapter 42.17 RCW, to conservation district supervisors from those that existed before the enactment of chapter 305, Laws of 1999." [2002 c 43 § 1.]

*Reviser's note: Provisions in chapter 42.17 RCW relating to public disclosure are recodified in chapter 42.56 RCW by 2005 c 274.

Effective date—2002 c 43: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state gov ernment and its existing public institutions, and takes effect immediately [March 14, 2002]." [2002 c 43 § 6.]

Effective date—1994 c 142: "This act shall take effect January 1, 1995." [1994 c 142 § 3.]

Purpose—Statutory references—Severability—1990 c 33: See RCW 28A.900.100 through 28A.900.102.

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

Severability—1975-'76 2nd ex.s. c 111: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 111 § 3.]

RCW 29A.04.340: Elections in certain first-class school districts.

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

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

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

[2009 c 107 § 4.]

*Reviser's note: RCW 29A.20.040 was recodified as RCW 29A.60.280 pursuant to 2013 c 11 § 93.

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

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

RCW 29A.04.410: Costs borne by constituencies.

Every county, city, town, and district, and the state is liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29A.04.321 and 29A.04.330. Whenever any county, city, town, or district, or the state holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the county, city, town, or district concerned, or the state as appropriate.

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

In recovering such election expenses, including a reasonable proration of administrative costs, the county auditor shall certify the cost to the county treasurer with a copy to the clerk or auditor of the city, town, or district concerned, or the secretary of state as appropriate. Upon receipt of such certification relating to a city, town, or district, the county treasurer shall make the transfer from any available and appropriate city, town, or district funds to the county current expense fund or to the county election reserve fund if such a fund is established. Each city, town, or district must be promptly notified by the

county treasurer whenever such transfer has been completed. However, in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure does not apply, but the district shall promptly issue its warrant for payment of election costs. State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

[2020 c 337 § 1; 2013 c 11 § 10; 2003 c 111 § 146; 1965 c 123 § 5; 1965 c 9 § 29.13.045. Prior: 1963 c 200 § 7; 1951 c 257 § 5. Formerly RCW 29.13.045.]

Effective date—2020 c 337: "This act takes effect July 1, 2021." [2020 c 337 § 7.]

Diking districts, election to authorize, costs: RCW 85.38.060.

Diking or drainage district, reorganization into improvement district

1917 act, election to authorize: RCW 85.38.060.

1933 act, election to authorize: RCW 85.38.060.

Expense of printing and mailing ballots, envelopes, and instructions: RCW 29A.36.220.

Port districts, formation of, election on, expense of: RCW 53.04.070.

Public utility district elections, expense of: RCW 54.08.041.

Reclamation districts of one million acres, election to form, expense: RCW 89.30.115.

Soil and water conservation district, election to form, expense: RCW 89.08.140.

Water-sewer districts

annexation of territory by, election on, expense: RCW 57.24.050.

formation of, expense: RCW 57.04.055.

RCW 29A.04.420: State share.

(1) Whenever federal officers, state officers, or measures are voted upon at a state primary or general election held under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election for the federal and state offices and measures, including the prorated cost of return postage, required to be included on return envelopes pursuant to RCW 29A.40.091.

(2) Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29A.28 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) The county auditor shall apportion the state's share of these expenses when prorating election costs under RCW 29A.04.410 and in accordance with the state budgeting, accounting, and reporting system, shall file such expense claims with the secretary of state.

(4) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

(5) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.

[2020 c 337 § 2; 2019 c 161 § 2; 2013 c 11 § 11; 2003 c 111 § 147. Prior: 1985 c 45 § 2; 1977 ex.s. c 144 § 4; 1975-'76 2nd ex.s. c 4 § 1; 1973 c 4 § 2. Formerly RCW 29.13.047.]

Effective date—2020 c 337: See note following RCW 29A.04.410.

Findings—Effective date—2019 c 161: See notes following RCW 29A.40.091.

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

RCW 29A.04.430: Reimbursement payment—Availability of funds.

(1) For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay within thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose until those funds are exhausted. If funds appropriated for this purpose are not sufficient to pay all claims, the secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all remaining claims and shall pay all properly executed and documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420.

(2) Funding provided in this section to counties for election costs in even-numbered years is

retrospective and prospective reimbursement under RCW 43.135.060 for any new or increased responsibilities under this title.

[2020 c 337 § 4; 2003 c 111 § 148; 1986 c 167 § 7. Formerly RCW 29.13.048.]

Effective date—2020 c 337: See note following RCW 29A.04.410.

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

RCW 29A.04.440: Election account.

(1) The election account is created in the state treasury.

(2) The following receipts must be deposited into the account: Amounts received from the federal government under Public Law 107-252 (October 29, 2002), known as the "Help America Vote Act of 2002," including any amounts received under subsequent amendments to the act; amounts appropriated or otherwise made available by the state legislature for the purposes of carrying out activities for which federal funds are provided to the state under Public Law 107-252, including any amounts received under subsequent amendments to the act; and such other amounts as may be appropriated by the legislature to the account.

(3) Moneys in the account may be spent only after appropriation. Expenditures from the account may be made only to facilitate the implementation of Public Law 107-252.

[2004 c 266 § 2. Prior: 2003 c 48 § 1. Formerly RCW 29.04.260.]

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

Effective date—2003 c 48: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 17, 2003]." [2003 c 48 § 3.]

RCW 29A.04.450: Local government grant program.

The secretary of state shall establish a competitive local government grant program to solicit and prioritize project proposals from county election offices. Potential projects [project] proposals must be new projects designed to help the county election office comply with the requirements of the Help America Vote Act (P.L. 107-252). Grant funds will not be allocated to fund existing statutory functions of local elections [election] offices, and in order to be eligible for a grant, local election offices must maintain an elections budget at or above the local elections budget by July 1, 2004.

[2004 c 267 § 201.]

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

RCW 29A.04.460: Grant program—Administration.

The secretary of state will administer the grant program and disburse funds from the election account established in the state treasury by the legislature in chapter 48, Laws of 2003. Only grant proposals from local government election offices will be reviewed. The secretary of state and any local government grant recipient shall enter into an agreement outlining the terms of the grant and a payment schedule. The payment schedule may allow the secretary of state to make payments directly to vendors contracted by the local government election office from Help America Vote Act (P.L. 107-252) funds. The secretary of state shall adopt any rules necessary to facilitate this section.

[2004 c 267 § 202.]

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

RCW 29A.04.470: Grant program—Advisory committee.

(1) The secretary of state shall create an advisory committee and adopt rules governing project eligibility, evaluation, awarding of grants, and other criteria for administering the local government grant program, which may include a preference for grants that include a match of local funds.

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

(3) Examples of projects that would be eligible for local government grant funding include, but are not limited to the following:
(a) Replacement or upgrade of voting equipment, including the replacement of punch card voting systems;
(b) Purchase of additional voting equipment, including the purchase of equipment to meet the disability requirements of the Help America Vote Act (P.L. 107-252);
(c) Purchase of new election management system hardware and software capable of integrating with the statewide voter registration system required by the Help America Vote Act (P.L. 107-252);
(d) Development and production of election worker training materials;
(e) Voter education programs;
(f) Publication of a local voters' pamphlet;
(g) Toll-free access system to provide notice of the outcome of provisional ballots; and
(h) Training for local election officials.

[2011 c 10 § 10; 2004 c 267 § 203.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.04.510: Election administration and certification board—Generally.

(1) The Washington state election administration and certification board is established and has the responsibilities and authorities prescribed by this chapter. The board is composed of the following members:
(a) The secretary of state or the secretary's designee;
(b) The state director of elections or the director's designee;
(c) Four county auditors appointed by the Washington state association of county auditors or their alternates who are county auditors designated by the association to serve as such alternates, each appointee and alternate to serve at the pleasure of the association;
(d) One member from each of the two largest political party caucuses of the house of representatives designated by and serving at the pleasure of the legislative leader of the respective caucus;
(e) One member from each of the two largest political party caucuses of the senate designated by and serving at the pleasure of the legislative leader of the respective caucus; and
(f) One representative from each major political party, designated by and serving at the pleasure of the chair of the party's state central committee.
(2) The board shall elect a chair from among its number; however, neither the secretary of state nor the state director of elections nor their designees may serve as the chair of the board. A majority of the members appointed to the board constitutes a quorum for conducting the business of the board. Chapter 42.30 RCW, the Open Public Meetings Act, and RCW 42.30.035 regarding minutes of meetings, apply to the meetings of the board.
(3) Members of the board shall serve without compensation. The secretary of state shall reimburse members of the board, other than those who are members of the legislature, for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Members of the board who are members of the legislature shall be reimbursed as provided in chapter 44.04 RCW.

[2017 3rd sp.s. c 25 § 31; 2003 c 111 § 149; 1992 c 163 § 3. Formerly RCW 29.60.010.]

RCW 29A.04.520: Appeals.

The board created in RCW 29A.04.510 shall review appeals filed under RCW 29A.04.550 or 29A.04.570. A decision of the board regarding the appeal must be supported by not less than a majority of the members appointed to the board. A decision of the board regarding an appeal filed under RCW 29A.04.570 concerning an election review conducted under that section is final. If a decision of the board regarding an appeal filed under RCW 29A.04.550 includes a recommendation that a certificate be issued, the secretary of state, upon the recommendation of the board, shall issue the certificate.

[2003 c 111 § 150.]

RCW 29A.04.525: Complaint procedures.

The state-based administrative complaint procedures required in the Help America Vote Act (P.L. 107-252) and detailed in administrative rule apply to all primary, general, and special elections administered under this title.

[2004 c 267 § 401.]

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

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

The secretary of state shall:

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

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

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

(4) Provide the staffing and support services required by the board created under RCW 29A.04.510.

[2009 c 415 § 8; 2006 c 206 § 1; 2005 c 243 § 2; 2003 c 111 § 151. Prior: 2001 c 41 § 11; 1992 c 163 § 5. Formerly RCW 29.60.030.]

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

RCW 29A.04.540: Training of administrators.

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

(1) Secretary of state elections division personnel;

(2) County elections administrators under RCW 36.22.220; and

(3) Any other person or group charged with election administration responsibilities if the person or group is designated by rule adopted by the secretary of state as requiring the training.

Neither this section nor RCW 29A.04.530 may be construed as requiring an elected official to receive training or a certificate of training as a condition for seeking or holding elective office or as a condition for carrying out constitutional duties.

[2011 c 10 § 11; 2009 c 415 § 9; 2003 c 111 § 152; 1992 c 163 § 6. Formerly RCW 29.60.040.]

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

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

RCW 29A.04.550: Denial of certification—Review and appeal.

(1) A decision of the secretary of state to deny certification under RCW 29A.04.530 must be entered in the manner specified for orders under the Administrative Procedure Act, chapter 34.05 RCW. Such a decision is not effective for a period of twenty days following the date of the decision, during which time the person denied certification may file a petition with the secretary of state requesting the secretary to reconsider the decision and to grant certification. The petitioner shall include in the petition, an explanation of the reasons why the initial decision is incorrect and certification should be granted, and may include a request for a hearing on the matter. The secretary of state shall reconsider the matter if the petition is filed in a proper and timely manner. If a hearing is requested, the secretary of state shall conduct the hearing within sixty days after the date on which the petition is filed. The secretary of state shall render a final decision on the matter within ninety days after the date on which the petition is filed.

(2) Within twenty days after the date on which the secretary of state makes a final decision denying a petition under this section, the petitioner may appeal the denial to the board created in RCW 29A.04.510. In deciding appeals, the board shall restrict its review to the record established when the matter was before the secretary of state. The board shall affirm the decision if it finds that the record

supports the decision and that the decision is not inconsistent with other decisions of the secretary of state in which the same standards were applied and certification was granted. Similarly, the board shall reverse the decision and recommend to the secretary of state that certification be granted if the board finds that such support is lacking or that such inconsistency exists.
(3) Judicial review of certification decisions will be as prescribed under RCW 34.05.510 through 34.05.598, but is limited to the review of board decisions denying certification.
[2003 c 111 § 153; 1992 c 163 § 7. Formerly RCW 29.60.050.]
Effective date—1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.560: Election review section.

An election review section is established in the elections division of the office of the secretary of state. Permanent staff of the elections division, trained and certified as required by RCW 29A.04.540, shall perform the election review functions prescribed by RCW 29A.04.570. The staff may also be required to assist in training, certification, and other duties as may be assigned by the secretary of state to ensure the uniform and orderly conduct of elections in this state.
[2003 c 111 § 154. Prior: 1992 c 163 § 8. Formerly RCW 29.60.060.]
Effective date—1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.570: Review of county election procedures.

(1)(a) The election review staff of the office of the secretary of state shall conduct a review of election-related policies, procedures, and practices in an affected county or counties:
(i) If the unofficial returns of a primary or general election for a position in the state legislature indicate that a mandatory recount is likely for that position; or
(ii) If unofficial returns indicate a mandatory recount is likely in a statewide election or an election for federal office.
Reviews conducted under (a)(ii) of this subsection shall be performed in as many selected counties as time and staffing permit. Reviews conducted as a result of mandatory recounts shall be performed between the time the unofficial returns are complete and the time the recount is to take place, if possible.
(b) In addition to conducting reviews under (a) of this subsection, the election review staff shall also conduct such a review in a county at least once every five years, in conjunction with a county primary or special or general election, at the direction of the secretary of state or at the request of the county auditor. If staffing or budget levels do not permit a five-year election cycle for reviews, then reviews must be done as often as possible. If any resident of this state believes that an aspect of a primary or election has been conducted inappropriately in a county, the resident may file a complaint with the secretary of state. The secretary shall consider such complaints in scheduling periodic reviews under this section.
(c) Before an election review is conducted in a county, the secretary of state shall provide the county auditor of the affected county and the chair of the state central committee of each major political party with notice that the review is to be conducted. When a periodic review is to be conducted in a county at the direction of the secretary of state under (b) of this subsection, the secretary shall provide the affected county auditor not less than thirty days' notice.
(2) Reviews shall be conducted in conformance with rules adopted under RCW 29A.04.630. In performing a review in a county under this chapter, the election review staff shall evaluate the policies and procedures established for conducting the primary or election in the county and the practices of those conducting it. As part of the review, the election review staff shall issue to the county auditor and the members of the county canvassing board a report of its findings and recommendations regarding such policies, procedures, and practices.
A review conducted under this chapter shall not include any evaluation, finding, or recommendation regarding the validity of the outcome of a primary or election or the validity of any canvass of returns nor does the election review staff have any jurisdiction to make such an evaluation, finding, or recommendation under this title.
(3) The county auditor or the county canvassing board shall respond to the review report in writing,

listing the steps that will be taken to correct any problems listed in the report. Within one year of issuance of the response provided by the county auditor or county canvassing board, the secretary of state shall verify that the county has taken the steps to correct the problems noted in the report.
(4) The county auditor of the county in which a review is conducted under this section or a member of the canvassing board of the county may appeal the findings or recommendations of the election review staff regarding the review by filing an appeal with the board created under RCW 29A.04.510.
[2009 c 415 § 10; 2005 c 240 § 1; 2003 c 111 § 155. Prior: 1997 c 284 § 1; 1992 c 163 § 9. Formerly RCW 29.60.070.]
Effective date—1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.575: Visits to elections offices, facilities.

The secretary of state, or any staff of the elections division of the office of secretary of state, may make unannounced on-site visits to county election offices and facilities to observe the handling, processing, counting, or tabulation of ballots.

[2004 c 266 § 1. Prior: 2003 c 109 § 1. Formerly RCW 29.04.075.]

Effective date—2004 c 266: "This act takes effect July 1, 2004." [2004 c 266 § 25.]

RCW 29A.04.580: County auditor and review staff.

The county auditor may designate any person who has been certified under this chapter, other than the auditor, to participate in a review conducted in the county under this chapter. Each county auditor and canvassing board shall cooperate fully during an election review by making available to the reviewing staff any material requested by the staff. The reviewing staff shall have full access to the county's election material. If ballots are reviewed by the staff, they shall be reviewed in the presence of the canvassing board or its designees. Ballots shall not leave the custody of the canvassing board. During the review and after its completion, the review staff may make appropriate recommendations to the county auditor or canvassing board, or both, to bring the county into compliance with the training required under this chapter, and the laws or rules of the state of Washington, to safeguard election material or to preserve the integrity of the elections process.

[2011 c 10 § 12; 2003 c 111 § 156. Prior: 1992 c 163 § 10. Formerly RCW 29.60.080.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.590: Election assistance and clearinghouse program.

The secretary of state shall establish within the elections division an election assistance and clearinghouse program, which shall provide regular communication between the secretary of state, local election officials, and major and minor political parties regarding newly enacted elections legislation, relevant judicial decisions affecting the administration of elections, and applicable attorney general opinions, and which shall respond to inquiries from elections administrators, political parties, and others regarding election information. This section does not empower the secretary of state to offer legal advice or opinions, but the secretary may discuss the construction or interpretation of election law, case law, or legal opinions from the attorney general or other competent legal authority.

[2003 c 111 § 157. Prior: 1992 c 163 § 11. Formerly RCW 29.60.090.]
Effective date—1992 c 163 §§ 5-13: See note following RCW 29A.04.530.

RCW 29A.04.611: Rules by secretary of state.

The secretary of state as chief election officer shall make reasonable rules in accordance with chapter 34.05 RCW not inconsistent with the federal and state election laws to effectuate any provision of this title and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district elections. To that end the secretary shall assist local election officers by devising uniform forms and procedures.
In addition to the rule-making authority granted otherwise by this section, the secretary of state shall make rules governing the following provisions:
(1) The maintenance of voter registration records;
(2) The preparation, maintenance, distribution, review, and filing of precinct maps;

(3) Standards for the design, layout, and production of ballots;
(4) The examination and testing of voting systems for certification;
(5) The source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
(6) Standards and procedures for the acceptance testing of voting systems by counties;
(7) Standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
(8) Standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
(9) Standards and procedures to ensure the accurate tabulation and canvassing of ballots;
(10) Consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
(11) Procedures to ensure the secrecy of a voter's ballot when a small number of ballots are counted;
(12) The use of substitute devices or means of voting when a voting device is found to be defective, the counting of votes cast on the defective device, the counting of votes cast on the substitute device, and the documentation that must be submitted to the county auditor regarding such circumstances;
(13) Procedures for the transportation of sealed containers of voted ballots or sealed voting devices;
(14) The acceptance and filing of documents via electronic transmission;
(15) Voter registration applications and records;
(16) The use of voter registration information in the conduct of elections;
(17) The coordination, delivery, and processing of voter registration records accepted by driver licensing agents or the department of licensing;
(18) The coordination, delivery, and processing of voter registration records accepted by agencies designated by the governor to provide voter registration services;
(19) Procedures to receive and distribute voter registration applications by mail;
(20) Procedures for a voter to change his or her voter registration address within a county by telephone;
(21) Procedures for a voter to change the name under which he or she is registered to vote;
(22) Procedures for canceling dual voter registration records and for maintaining records of persons whose voter registrations have been canceled;
(23) Procedures for the electronic transfer of voter registration records between county auditors and the office of the secretary of state;
(24) Procedures and forms related to automatic voter registration;
(25) Procedures and forms for declarations of candidacy;
(26) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;
(27) Procedures for the circumstance in which two or more candidates have a name similar in sound or spelling so as to cause confusion for the voter;
(28) Filing for office;
(29) The order of positions and offices on a ballot;
(30) Sample ballots;
(31) Independent evaluations of voting systems and the testing, approval, and certification of voting systems;
(32) The testing of vote tallying software programming;
(33) Standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of ballots, including standards for the approval and implementation of hardware and software for automated signature verification systems;
(34) Standards and procedures to guarantee the secrecy of ballots;
(35) Uniformity among the counties of the state in the conduct of elections;
(36) Standards and procedures to accommodate overseas voters and service voters;
(37) The tabulation of paper ballots;
(38) The accessibility of voting centers;
(39) The aggregation of precinct results if reporting the results of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;
(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;
(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;
(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;
(45) Procedures for the publication of a state voters' pamphlet;
(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of ballots, certification, canvassing, and related procedures cannot be met;
(47) Procedures for conducting partisan primary elections;
(48) Standards and procedures for the proper conduct of voting on accessible voting devices;
(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;
(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);
(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;
(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);
(53) Facilitating the payment of local government grants to local government election officers or vendors; and
(54) Standards for the verification of signatures on ballot declarations.
[2023 c 466 § 32; 2011 c 10 § 13; 2009 c 369 § 5. Prior: 2006 c 207 § 1; 2006 c 206 § 2; 2004 c 271 § 151.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.04.620: Rules.

The secretary of state as chief election officer may make rules in accordance with chapter 34.05 RCW to facilitate the operation, accomplishment, and purpose of the presidential primary authorized in RCW *29A.56.010 through 29A.56.060. The secretary of state shall adopt rules consistent with this chapter to comply with national or state political party rules.
[2003 c 111 § 162; 1995 1st sp.s. c 20 § 4; 1989 c 4 § 7 (Initiative Measure No. 99). Formerly RCW 29.19.070.]
*Reviser's note: RCW 29A.56.010 was decodified pursuant to 2019 c 7 § 8.
Effective date—1995 1st sp.s. c 20: See note following RCW 29A.56.020.

RCW 29A.04.630: Joint powers and duties with board.

(1) The secretary of state and the board created in RCW 29A.04.510 shall jointly adopt rules, in the manner specified for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW, governing:
(a) The training of persons officially designated by major political parties as elections observers under this title, and the training and certification of election administration officials and personnel;
(b) The policies and procedures for conducting election reviews under RCW 29A.04.570; and
(c) The policies and standards to be used by the board in reviewing and rendering decisions regarding appeals filed under RCW 29A.04.570.
(2) The board created in RCW 29A.04.510 may adopt rules governing its procedures.
[2003 c 111 § 163; 1992 c 163 § 4. Formerly RCW 29.60.020.]

RCW 29A.04.900: Continuation of existing law.

The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

[2003 c 111 § 158. Prior: 1965 c 9 § 29.98.010. Formerly RCW 29.98.010.]

RCW 29A.04.901: Headings and captions not part of law.

Chapter headings, part, subpart, and section or subsection captions, as used in this title do not constitute any part of the law.

[2003 c 111 § 159; 1965 c 9 § 29.98.020. Formerly RCW 29.98.020.]

RCW 29A.04.902: Invalidity of part not to affect remainder.

If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

[2003 c 111 § 160. Prior: 1965 c 9 § 29.98.030. Formerly RCW 29.98.030.]

TITLE 29A.05 RCW: GOVERNMENT OF, BY, AND FOR THE PEOPLE ACT

Sections

RCW 29A.05.010: Short title—2017 c 1 (Initiative Measure 735).
RCW 29A.05.020: Intent.
RCW 29A.05.030: Findings.
RCW 29A.05.040: Joint resolution for amendment to United States Constitution.
RCW 29A.05.050: Recommendation to congress.
RCW 29A.05.060: Recommendation to state legislature.
RCW 29A.05.070: Secretary of state to deliver copies.
RCW 29A.05.900: Construction—2017 c 1 (Initiative Measure No. 735).

RCW 29A.05.010: Short title—2017 c 1 (Initiative Measure No. 735).

Chapter 1, Laws of 2017 is known and may be cited as the "government of, by, and for the people act."

[2017 c 1 § 9 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.020: Intent.

Chapter 1, Laws of 2017 declares that the people of Washington state support amending the Constitution of the United States to eliminate the undue influence of concentrated money and political power on elections and governmental policy. The amendment would overturn decisions by the supreme court of the United States extending constitutional rights to corporations and other artificial legal entities as well as those decisions equating the spending of money with free speech. It also provides for the regulation and disclosure of political contributions and spending.

[2017 c 1 § 1 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.030: Findings.

(1) Free and fair elections, as well as honest representation, are essential to self-determination and self-governance as described in the Declaration of Independence and established in the Constitution of the United States.

(2) The American people have lost faith in the political process because their voices are not heard and their interests are not represented. Thus, an ever smaller percentage of Americans is motivated to vote.

(3) The U.S. Constitution makes no mention of corporations or other artificial entities; there are no provisions extending rights to such entities. However, through a series of decisions equating a "corporation" with a "person," the U.S. supreme court extended to corporations the constitutional rights and protections intended for people only.
(4) Unlike human beings, corporations can exist in perpetuity and in many countries at the same time. As a result many large corporations, both foreign and domestic, invest in campaigns to invalidate or bypass regulatory law intended to protect the public. Thus, corporate participation in the political process often conflicts with the public interest.
(5) Money is property; it is not speech. Nowhere in the U.S. Constitution is money equated with speech. Because advertising is limited and costly, equating the spending of money with free speech gives those with the most money the most speech.
(6) Whenever special interests, including very wealthy individuals, are able to spend unlimited amounts of money on political speech, candidates and officeholders can be corrupted and intimidated, and the free speech of most citizens is drowned out and denied. Monopolizing public speech neither promotes nor protects free speech.
(7) Anonymous contributions and spending for political gain promote dishonesty and corruption, preventing voters from assessing the motives of the speaker. The public must be able to hold funders of political speech accountable when their messages prove false or misleading. Full and prompt disclosure of funding sources is essential to an informed electorate, fair elections, and effective governance.
(8) Article V of the U.S. Constitution empowers the people and the states to use the amendment process to correct egregious decisions by the U.S. supreme court that subvert our representative government.
[2017 c 1 § 2 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.040: Joint resolution for amendment to United States Constitution.

The voters of the state of Washington urge immediate action by the current and future Washington state congressional delegations to propose a joint resolution for an amendment to the Constitution of the United States clarifying that:
(1) The rights listed and acknowledged in the Constitution of the United States are the rights of individual human beings only.
(2) The judiciary shall not construe the spending of money to be free speech under the First Amendment of the Constitution of the United States. Federal, state, and local governments shall be fully empowered to regulate political contributions and expenditures to ensure that no person or artificial legal entity gains undue influence over government and the political process.
(3) All political contributions and expenditures shall be disclosed promptly and in a manner accessible to voters prior to elections.
(4) Chapter 1, Laws of 2017 does not limit the people's rights to freedom of speech, freedom of the press, free exercise of religion, or freedom of association.
[2017 c 1 § 3 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.050: Recommendation to congress.

In accordance with the U.S. Constitution, the voters of the state of Washington urge the Washington state congressional delegation, and the U.S. congress generally, to include an amendment ratification method which will best ensure that the people are heard and represented during the ratification process.
[2017 c 1 § 4 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.060: Recommendation to state legislature.

The voters of the state of Washington urge our current and future Washington state legislatures to ratify such an amendment when passed by congress and delivered to the states for ratification.
[2017 c 1 § 5 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.070: Secretary of state to deliver copies.

The Washington secretary of state is authorized and directed to immediately deliver copies of this

initiative, when enacted, to the following persons: The governor of the state of Washington, all current members of the Washington state legislature, all current members of the United States congress, and the president of the United States.
[2017 c 1 § 6 (Initiative Measure No. 735, approved November 8, 2016).]

RCW 29A.05.900: Construction—2017 c 1 (Initiative Measure No. 735).

The provisions of chapter 1, Laws of 2017 are to be liberally construed to effectuate the intent, policies, and purposes of chapter 1, Laws of 2017.
[2017 c 1 § 7 (Initiative Measure No. 735, approved November 8, 2016).]

TITLE 29A.08 RCW: VOTERS AND REGISTRATION

DEFINITIONS

Sections

RCW 29A.08.010: Minimum information required for voter registration.
RCW 29A.08.020: Registration date.
RCW 29A.08.030: Notices, various.

GENERAL PROVISIONS

Sections

RCW 29A.08.105: Official voter list, maintained by secretary of state—Role of county auditors and elections offices.
RCW 29A.08.107: Applicant information for registration—Provisional registration—Exception.
RCW 29A.08.110: Auditor's procedure.
RCW 29A.08.112: Voters without traditional residential addresses.
RCW 29A.08.115: Registration by other than auditor or secretary of state.
RCW 29A.08.120: Registration by mail.
RCW 29A.08.123: Registration electronically.
RCW 29A.08.125: Database of voter registration records.
RCW 29A.08.130: Count of registered voters—inactive voters.
RCW 29A.08.135: Updating information.
RCW 29A.08.140: Voter registration deadlines.
RCW 29A.08.150: Expense of registration.
RCW 29A.08.161: No link between voter and ballot choice—Exception.
RCW 29A.08.166: Party affiliation not required.
RCW 29A.08.170: Registration at age 16 and 17.
RCW 29A.08.182: Registration at age 16 and 17-Application by mail.
RCW 29A.08.174: Registration at age 16 and 17-Application electronically.

FORMS

Sections

RCW 29A.08.210: Application—Contents.
RCW 29A.08.220: Application—Format.
RCW 29A.08.230: Oath of applicant.
RCW 29A.08.260: Production, supply, and distribution.
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MOTOR VOTER AND REGISTRATION AT STATE AGENCIES

Sections

RCW 29A.08.310: Voter registration in state offices, facilities, colleges.
RCW 29A.08.315: Automatic voter registration—Application for government services requiring proof of citizenship.
RCW 29A.08.320: Registration or transfer at designated agencies—Form and application.
RCW 29A.08.330: Registration at designated agencies—Procedures.
RCW 29A.08.340: Registration or update of registration with driver's license or identification card application or renewal.
RCW 29A.08.350: Duties of department of licensing, secretary of state.
RCW 29A.08.355: Automatic registration and automatic sign-up to register—Enhanced driver's licenses and identicards.
RCW 29A.08.357: Automatic registration—Enhanced driver's licenses and identicards—Application submission.
RCW 29A.08.359: Automatic registration—Enhanced driver's licenses and identicards—Procedure—Auditor duties—Confidentiality.
RCW 29A.08.362: Automatic registration—Health benefit exchange.
RCW 29A.08.365: Automatic voter registration—Other agencies.
RCW 29A.08.370: Automatic registration—Registration of person ineligible to vote.

TRANSFERS AND NAME CHANGES

Sections
RCW 29A.08.410: Address change within county—Deadlines.
RCW 29A.08.420: Transfer to another county.
RCW 29A.08.440: Voter name change.

CANCELLATIONS

Sections
RCW 29A.08.510: Death.
RCW 29A.08.515: Guardianship.
RCW 29A.08.520: Felony conviction—Restoration of voting rights.
RCW 29A.08.540: Records preservation.

LIST MAINTENANCE

Sections
RCW 29A.08.610: Dual registration or voting detection.
RCW 29A.08.615: "Active," "inactive" registered voters—"Pending" registrations.
RCW 29A.08.620: Change of address information for mail ballots—Assignment of voter to inactive status—Confirmation notice.
RCW 29A.08.625: Voting by inactive or canceled voters.
RCW 29A.08.630: Return of inactive voter to active status—Cancellation of registration.
RCW 29A.08.635: Confirmation notices—Form, contents.
RCW 29A.08.640: Confirmation notice—Response, auditor's action.
RCW 29A.08.646: Request for updated signature.

PUBLIC ACCESS TO REGISTRATION RECORDS

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RCW 29A.08.710: Originals and automated files—Public disclosure.
RCW 29A.08.720: Registration, voting records—As public records—Information furnished—Restrictions, confidentiality.
RCW 29A.08.725: Future voters—Disclosability of information.
RCW 29A.08.740: Violations of restricted use of registered voter data—Penalties—Liabilities.
RCW 29A.08.760: Computer file—Duplicate copy—Restrictions and penalties.

RCW 29A.08.770: Records concerning accuracy and currency of voters lists.
RCW 29A.08.775: Use and maintenance of statewide list.

CHALLENGES

Sections
RCW 29A.08.810: Basis for challenging a voter's registration—Who may bring a challenge—Challenger duties.
RCW 29A.08.820: Times for filing challenges—Hearings—Treatment of challenged ballots.
RCW 29A.08.835: County auditor to publish voter challenges on the internet—Ongoing notification requirements—Retention.
RCW 29A.08.840: County auditor duties—Dismissal of challenges—Notification—Hearings—Counting or cancellation of ballots.
RCW 29A.08.850: Challenge of registration—Forms, availability.

RCW 29A.08.010: Minimum information required for voter registration.

(1) The minimum required information provided on a voter registration application in order to place a voter registration applicant on the voter registration rolls includes:
(a) Name;
(b) Residential address;
(c) Date of birth;
(d) A signature attesting to the truth of the information provided on the application;
(e) An address where the person receives mail, if different from the residence address; and
(f) Affirmation of citizenship which confirms the individual is a United States citizen, in one of the following forms:
(i) A check or indication in the box on a voter registration form confirming citizenship; or
(ii) Presentation of documents as part of another government transaction confirming citizenship.
(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address.
(a) A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence.
(b) A nontraditional address consists of a narrative description of the location of the voter's residence, and may be used when a traditional address has not been assigned or affixed to the voter's residence or when a voter resides on an Indian reservation or Indian lands, pursuant to the conditions in RCW 29A.08.112.
(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.
(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.
[2023 c 466 § 2; 2019 c 6 § 1; 2009 c 369 § 6; 2006 c 320 § 2; 2005 c 246 § 2; 2004 c 267 § 102; 2003 c 111 § 201; 1994 c 57 § 9. Formerly RCW 29.07.005.]
Effective date—2005 c 246: See note following RCW 10.64.140.
Effective dates—2004 c 267: "(1) Sections 103, 104, and 115 through 118 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [March 31, 2004].
(2) Sections 119, 140, 201 through 203, 321, 401, 501, and 702 of this act take effect July 1, 2004.
(3) Sections 301 through 320 of this act take effect January 1, 2005.
(4) Sections 101, 102, 105 through 114, 120 through 139, 601, 701, and 704 of this act take effect January 1, 2006." [2004 c 267 § 707.]
Severability—1994 c 57: See note following RCW 29A.16.040.

RCW 29A.08.020: Registration date.

Unless the context clearly requires otherwise, for voter registration applicants, the date the voter registration application is received by an election official will be used as the registration date for the purpose of registering and meeting the registration cutoff deadline.

[2019 c 391 § 3; 2013 c 11 § 12; 2004 c 267 § 103; 2003 c 111 § 204; 1994 c 57 § 30; 1993 c 434 § 1. Formerly RCW 29.08.010.]

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

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

RCW 29A.08.030: Notices, various.

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

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

(2) "Acknowledgment notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction or an automatic voter registration transaction, which can include initial registration, residential address change, or reactivation of an inactive registration, identifying the registrant's precinct and containing such other information as may be required by the secretary of state. An acknowledgment notice may be a voter registration card.

(3) "Automatic voter registration acknowledgment notice package" means a package of information sent by nonforwardable mail by the county auditor, to a registered voter who utilized the automatic voter registration process at the department of licensing, to acknowledge a voter registration transaction, which can include initial registration, residential address change, or reactivation of an inactive registration. The package must include:

(a) A postage prepaid, preaddressed return form by which the individual may decline to be registered to vote or decline the update;

(b) A statement explaining that the person has become registered to vote or signed up to register to vote, as appropriate, setting forth the qualifications to vote, stating that if the individual does not meet the qualifications to vote, the person shall return the notice and affirmatively decline in writing to register to vote, and that if the person wishes to cancel the voter registration at any time, that the person may contact their county auditor to do so;

(c) Instructions regarding how an individual can obtain more information about the notice and assistance in the individual's preferred language, including languages as set forth in RCW 29A.08.270;

(d) An acknowledgment notice; and

(e) Other information required by the secretary of state.

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

(5) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

[2023 c 466 § 3; 2009 c 369 § 7; 2005 c 246 § 3; 2004 c 267 § 104; 2003 c 111 § 203. Prior: 1994 c 57 § 33. Formerly RCW 29.10.011.]

Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: "Sections 3, 4, 6, 11, 13 through 16, and 20 through 23 of this act take effect July 15, 2024." [2023 c 466 § 37.]

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

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

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

RCW 29A.08.105: Official voter list, maintained by secretary of state—Role of county auditors and elections offices.

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.
(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county.
(3) Requests for records from, or any existing standard reports generated by, the statewide voter registration database must be submitted to and fulfilled by the secretary of state per Title 42 RCW. If a county elections office receives a request for records from, or any existing standard reports generated by, the statewide voter registration database, the county elections office is not required to produce any records in response to the request, but shall, by the deadline set forth in RCW 42.56.520, direct the requestor to submit the request to the secretary of state.
[2023 c 404 § 2; 2009 c 369 § 8; 2004 c 267 § 105; 2003 c 111 § 205; 1999 c 298 § 4; 1994 c 57 § 8; 1984 c 211 § 3; 1980 c 48 § 1; 1971 ex.s. c 202 § 4; 1965 c 9 § 29.07.010. Prior: 1957 c 251 § 4; prior: 1939 c 15 § 1, part; 1933 c 1 § 3, part; RRS § 5114-3, part; prior: 1891 c 104 §§ 1, part, 2, part; RRS §§ 5116, part, 5117, part. Formerly RCW 29.07.010.]
Findings—Intent—2023 c 404: "The legislature finds that requests for records concerning voter registration information, election data, and systems and processes of election administration have increased exponentially over the last several years. The legislature further finds that public access to these requested records increases the public confidence in electoral processes through greater public transparency. The legislature intends to clarify responsibilities for producing records containing election information to improve the efficiency in which they are made available." [2023 c 404 § 1.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—1994 c 57: See note following RCW 29A.16.040.
Intent—1984 c 211: See note following RCW 29A.08.310.

RCW 29A.08.107: Applicant information for registration—Provisional registration—Exception.

(1) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant match the information maintained by the Washington department of licensing or the social security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote.
(2) If the driver's license number, state identification card number, or last four digits of the social security number provided by the applicant do not match the information maintained by the Washington department of licensing or the social security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a social security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the social security number, or one of the following forms of alternate identification:
(a) Valid photo identification;
(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;
(c) A copy of a current utility bill;
(d) A current bank statement;
(e) A copy of a current government check;
(f) A copy of a current paycheck; or
(g) A government document, other than a voter registration card, that shows both the name and address of the voter.
(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a social security number that matches the information maintained by the Washington department of licensing or the social security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to registered.
(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not

verified his or her identity, the provisional registration may be canceled.
(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered vote transferring his or her registration.
[2009 c 369 § 9; 2005 c 246 § 4; 2004 c 267 § 106.]
Effective date—2005 c 246: See note following RCW 10.64.140.
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.110: Auditor's procedure.

(1) For persons registering under RCW 29A.08.120, 29A.08.123, 29A.08.170, 29A.08.330, 29A.08.340, 29A.08.362, and 29A.08.365, an application is considered complete only if it contains the information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of:
(a) The original date of receipt;
(b) When the person will be at least eighteen years old by the next election;
(c) When the person will be at least seventeen years old by the next primary election or presidential primary election and eighteen years old by the general election, whichever is applicable; or
(d) For voters utilizing automatic voter registration under RCW 29A.08.315 at the department of licensing, the date that an election official receives the information to register the person to vote, unless:
(i) The voter declines registration by the deadline in RCW 29A.08.359(4)(a); or
(ii) An election official receives the information to register the person to vote after the deadline to register to vote under RCW 29A.08.140(1)(a), in which case the applicant is considered to be registered to vote as of the day after the election.
(2) As soon as practicable, the auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. The secretary of state shall, pursuant to RCW 29A.04.611, establish procedures to enable new or updated voter registrations to be recorded on an expedited basis. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes.
(3) The voter must be sent an acknowledgment notice using first-class nonforwardable mail:
(a) For voters utilizing automatic voter registration services at the department of licensing, within five business days after the receipt of an application or residential address change, or, if the application or residential address change is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election, the auditor shall send an automatic voter registration acknowledgment notice package as required by RCW 29A.08.030.
(b) For all other voters, within 60 days after the receipt of an application or residential address change, the auditor shall send an acknowledgment notice as required by RCW 29A.08.030.
(4) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.
(5) Once a future voter is no longer in pending status, as described in RCW 29A.08.615, his or her application to sign up to register to vote is no longer pending and is subject to this section.
[2023 c 466 § 4; 2020 c 208 § 14; 2019 c 391 § 5. Prior: 2018 c 112 § 2; 2018 c 110 § 101; 2018 c 109 § 4; 2009 c 369 § 10; 2005 c 246 § 5; 2004 c 267 § 107; 2003 c 111 § 206; prior: 1994 c 57 § 32; 1993 c 434 § 6. Formerly RCW 29.08.060.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Effective date—2018 c 112 §§ 1-4: See note following RCW 29A.08.140.
Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.
Effective date—2005 c 246: See note following RCW 10.64.140.

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

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

RCW 29A.08.112: Voters without traditional residential addresses.

(1) No person registering to vote, who meets all the qualifications of a registered voter in the state of Washington, shall be disqualified because he or she lacks a traditional residential address. A voter who lacks a traditional residential address will be registered and assigned to a precinct based on the location provided.

(2) For the purposes of this section, a voter who resides in a shelter, park, motor home, marina, unmarked home, or other identifiable location that the voter deems to be his or her residence lacks a traditional address. A voter who registers under this section must provide a valid mailing address, and must still meet the requirement in Article VI, section 1 of the state Constitution that he or she live in the area for at least thirty days before the election.

(3) A nontraditional residential address may be used when a voter resides on an Indian reservation or on Indian lands.

(4) A federally recognized tribe may designate one or more tribal government buildings to serve as a residential address or mailing address or both for voters living on an Indian reservation or on Indian lands. However, a voter may not use a tribally designated building as the voter's residential address if the building is in a different precinct than where the voter lives.

(5) A person who has a traditional residential address and does not reside on an Indian reservation or on Indian lands must use that address for voter registration purposes and is not eligible to register under this section.

[2019 c 6 § 2; 2006 c 320 § 3; 2005 c 246 § 6.]

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

RCW 29A.08.115: Registration by other than auditor or secretary of state.

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor. A person or organization collecting voter registration forms that intentionally does not transmit the forms to an election office may be subject to penalty under RCW 29A.84.030.

[2023 c 466 § 35; 2009 c 369 § 11; 2005 c 246 § 8; 2004 c 267 § 108; 2003 c 111 § 207; 1971 ex.s. c 202 § 15; 1965 c 9 § 29.07.110. Prior: 1957 c 251 § 11; prior: 1947 c 68 § 1, part; 1945 c 95 § 1, part; 1933 c 1 § 6, part; Rem. Supp. 1947 § 5114-6, part; prior: 1919 c 163 § 6, part; 1915 c 16 § 6, part; 1901 c 135 § 5, part; 1893 c 45 § 1, part; 1889 p 415 § 6, part; RRS § 5124, part. Formerly RCW 29.07.110.]

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

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

RCW 29A.08.120: Registration by mail.

Any elector of this state may register to vote by mail under this title.

[2004 c 267 § 109; 2003 c 111 § 208. Prior: 1993 c 434 § 3. Formerly RCW 29.08.030.]

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

CHANGE IN 2025: RCW 29A.08.123: Registration electronically.

(1) A person qualified to vote who has a valid:

(a) Washington state driver's license;

(b) Washington state identification card;

(c) Washington state learner's permit;

(d) Current Washington tribal identification; or

(e) Social security number,

may submit a voter registration application electronically on the secretary of state's website, and provide either the state issued identification number, the tribal identification number, or the last four digits of the person's social security number.

(2) The applicant must attest to the truth of the information provided on the application and confirm the applicant's United States citizenship by reviewing the registration oath online and affirmatively accepting the information as true.
(3) For applicants using Washington state issued identification, the applicant must affirmatively assent to use of the applicant's driver's license or state identification card signature for voter registration purposes.
(4) For applicants who are not using Washington state issued identification, the applicant must submit a signature image by either submitting a signature image to the secretary of state, or submitting a signature image as part of the confirmation notice process.
(5) A voter registration application submitted electronically is otherwise considered a registration by mail.
(6) For each electronic application, the secretary of state must obtain a digital copy of the applicant's driver's license or state identification card signature from the department of licensing, the voter, or tribal identification issuing authority.
(7) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically.
(8) The secretary of state may employ an application programming interface to allow a person to securely submit a voter registration application electronically to the secretary of state through the website of a government agency or institution of higher learning. In order to facilitate an electronic application under this subsection, a government agency or institution of higher learning must be

approved under a process designed by the secretary of state.
[2025; 2023 c 363 § 1; 2019 c 6 § 3; 2007 c 157 § 1.]
Effective date—2023 c 363: "This act takes effect July 15, 2024." [2023 c 363 § 2.]
Effective date—2007 c 157: "This act takes effect January 1, 2008." [2007 c 157 § 2.]

RCW 29A.08.125: Database of voter registration records.

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.
(2) The statewide list is the official list of registered voters for the conduct of all elections.
(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.
(4) A unique identifier must be assigned to each registered voter in the state.
(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, and county auditors. The database may also be coordinated with the databases of election officials in other states.
(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.
(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.
(8) The secretary of state has data authority over all voter registration data.
(9) The voter registration database must be designed to accomplish at a minimum, the following:
(a) Comply with the help America vote act of 2002 (P.L. 107-252);
(b) Identify duplicate voter registrations;
(c) Identify suspected duplicate voters;
(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to serving a sentence of total confinement as the result of a felony conviction, lack of citizenship, or a court finding of mental incompetence;
(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;
(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations;
(h) Provide for the cancellation of registrations of voters who have moved out of state; and
(i) Provide for the storage of pending registration records for all future voters who have not yet reached eighteen years of age in a manner that these records will not appear on the official list of registered voters until the future registrant is no longer in pending status as defined under RCW 29A.08.615.19.
(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.
(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.
(12) Each county auditor shall maintain a list of all registered voters within the county that are contained on the official statewide voter registration list. In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and a list of elections in which the individual voted.
(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.
[2023 c 466 § 5; 2018 c 109 § 7; 2009 c 369 § 12; 2005 c 246 § 9; 2004 c 267 § 110; 2003 c 111 § 209; 1993 c 408 § 11; 1991 c 81 § 22; 1974 ex.s. c 127 § 12. Formerly RCW 29.07.220.]
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.
Effective date—2005 c 246: See note following RCW 10.64.140.
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—Effective dates—1993 c 408: See notes following RCW 2.36.054.
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.08.130: Count of registered voters—Inactive voters.

Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters.
[2011 c 10 § 14; 2009 c 369 § 13; 2003 c 111 § 210; 1994 c 57 § 40. Formerly RCW 29.10.081.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.135: Updating information.

(1) When a person who has previously registered to vote in another state applies for voter registration in Washington, the person shall provide on the registration form all information needed to cancel any previous registration. Notification must be made to the state elections office of the applicant's previous state of registration.
(2) A county auditor receiving official information that a voter has registered to vote in another state shall immediately cancel that voter's registration on the official state voter registration list.
[2009 c 369 § 14; 2004 c 267 § 111; 2003 c 111 § 211; 2001 c 41 § 6; 1975 1st ex.s. c 184 § 1; 1973 c 153 § 2. Formerly RCW 29.07.092.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—1975 1st ex.s. c 184: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 184 § 5.]

RCW 29A.08.140: Voter registration deadlines.

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:
(a) Submit a registration application that is received by an election official no later than eight days before the day of the primary, special election, or general election. For purposes of this subsection (1)

(a), "received" means: (i) Being physically received by an election official by the close of business of the required deadline; or (ii) for applications received online or electronically, by midnight, of the required deadline; or

(b) Register in person at a county auditor's office, the division of elections if in a separate location from the county auditor's office, a voting center, a student engagement hub, or other location designated by the county auditor no later than 8:00 p.m. on the day of the primary, special election if the county is conducting an election, or general election.

(2)(a) In order to change a residence address for voting in any primary, special election, or general election, a person who is already registered to vote in Washington may update his or her registration by:

(i) Submitting an address change using a registration application or making notification via any non-in-person method that is received by election officials no later than eight days before the day of the primary, special election, or general election; or

(ii) Appearing in person, at a county auditor's office, the division of elections if in a separate location from the county auditor's office, a voting center, or other location designated by the county auditor, no later than 8:00 p.m. on the day of the primary, special election if the county is conducting an election, or general election to be in effect for that primary, special election if the county is conducting an election, or general election.

(b) A registered voter who fails to update his or her residential address by this deadline may vote according to his or her previous registration address.

(3) To register or update a voting address in person at a county auditor's office, a voting center, or other location designated by the county auditor, a person must appear in person at a county auditor's office, a voting center, or other location designated by the county auditor at a time when the facility is open and complete the voter registration application by providing the information required by RCW 29A.08.010.

[2022 c 69 § 2; 2020 c 208 § 22; 2019 c 391 § 4; 2018 c 112 § 1; 2011 c 10 § 15; 2009 c 369 § 15; 2006 c 97 § 1; 2004 c 267 § 112; 2003 c 111 § 212. Prior: 1993 c 383 § 2; 1980 c 3 § 4; 1974 ex.s. c 127 § 4; 1971 ex.s. c 202 § 20; 1965 c 9 § 29.07.160; prior: 1947 c 68 § 2; 1933 c 1 § 9; Rem. Supp. 1947 § 5114-9. Formerly RCW 29.07.160.]

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Effective date—2018 c 112 §§ 1-4: "Sections 1 through 4 of this act take effect June 30, 2019." [2018 c 112 § 6.]

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

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

RCW 29A.08.150: Expense of registration.

The expense of registration in all rural precincts must be paid by the county. The expense of registration in all precincts lying wholly within a city or town must be paid by the city or town. Registration expenses for this section must include both active and inactive voters.

[2003 c 111 § 214; 1965 c 9 § 29.07.030. Prior: 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part; prior: 1891 c 104 § 4; RRS § 5119. Formerly RCW 29.07.030.]

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

No record may be created or maintained by a state or local governmental agency or a political organization that identifies a voter with the information marked on the voter's ballot, except the declarations made under RCW 29A.56.050(2).

[2019 c 7 § 6; 2004 c 271 § 107.]

RCW 29A.08.166: Party affiliation not required.

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

[2004 c 271 § 108.]

RCW 29A.08.170: Registration at age sixteen and seventeen.

(1) A person may sign up to register to vote if he or she is sixteen or seventeen years of age, as part of

the future voter program.
(2) A person who signs up to register to vote may not vote until reaching eighteen years of age unless the person is seventeen years of age at the primary election or presidential primary election and will be eighteen years of age by the general election.
(3) A person who signs up to register to vote may not be added to the statewide voter registration list of voters until such time as he or she will be eligible to vote in the next election.
[2023 c 361 § 3; 2020 c 208 § 15; 2018 c 109 § 5.]
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Findings—Intent—2018 c 109: "The legislature is committed to granting equal access to voter registration for all voters. The legislature recognizes the importance of fostering lifelong civic participation. Currently, many young people are denied access to the most popular form of voter registration, motor voter. If a young person obtains a driver's license at the age of sixteen or seventeen, they may not register to vote. Denial of motor voter to so many young voters has contributed to lower voter registration levels in the youngest voter age groups. In Washington, according to 2016 United States census bureau statistics, only twenty-one percent of eligible citizens between the ages of eighteen and twenty-four are registered to vote. Studies show that young adults who vote are likely to continue to do so throughout adulthood. The legislature recognizes that these representational disparities in registration rates and voting rates within the youth electorate will improve by enacting election policies that engage all young citizens. Therefore, the legislature declares that this act, allowing eligible youth at least sixteen years of age to preregister to vote, is intended to increase voter turnout in young adults." [2018 c 109 § 1.]
Effective date—2018 c 109: "This act takes effect July 1, 2019." [2018 c 109 § 20.]

RCW 29A.08.172: Registration at age sixteen and seventeen—Application by mail.

(1) A person who has attained sixteen years of age may sign up to register to vote, as part of the future voter program, by submitting a voter registration application by mail.
(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.
(3) If signing up to register by mail, the person must provide a signature for voter registration purposes.
(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday.
[2020 c 208 § 16; 2018 c 109 § 6.]
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

RCW 29A.08.174: Registration at age sixteen and seventeen—Application electronically.

(1) A person who has attained sixteen years of age and has a valid Washington state driver's license or identicard may sign up to register to vote as part of the future voter program, by submitting a voter registration application electronically on the secretary of state website.
(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.
(3) If signing up to register electronically, the applicant must affirmatively assent to the use of his or her driver's license or identicard signature for voter registration purposes.
(4) The applicant must affirmatively acknowledge that he or she will not vote in a special or general election until his or her eighteenth birthday, and will only vote in a primary election or presidential primary election if he or she will be eighteen years of age by the general election.
(5) For each electronic registration application, the secretary of state must obtain a digital copy of the applicant's driver's license or identicard signature from the department of licensing.
(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter preregistration applications submitted electronically.
[2023 c 361 § 4; 2020 c 208 § 17; 2018 c 109 § 14.]
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

RCW 29A.08.210: Application—Contents.

An applicant for voter registration shall complete an application providing the following information concerning the applicant's qualifications as a voter in this state:
(1) The applicant's full name;
(2) The applicant's date of birth;
(3) The address of the applicant's residence for voting purposes;
(4) The mailing address of the applicant if that address is not the same as the address in subsection (3) of this section;
(5) The gender of the applicant;
(6) The former address of the applicant if previously registered to vote;
(7) The applicant's Washington state driver's license number, Washington state identification card number, or the last four digits of the applicant's social security number if the applicant does not have a Washington state driver's license or Washington state identification card;
(8) A check box allowing the applicant to indicate membership in the armed forces, national guard, or reserves, or overseas voter status;
(9) Clear and conspicuous language, designed to draw the applicant's attention, stating that:
(a) The applicant must be a United States citizen in order to register to vote; and
(b) The applicant may register to vote if the applicant is at least sixteen years old and may vote if the applicant will be at least eighteen years old by the next general election, or is at least eighteen years old for special elections;
(10) A check box and declaration confirming that the applicant is a citizen of the United States;
(11) The following warning:
"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."
(12) The oath required by RCW 29A.08.230 and a space for the applicant's signatures; and
(13) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.
This information shall be recorded on a single registration form to be prescribed by the secretary of state.

[2024 c 269 s 11; (2024 c 269 s 10 expired July 15, 2024); 2023 c 466 § 6; 2020 c 208 § 3; 2018 c 109 § 8; 2009 c 369 § 16; 2005 c 246 § 11; 2003 c 111 § 216; 1994 c 57 § 11; 1990 c 143 § 7; 1973 1st ex.s. c 21 § 3; 1971 ex.s. c 202 § 9; 1965 c 9 § 29.07.070. Prior: 1947 c 68 § 3, part; 1933 c 1 § 11, part; Rem. Supp. 1947 § 5114-11, part; prior: 1921 c 177 § 7, part; 1915 c 16 § 8, part; 1901 c 135 § 4, part; 1893 c 45 § 3, part; 1889 p 416 § 8, part; RRS § 5126, part. Formerly RCW 29.07.070.]

Effective date—2024 c 269 s 11: "Section 11 of this act takes effect July 15, 2024." [2024 c 269 s 16.]
Expiration date—2024 c 269 s 10: "Section 10 of this act expires July 15, 2024." [2024 c 269 s 15.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: "Sections 3, 5, 6, and 13 through 17 of this act take effect January 1, 2022." [2020 c 208 § 24.]
Short title—2020 c 208: "This act may be known and cited as the voting opportunities through education act or the VOTE act." [2020 c 208 § 1.]
Findings—2020 c 208: "The legislature finds that robust participation by young voters in Washington state elections is critical to ensuring lifelong civic engagement. Research has shown that voting is a habitual behavior and that people who vote in the first three elections when they are eligible will likely vote for life. However, this is also the period of time when they are likely to face unique barriers to participate in the democratic process, including regularly changing their address, becoming eligible shortly after an election, and exclusion from certain voter registration policies.
The legislature also finds that the period prior to election day is the most critical time to ensure ballot access for young voters. States with early voting have higher participation rates than states that do not and the use of early voting sites on college campuses helped produce record levels of participation for young voters in 2016 and 2018.
The legislature finds that students that have more opportunities to be registered and vote are more likely to participate. Limiting statutory voter registration opportunities on college campuses to days well in advance of election day is inconsistent with implementation of same-day voter registration. Making automatic voter registration unavailable to those registering for the first time denies young voters the same benefits as every other voter." [2020 c 208 § 2.]
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.
Effective date—2005 c 246: See note following RCW 10.64.140.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1990 c 143 §§ 1-8: See note following RCW 29A.08.340.

Civil disabilities of wife abolished: RCW 26.16.160.
Civil rights
loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.
Copy of instrument restoring civil rights as evidence: RCW 5.44.090.
Qualifications of electors: State Constitution Art. 6 § 1 (Amendment 5).
Residence defined: RCW 29A.04.151.

RCW 29A.08.220: Application—Format.

(1) The secretary of state shall specify by rule the format of all voter registration applications. These applications shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one application and to provide the required information other than the applicant's signature no more than one time. These applications shall also contain instructions for the voter to use the form to update information related to the voter's voter registration.
(2) Any application format specified by the secretary for use in registering to vote in state and local elections shall satisfy the requirements of the National Voter Registration Act of 1993 (P.L. 25 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections.
[2023 c 466 § 7; 2013 c 11 § 13; 2004 c 267 § 115; 2003 c 111 § 217. Prior: 1994 c 57 § 18; 1990 c 143 § 9; 1973 1st ex.s. c 21 § 7; 1971 ex.s. c 202 § 18; 1965 c 9 § 29.07.140; prior: (i) 1933 c 1 § 30; RRS § 5114-30. (ii) 1933 c 1 § 13, part; RRS § 5114-13, part. Formerly RCW 29.07.140.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—1994 c 57: See note following RCW 29A.16.040.

RCW 29A.08.230: Oath of applicant.

For all voter registrations, the registrant shall sign the following oath:
"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I will have lived at this address in Washington for at least thirty days immediately before the next election at which I vote, and I am at least sixteen years old. I am not disqualified from voting due to a court order, and I am not currently serving a sentence of total confinement under the jurisdiction of the department of corrections for a Washington felony conviction, and I am not currently incarcerated for a federal or out-of-state felony conviction."
[2021 c 10 § 2; 2020 c 208 § 4; 2013 c 11 § 14; 2009 c 369 § 17; 2003 c 111 § 218; 1994 c 57 § 12; 1990 c 143 § 8; 1973 1st ex.s. c 21 § 4; 1971 ex.s. c 202 § 10; 1965 c 9 § 29.07.080. Prior: 1933 c 1 § 12; RRS § 5114-12. Formerly RCW 29.07.080.]
Effective date—2021 c 10: See note following RCW 29A.08.520.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1990 c 143 §§ 1-8: See note following RCW 29A.08.340.
Civil rights
loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 29A.08.260: Production, supply, and distribution.

(1) All registration applications required under RCW 29A.08.210 and 29A.08.340 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.
(2) The county auditor shall distribute forms by which a person may register to vote by mail and update the address for any previous registration in this state. The county auditor shall keep a supply of voter registration forms in the auditor's office at all times for people and organizations interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.
[2023 c 466 § 8; 2013 c 11 § 15; 2009 c 369 § 18; 2004 c 267 § 118; 2003 c 111 § 221. Prior: 1993 c 434 § 4. Formerly RCW 29.08.040.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.270: Information in various languages.

In order to encourage the broadest possible voting participation by all eligible citizens, the secretary of state shall produce voter registration information in the various languages required of state agencies.
[2023 c 466 § 9; 2003 c 111 § 139; 2001 c 41 § 3. Formerly RCW 29A.04.240, 29.04.085.]

CHANGE IN 2025: RCW 29A.08.310: Voter registration in state offices, facilities, colleges.

(1) The governor, in consultation with the secretary of state, shall designate agencies to provide voter registration services in compliance with federal statutes. The governor, in consultation with the secretary of state, may designate local, federal, or tribal agencies, including but not limited to federal agencies administering naturalization ceremonies, to provide voter registration services, provided that such agencies consent to providing voter registration services.
(2) A federally recognized tribe may request that the governor designate one or more state facilities or state-funded facilities or programs that are located on the lands of the requesting Indian tribe or that are substantially engaged in providing services to Indian tribes, as selected by the tribe, to provide voter registration services. This provision does not alter the state's obligations under the national voter registration act.
(3) Each state agency designated shall provide voter registration services for employees and the public within each office of that agency.
(4) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.
(5) Each institution of higher education shall put in place an active prompt on its course registration website, or similar website that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration website. The prompt must ask the student if he or she wishes to register to vote.
(6) If the governor, in consultation with the secretary of state, designates the department of corrections to provide voter registration services under this section, a county auditor shall process a voter registration application from a person transmitted by the department of corrections as an application to sign up to register to vote. A person who signs up to register to vote under this subsection is classified as pending until such time as he or she will be eligible to vote in the next election. An acknowledgment notice shall not be sent prior to receipt of notice from the department of corrections that a person is released from, or transferred to partial confinement from, total confinement under the jurisdiction of the department of corrections.
[2025; 2019 c 6 § 4; 2009 c 369 § 19; 2003 c 111 § 222; 2002 c 185 § 3; 1994 c 57 § 10; 1984 c 211 § 2. Formerly RCW 29.07.025.]
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Intent—1984 c 211: "It is the intention of the legislature, in order to encourage the broadest possible participation in the electoral process by the citizens of the state of Washington, to make voter registration services available in state offices which have significant contact with the public." [1984 c 211 § 1.]

RCW 29A.08.315: Automatic voter registration—Application for government services requiring proof of citizenship.

A person applying for government services which require proof of citizenship as part of that application may receive automatic voter registration services by providing the following information:
(1) Name;
(2) Residential address;
(3) Date of birth;
(4) A signature attesting to the truth of the information provided on the application;
(5) An address where the person receives mail, if different from the residence address; and
(6) Presentation of documentation as part of another government transaction confirming the individual is a United States citizen.
[2023 c 466 § 1.]

RCW 29A.08.320: Registration or transfer at designated agencies—Form and application.

For persons not performing an automatic voter registration transaction subject to section 1 of this act:
(1) A person may register to vote or update their residential address information for a voter registration when applying for service or assistance and with each renewal, recertification, or change of address at agencies designated under RCW 29A.08.310.
(2) A prospective applicant shall initially be offered a form approved by the secretary of state designed to determine whether the person wishes to register to vote. The form must comply with all applicable state and federal statutes regarding content.
The form shall also contain a box that may be checked by the applicant to decline to register at the time of the transaction.
If the person indicates an interest in registering or has made no indication as to a desire to register or not register to vote, the person shall be given a mail-in voter registration application or a prescribed agency application as provided by RCW 29A.08.330.
[2023 c 466 § 10. Prior: 2004 c 267 § 119; 2004 c 266 § 7; 2003 c 111 § 223; prior: 1994 c 57 § 27. Formerly RCW 29.07.430.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Effective date—2004 c 266: See note following RCW 29A.04.575.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.330: Registration at designated agencies—Procedures.

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to decline to register at this time, or the agency may use a separate form or process approved for use by the secretary of state.
(2) The person providing service at the agency shall offer voter registration services to every client at the time of application for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.
(3)(a) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update the applicant's voter registration by asking the following question of all applicants age 16 or older:
"Do you want to register or sign up to vote or update your voter registration?"
(b) If the applicant chooses to register, sign up, or update a registration, the service agent shall ask the following:
"Are you a United States citizen?"
If the applicant answers in the affirmative, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to sign up to vote, register to vote, or update a voter registration. If the applicant answers in the negative to the question, the agent shall not provide the applicant with a voter registration application.
(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.
(5) Each designated agency shall transmit the applications to the secretary of state or appropriate county auditor within three business days and must be received by the election official by the required voter registration deadline.
(6) Disclosure of information on individuals under the age of 18 is subject to RCW 29A.08.725.
[2023 c 466 § 11; 2023 c 361 § 5; 2020 c 208 § 5; 2019 c 391 § 6; 2018 c 109 § 18; 2013 c 11 § 16; 2009 c 369 § 20; 2005 c 246 § 14; 2003 c 111 § 224. Prior: 2001 c 41 § 7; 1994 c 57 § 28. Formerly RCW 29.07.440.]
Reviser's note: This section was amended by 2023 c 361 § 5 and by 2023 c 466 § 11, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.
Effective date—2005 c 246: See note following RCW 10.64.140.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.

RCW 29A.08.340: Registration or update of registration with driver's license or identification card application or renewal.

(1) A person not performing an automatic voter registration transaction under section 1 of this act may register to vote or update the person's existing voter registration when applying for or renewing a driver's license or identification card under chapter 46.20 RCW.
(2) To register to vote or update a registration, the applicant shall provide the information required by RCW 29A.08.010.
(3) The driver licensing agent shall record that the applicant has requested to register to vote or update a voter registration.
[2023 c 466 § 12; 2013 c 11 § 17; 2003 c 111 § 225; 2001 c 41 § 16; 1999 c 298 § 6; 1994 c 57 § 21; 1990 c 143 § 1. Formerly RCW 29.07.260.]
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1990 c 143 §§ 1-8: "Sections 1 through 8 of this act shall take effect January 1, 1992." [1990 c 143 § 13.]
Civil rights
loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.
Driver licensing agents duties regarding voter registration: RCW 46.20.155.

RCW 29A.08.350: Duties of department of licensing, secretary of state.

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested to register to vote or update the individual's existing voter registration at a driver's license facility: The name, address, date of birth, any gender information provided by the applicant, the driver's license number, signature image, any language preference information collected, any phone number provided by the voter, any email address provided by the voter, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application. If requested by the secretary of state, the department shall provide copies of the documents submitted to prove citizenship for an individual subject to this section.
[2023 c 466 § 13; 2018 c 110 § 106; 2013 c 11 § 18; 2009 c 369 § 21; 2004 c 267 § 120; 2003 c 111 § 226; 1994 c 57 § 22; 1990 c 143 § 2. Formerly RCW 29.07.270.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1990 c 143 §§ 1-8: See note following RCW 29A.08.340.

RCW 29A.08.355: Automatic registration and automatic sign-up to register—Enhanced driver's licenses and identicards.

(1) The department of licensing must collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard by automated process at the time of registration, renewal, or change of address if:
(a) The person meets requirements for voter registration;
(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and
(c) The department of licensing record associated with the applicant contains:
(i) The data required to determine whether the applicant meets requirements for voter registration under RCW 29A.08.010;

(ii) Other information as required by the secretary of state; and
(iii) A signature image.
(2) The department of licensing must collect and transmit to the secretary of state voter registration information for all citizens applying for, renewing, or updating an enhanced driver's license or enhanced identicard 16 or 17 years of age if:
(a) The person meets requirements to sign up to register to vote;
(b) The person has received or is renewing an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or is changing the address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205; and
(c) The department of licensing record associated with the applicant contains:
(i) The data required to determine whether the applicant meets the requirements for voter registration under RCW 29A.08.210, other than age;
(ii) Other information as required by the secretary of state; and
(iii) A signature image.
[2023 c 466 § 14; 2020 c 208 § 7; 2018 c 110 § 102.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2020 c 208 §§ 7, 8, 18, 20, and 21: "Sections 7, 8, 18, 20, and 21 of this act take effect September 1, 2023." [2020 c 208 § 25.]
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Effective date—2018 c 110 §§ 101-107: "Sections 101 through 107 of this act take effect July 1, 2019." [2018 c 110 § 208.]
Short title—2018 c 110: "This act may be known and cited as the automatic voter registration act of 2018." [2018 c 110 § 1.]
Findings—Intent—2018 c 110: "(1) The legislature finds that:
(a) The right to vote is enshrined as one of the greatest virtues of our democracy and that an engaged citizenry is essential at each level of government to ensure that all voices are heard; and
(b) State and local governments should take every step possible to make it easier to vote in Washington state and ensure that fundamental values of a true democracy with full participation remains one of our most important functions. Providing additional opportunities for people to register to vote and helping them make their own choices about who represents them in this democracy and about important issues that are central to their lives and communities are essential to upholding these values.
(2) Therefore, the legislature intends to increase the opportunity to register to vote for persons qualified under Article VI of the Washington state Constitution by expanding the streamlined voter registration process that will increase opportunities for voter registration without placing new undue burdens on government agencies." [2018 c 110 § 2.]

RCW 29A.08.357: Automatic registration—Enhanced driver's licenses and identicards—Application submission.

(1) For applicants served under RCW 29A.08.355, the application is submitted pursuant to RCW 29A.08.350 and marked as an automatic voter registrant.
(2) For each such application, the secretary of state must obtain a digital copy of the applicant's signature image from the department of licensing.
[2023 c 466 § 15; 2018 c 110 § 103.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 29A.08.359: Automatic registration—Enhanced driver's licenses and identicards—Procedure—Auditor duties—Confidentiality.

(1)(a) For persons age eighteen years and older registering under RCW 29A.08.355(1), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the original date of issuance or renewal or date of change of address of an enhanced driver's license or enhanced identicard issued under RCW 46.20.202 or change of address for an existing enhanced driver's license or enhanced identicard pursuant to RCW 46.20.205.
(b) For persons sixteen or seventeen years of age registering under RCW 29A.08.355(2), an application is considered complete only if it contains the information required by RCW 29A.08.010 and other information as required by the secretary of state. The applicant is considered to be registered to vote as of the date set forth in RCW 29A.08.110(1).
(c) The information must be transmitted daily to the secretary of state.

(i) If the information shows no name change or change of residence or mailing address for an existing voter registration, the auditor may choose to send the voter an acknowledgment notice.
(ii) If the information is an application for new registration or updates any element of an existing voter registration, the auditor shall update the voter's record and, if the information updates the voter's name, residence address, or mailing address, record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list and send an automatic voter registration acknowledgment notice package within five business days of the original application, or, if the information is received after the deadline to register to vote or update a voter registration under RCW 29A.08.140 (1)(a) or (2)(a)(i), within five business days after the election. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes.
(d) An auditor may use other means to communicate with potential and registered voters such as, but not limited to, email, phone, or text messaging. The alternate form of communication must not be in lieu of the mail requirements. The auditor shall act in compliance with all voter notification processes established in federal law.
(2) If an application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice must require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant must be registered to vote. The applicant must not be placed on the official list of registered voters until the application is complete.
(3) If the prospective registration applicant responds to the automatic voter registration acknowledgment notice and declines to register to vote or the information provided by the department of licensing does not indicate citizenship, the information must not be included on the list of registered voters.
(4)(a) For new registrants who decline registration in a reply that is received by the auditor within 15 days from the date of mailing of the automatic voter registration acknowledgment notice package, the voter registration record shall be removed from the list of registered voters, and the person is deemed to have never registered to vote.
(b) If the reply declining registration is received after the deadline, the auditor shall cancel the voter's registration.
(5) The department of licensing is prohibited from sharing data files used by the secretary of state to certify voters registered through the automated process outlined in RCW 29A.08.355 with any federal agency, or state agency other than the secretary of state. Personal information supplied for the purposes of obtaining a driver's license or identicard is exempt from public inspection pursuant to RCW 42.56.230.

[2023 c 466 § 16; 2020 c 208 § 18; 2019 c 391 § 8; 2018 c 110 § 104.]
Effective date—2023 c 466 §§ 3, 4, 6, 11, 13-16, and 20-23: See note following RCW 29A.08.030.
Effective date—2020 c 208 §§ 7, 8, 18, 20, and 21: See note following RCW 29A.08.355.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Effective date—2018 c 110 §§ 101-107: See note following RCW 29A.08.355.
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

CHANGE IN 2025: RCW 29A.08.362: Automatic registration—Health benefit exchange.

(1) The health benefit exchange shall provide the following information to the secretary of state's office for consenting Washington healthplanfinder applicants who affirmatively indicate that they are interested in registering to vote, including applicants who file changes of address, who reside in Washington, are age eighteen years or older, and are verified citizens, for voter registration purposes:
(a) Names;
(b) Traditional or nontraditional residential addresses;
(c) Mailing addresses, if different from the traditional or nontraditional residential address; and
(d) Dates of birth.
(2) The health benefit exchange shall consult with the secretary of state's office to ensure that sufficient information is provided to allow the secretary of state to obtain a digital copy of the person's signature when available from the department of licensing and establish other criteria and procedures that are

secure and compliant with federal and state voter registration and privacy laws and rules.
(3)(a) Notwithstanding subsection (1) of this section, the health benefit exchange may provide the information identified in subsection (1)(a) through (d) of this section to the secretary of state's office for Washington healthplanfinder applicants, including applicants who file changes of address, who reside in Washington, who are age 18 years or older, and whose citizenship is reliably verified through an electronic database match as part of the eligibility determination process, if:
(i) The health benefit exchange sends the applicant a notice within five business days of the original application informing the applicant that the health benefit exchange will provide the information identified in subsection (1)(a) through (d) of this section to the secretary of state's office for voter registration purposes unless the applicant declines; and
(ii) The applicant does not respond to the notice identified in (a)(i) of this subsection to decline to provide their information for voter registration within 15 days from the date of mailing.
(b) If the secretary of state provides voter registration data to the health benefit exchange showing that an applicant has an existing voter registration and the information identified in subsection (1)(a) through (d) of this section shows no name change or change of residence or mailing address, the health benefit exchange is not required to send the notice identified in subsection (a)(i) of this subsection or transmit the information identified in subsection (1)(a) through (d) of this section to the secretary of state. The secretary of state may serve as the agent of the health benefit exchange for purposes of this subsection.
(4) Upon receipt of the information through the procedure identified in subsection (3) of this section, the secretary of state shall implement automatic voter registration through a procedure that substantially meets the requirements of RCW 29A.08.359.
(5) If the health benefit exchange determines, in consultation with the health care authority, that implementation of an automatic voter registration system requires approval from the centers for medicare and medicaid services, then any implementation is contingent on receiving that approval.
[2023 c 466 § 17; 2018 c 110 § 201.]
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

CHANGE IN 2025: RCW 29A.08.365: Automatic voter registration—Other agencies.

(1) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether each agency identified in subsection (2) of this section shall implement automatic voter registration. The final decision is at the governor's sole discretion.
(2) This section applies to state agencies, other than the health benefit exchange, providing public assistance or services to persons with disabilities, designated pursuant to RCW 29A.08.310(1), that collect, process, and store the following information as part of providing assistance or services:
(a) Names;
(b) Traditional or nontraditional residential addresses;
(c) Dates of birth;
(d) A signature attesting to the truth of the information provided on the application for assistance or services; and
(e) Verification of citizenship information, via social security administration data match or manually verified by the agency during the client transaction.
(3) Once an agency has implemented automatic voter registration, it shall continue to provide automatic voter registration unless legislation is enacted that directs the agency to do otherwise.
(4) Agencies may not begin verifying citizenship as part of an agency transaction for the sole purpose of providing automatic voter registration.
(5) The governor shall make a decision, in consultation with the office of the secretary of state, as to whether state agencies that collect, possess, and store the information identified in subsection (2) of this section may implement automatic voter registration through a procedure that substantially meets the requirements of RCW 29A.08.359, or as to whether state agencies that collect, possess, and store the information in subsection (2)(a) through (c) of this section may implement automatic updates of existing voter registrations through a procedure that substantially meets the requirements of RCW 29A.08.359. The governor shall make the same decision, in consultation with the office of the

secretary of state, as to local, federal, or tribal agencies, including but not limited to federal agencies administering naturalization ceremonies, provided that such agencies consent to implementing automatic voter registration or automatic updates of existing voter registrations. The final decision is at the governor's sole discretion.

(6) After confirming that the application for assistance or services identified in subsection (2) of this section contains a signature attesting to the truth of the information provided on the application, the secretary of state may obtain a digital copy of the applicant's signature image from the department of licensing, if available, for purposes of voter registration.

[2025; 2023 c 466 § 18; 2018 c 110 § 202.]

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 29A.08.370: Automatic registration—Registration of person ineligible to vote.

(1) If a person who is ineligible to vote becomes, in the rare occasion, registered to vote under RCW 29A.08.355 or 29A.08.362 in the absence of a knowing violation by that person of RCW 29A.84.140, that person shall be deemed to have performed an authorized act of registration and such act may not be considered as evidence of a claim to citizenship.

(2) Unless a person willfully and knowingly votes or attempts to vote knowing that he or she is not entitled to vote, a person who is ineligible to vote and becomes registered to vote under RCW 29A.08.355 or 29A.08.362, and subsequently votes or attempts to vote in an election held after the effective date of the person's registration, is not guilty of violating RCW 29A.84.130, and shall be deemed to have performed an authorized act, and such act may not be considered as evidence of a claim to citizenship.

(3) A person who is ineligible to vote, who successfully completes the voter registration process under RCW 29A.08.355 or 29A.08.362 or votes in an election, must have their voter registration, or record of vote, removed from the voter registration database and any other application records.

(4) Should an ineligible individual become registered to vote, the office of the secretary of state and the relevant agency shall jointly determine the cause. If the cause is found to be intentional registration of ineligible persons by a person employed by the state or county government tasked with assisting the public with voter registration, that government employee is subject to the penalties of RCW 29A.84.110.

[2023 c 466 § 19; 2018 c 110 § 203.]

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

RCW 29A.08.410: Address change within county—Deadlines.

A registered voter who changes residence from one address to another may transfer the voter's registration to the new address in one of the following ways:

(1) Sending the county auditor a request stating both the voter's present address and the address from which the voter was last registered received by an election official by the eighth day prior to a primary or election;

(2) Appearing in person before a county auditor, or at a voting center or other location designated by the county auditor, and making such a request up until 8:00 p.m. on the day of the primary or election;

(3) Telephoning or emailing the county auditor to update the voter's registration address by the eighth day prior to a primary or election;

(4) Submitting a voter registration application received by an election official by the eighth day prior to a primary or election;

(5) Submitting information to the department of licensing and received by an election official by the eighth day prior to a primary or election;

(6) Submitting voter registration information through the health benefit exchange and received by an election official by the eighth day prior to a primary or election; or

(7) Submitting information to an agency designated under RCW 29A.08.365 and received by an election official by the eighth day prior to a primary or election once automatic voter registration is implemented at the agency.

[2024 c 56 § 1; 2019 c 391 § 7. Prior: 2018 c 112 § 3; 2018 c 110 § 204; 2009 c 369 § 22; 2003 c 111 § 228; 1994 c 57 § 35; 1991 c 81 § 23; 1975 1st ex.s. c 184 § 2; 1971 ex.s. c 202 § 24; 1965 c 9 § 29.10.020; prior: 1955 c 181 § 4; prior: 1933 c 1 § 14, part; RRS § 5114-14, part; prior: 1919 c 163 § 9, part; 1915 c 16 § 9, part; 1889 p 417 § 12, part; RRS §

5129, part. Formerly RCW 29.10.020.]
Effective date—2024 c 56: "This act takes effect June 1, 2025." [2024 c 56 § 5.]
Effective date—2018 c 112 §§ 1-4: See note following RCW 29A.08.140.
Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.
Severability—1994 c 57: See note following RCW 29A.16.040.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Severability—1975 1st ex.s. c 184: See note following RCW 29A.08.135.

RCW 29A.08.440: Voter name change.

A registered voter who changes his or her name shall notify the county auditor regarding the name change by submitting a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence, and providing a signature of the new name, or by submitting a voter registration application.

[2011 c 10 § 16; 2009 c 369 § 25; 2003 c 111 § 231; 1994 c 57 § 37; 1991 c 81 § 25. Formerly RCW 29.10.051.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.08.510: Death.

The registrations of deceased voters may be canceled from voter registration lists as follows:
(1) Periodically, the registrar of vital statistics of the state shall prepare a list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the list to the secretary of state.
The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters.
(2) In addition, each county auditor may also use government agencies and newspaper obituary articles as a source of information for identifying deceased voters and canceling a registration. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the information in the cancellation records.
(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration from the official state voter registration list.

[2009 c 369 § 26; 2004 c 267 § 124; 2003 c 111 § 232; 1999 c 100 § 1; 1994 c 57 § 41; 1983 c 110 § 1; 1971 ex.s. c 202 § 29; 1965 c 9 § 29.10.090. Prior: 1961 c 32 § 1; 1933 c 1 § 20; RRS § 5114-20. Formerly RCW 29.10.090.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—1994 c 57: See note following RCW 29A.16.040.

RCW 29A.08.515: Guardianship.

Upon receiving official notice that a court has imposed a guardianship for a person under RCW 11.130.265 and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, if the person subject to guardianship is a registered voter in the county, the county auditor shall cancel that person's voter registration.

[2020 c 312 § 728; 2004 c 267 § 125.]
Effective dates—2020 c 312: See note following RCW 11.130.915.
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.520: Felony conviction—Restoration of voting rights.

(1) For a felony conviction in a Washington state court, the right to vote is automatically restored as long as the person is not serving a sentence of total confinement under the jurisdiction of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is automatically restored as long as the person is no longer incarcerated. A person who has been convicted of a felony and is either sentenced to a term of total confinement under the jurisdiction of the department of corrections or otherwise incarcerated as

provided for in this subsection must reregister to vote prior to voting.
(2) At least once a month, the secretary of state shall compare the list of registered voters to a list of persons who are not eligible to vote as provided in subsection (1) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is serving a sentence of total confinement under the jurisdiction of the department, a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote and reregistering. To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.
(3) For the purposes of this section, a sentence of total confinement does not include confinement imposed as a sanction for a community custody violation under RCW 9.94A.633(1).
[2021 c 10 § 1; 2013 c 11 § 19. Prior: (2009 c 369 § 27 repealed by 2013 c 11 § 95); 2009 c 325 § 1; 2005 c 246 § 15; 2004 c 267 § 126; 2003 c 111 § 233; prior: 1994 c 57 § 42. Formerly RCW 29.10.097.]
Effective date—2021 c 10: "This act takes effect January 1, 2022." [2021 c 10 § 8.]
Effective date—2005 c 246: See note following RCW 10.64.140.
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Restoration of civil rights: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 29A.08.540: Records preservation.

Registration records of persons whose voter registrations have been canceled as authorized under this title must be preserved in the manner prescribed by rule by the secretary of state. Information from such canceled registration records is available for public inspection and copying to the same extent established by RCW 29A.08.710 for other voter registration information.
[2004 c 267 § 127; 2003 c 111 § 235. Prior: 1991 c 81 § 26; 1971 ex.s. c 202 § 32; 1965 ex.s. c 156 § 1; 1965 c 9 § 29.10.110; prior: 1961 c 32 § 2; 1947 c 85 § 5; 1933 c 1 § 21; Rem. Supp. 1947 § 5114-21. Formerly RCW 29.10.110.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.08.610: Dual registration or voting detection.

The secretary of state shall conduct an ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the state and must be nondiscriminatory in its application.
The office of the secretary of state shall search the statewide voter registration list to find registered voters with the same date of birth and similar names. Once the potential duplicate registrations are identified, the secretary of state shall refer the potential duplicate registrations to the appropriate county auditors, who shall compare the signatures on each voter registration record and, after confirming that a duplicate registration exists properly resolve the duplication.
If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.
[2009 c 369 § 28; 2004 c 267 § 129; 2003 c 111 § 237; 2001 c 41 § 10; 1999 c 100 § 4. Formerly RCW 29.10.185.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.08.615: "Active," "inactive" registered voters—"Pending" registrations.

(1) Registered voters are divided into two categories, "active" and "inactive." All registered voters are classified as active, unless assigned to inactive status by the county auditor.
(2) Persons signing up to register to vote as future voters as defined under RCW 29A.04.070 are classified as "pending" until the person will be at least eighteen years of age by the next election, or eligible to participate in the next presidential primary or primary under RCW 29A.08.110 or 29A.08.170.
[2023 c 361 § 6; 2018 c 109 § 9; 2003 c 111 § 238. Prior: 1994 c 57 § 34. Formerly RCW 29.10.015.]
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

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

RCW 29A.08.620: Change of address information for mail ballots—Assignment of voter to inactive status—Confirmation notice.

(1) Each county auditor must request change of address information from the postal service for all mail ballots.

(2)(a) If change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the county, the county auditor shall update the registration address for the voter's registration and send an acknowledgment notice to the new address informing the voter of the update.

(b) If the change of address information indicates the voter has moved out of the county but within the state:

(i) The county auditor shall notify the auditor of the voter's new county of residence of the change; and

(ii) The county auditor of the voter's new county of residence shall update the registration information of the voter to the new address within the county and send an acknowledgment notice to the new address informing the voter of the update.

(c) If the information indicates the voter has moved to a residence outside the state, the county auditor shall place the voter's registration on inactive status and send to all known addresses a confirmation notice. Such information may include any of the following:

(i) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or

(ii) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.

[2024 c 56 § 2; 2011 c 10 § 17; 2009 c 369 § 29. Prior: 2004 c 267 § 130; 2004 c 266 § 8; 2003 c 111 § 239; prior: 1994 c 57 § 38. Formerly RCW 29.10.071.]

Effective dates—2024 c 56: See note following RCW 29A.08.410.

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

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

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

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

RCW 29A.08.625: Voting by inactive or canceled voters.

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

(2) An eligible voter whose registration has been properly canceled under this chapter shall be allowed to register to vote at the voter's current residence address.

[2023 c 466 § 24; 2009 c 369 § 30; 2003 c 111 § 240; 1994 c 57 § 47. Formerly RCW 29.10.220.]

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

RCW 29A.08.630: Return of inactive voter to active status—Cancellation of registration.

(1) The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

(a) Notifies the auditor of a change of address;

(b) Responds to a confirmation notice with information that he or she continues to reside at the registration address; or

(c) Votes or attempts to vote in a primary, special election, or general election.

(2) If the inactive voter fails to provide a notice or take an action as described in subsection (1) of this section, the auditor shall cancel the person's voter registration.

(3) The county auditor must cancel an inactive voter registration when receiving information indicating

that the inactive voter has moved out of state or died.

[2023 c 466 § 25; 2009 c 369 § 31; 2004 c 267 § 131; 2003 c 111 § 241. Prior: 1994 c 57 § 39. Formerly RCW 29.10.075.]

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

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

RCW 29A.08.635: Confirmation notices—Form, contents.

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter verify that the voter continues to reside at the address of record and desires to continue to use that address for voting purposes, or provide a new residence address for voting, or provide information that the voter no longer resides in the state. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, the voter's registration will be canceled.

[2023 c 466 § 26; 2009 c 369 § 32; 2003 c 111 § 242. Prior: 1994 c 57 § 45. Formerly RCW 29.10.200.]

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

RCW 29A.08.640: Confirmation notice—Response, auditor's action.

(1) If the response to the confirmation notice from the voter indicates that the voter has changed residence address or location within the county, the auditor shall update the voter record to reflect the new residence address within the auditor's county. If the response indicates that the voter has moved outside the county, but within the state, the auditor shall notify the county auditor of the voter's new county of residence of the change.

(2) The county auditor of the voter's new county of residence, upon receiving notice under subsection (1) of this section, shall transfer the voter's registration record to the new address and send the voter an acknowledgment notice.

(3) If the response from the voter indicates that the voter has left the state, the auditor shall cancel the voter's registration on the official state voter registration list.

[2024 c 56 s 3; 2009 c 369 s 33; 2004 c 267 s 132; 2003 c 111 s 243. Prior: 1994 c 57 s 46. Formerly RCW 29.10.210.]

Effective date—2024 c 56: See note following RCW 29A.08.410.

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

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

RCW 29A.08.646: Request for updated signature.

After certification of general, primary, and presidential primary election results, county auditors are encouraged to contact each registered voter to obtain an updated signature for the voter's registration file. Failure to respond to contact from the county auditor under this section shall not impact the voter's registration status. Any contact from a county auditor under this section must clearly state that the voter is not required to provide an updated signature and that providing an updated signature is not a requirement to vote in any future election.

[2024 c 269 s 2.]

RCW 29A.08.710: Originals and automated files—Public disclosure.

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

(2)(a) The following information contained in voter registration records or files regarding a voter or a group of voters is available for public inspection and copying, except as provided in RCW 40.24.060 and (b) of this subsection: The voter's name, address, political jurisdiction, gender, year of birth, voting record, date of registration, and registration number. No other information from voter registration records or files is available for public inspection or copying.

(b) The personally identifiable information of individuals who are under the age of eighteen are exempt from public inspection and copying until the subject of the record is eighteen years of age, except for the purpose of processing and delivering ballots.

[2023 c 466 § 27; 2023 c 361 § 7; 2018 c 109 § 10; 2005 c 246 § 17; 2004 c 267 § 133; 2003 c 111 § 246; 1994 c 57 § 17; 1991 c 81 § 21; 1971 ex.s. c 202 § 17; 1965 c 9 § 29.07.130. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part. Formerly RCW 29.07.130.]

Reviser's note: This section was amended by 2023 c 361 § 7 and by 2023 c 466 § 27, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

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

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

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

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

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

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

(2) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(3)(a) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, and (b) of this subsection, precinct lists and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(b) Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

(4) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

[2023 c 361 § 8. Prior: 2018 c 110 § 206; 2018 c 109 § 11; 2011 c 10 § 18; 2009 c 369 § 34; 2005 c 246 § 18; 2004 c 266 § 9; 2003 c 111 § 247; 1994 c 57 § 5; 1975-'76 2nd ex.s. c 46 § 1; 1974 ex.s. c 127 § 2; 1973 1st ex.s. c 111 § 2; 1971 ex.s. c 202 § 3; 1965 ex.s. c 156 § 6. Formerly RCW 29.04.100.]

Short title—Findings—Intent—2018 c 110: See notes following RCW 29A.08.355.

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

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

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

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

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

Forms, secretary of state to design—Availability to public: RCW 29A.08.850.

RCW 29A.08.725: Future voters—Disclosure of information.

Information that is otherwise disclosable under this chapter cannot be disclosed for a future voter until the person reaches 18 years of age, or until the person is eligible to participate in the next presidential primary, primary, or election. This information is exempt from public inspection and copying under

chapter 42.56 RCW. Information may be disclosed for the purpose of processing and delivering ballots. [2023 c 361 s 1.]

RCW 29A.08.740: Violations of restricted use of registered voter data—Penalties—Liabilities.

(1) Any person who uses registered voter data furnished under RCW 29A.08.720 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, and is liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not an indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) Each person furnished data under RCW 29A.08.720 shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

[2005 c 246 § 19. Prior: 2003 c 111 § 249; 2003 c 53 § 176; 1999 c 298 § 2; 1992 c 7 § 32; 1974 ex.s. c 127 § 3; 1973 1st ex.s. c 111 § 4. Formerly RCW 29.04.120.]

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

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

RCW 29A.08.760: Computer file—Duplicate copy—Restrictions and penalties.

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to Washington technology solutions for purposes of creating the jury source list without cost. The information contained in a voter registration application is exempt from inclusion until the applicant reaches age eighteen. Disclosure of information on individuals under the age of 18 is subject to RCW 29A.08.725. Restrictions as to the commercial use of the information on the statewide computer data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW 29A.08.720 and 29A.08.740.

[2024 c 54 § 26; 2023 c 361 § 9; 2018 c 109 § 12; 2011 1st sp.s. c 43 § 813; 2009 c 369 § 35; 2004 c 267 § 134; 2003 c 111 § 251; 1995 c 135 § 2. Prior: 1993 c 441 § 2; 1993 c 408 § 10; 1977 ex.s. c 226 § 1; 1975-'76 2nd ex.s. c 46 § 3. Formerly RCW 29.04.160.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

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

Intent—1995 c 135: "The only intent of the legislature in this act is to correct multiple amendments and delete obsolete provisions. It is not the intent of the legislature to change the substance or effect of any presently effective statute." [1995 c 135 § 1.]

Effective date—1993 c 441: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 441 § 3.]

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

RCW 29A.08.770: Records concerning accuracy and currency of voters lists.

The secretary of state and each county auditor shall maintain for at least two years and shall make

available for public inspection and copying all records concerning the implementation of programs and activities conducted for the purpose of insuring the accuracy and currency of official lists of eligible voters. These records must include lists of the names and addresses of all persons to whom notices are sent and information concerning whether or not each person has responded to the notices. These records must contain lists of all persons removed from the list of eligible voters and the reasons why the voters were removed. Disclosure of information on individuals under the age of 18 is subject to section 1 of this act.

[2023 c 361 § 10; 2018 c 109 § 19; 2004 c 267 § 135; 2003 c 111 § 252. Prior: 1994 c 57 § 7. Formerly RCW 29.04.240.]

Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.

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

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

RCW 29A.08.775: Use and maintenance of statewide list.

Only voters who appear on the official statewide voter registration list are eligible to participate in elections. Each county shall maintain a copy of that county's portion of the state list. The county must ensure that voter registration data used for the production, issuance, and processing of ballots in the administration of each election are the same as the official statewide voter registration list.

[2011 c 10 § 19; 2005 c 246 § 20; 2004 c 267 § 136.]

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

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

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

RCW 29A.08.810: Basis for challenging a voter's registration—Who may bring a challenge—Challenger duties.

(1) Registration of a person as a voter is presumptive evidence of his or her right to vote. A challenge to the person's right to vote must be based on personal knowledge of one of the following:

(a) The challenged voter has been convicted of a felony that includes serving a sentence of total confinement under jurisdiction of the department of corrections, or a felony conviction in another state's court or federal court and the voter is serving that sentence of total confinement and the person's voting rights have not been restored under RCW 29A.08.520;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency under RCW 29A.08.515;

(c) The challenged voter resides at a different address than the residential address provided, and is not subject to RCW 29A.04.151 or 29A.08.112, in which case the challenger must either:

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

(ii) Submit evidence that he or she exercised due diligence to verify that the challenged voter does not reside at the address provided. The challenger must, at minimum, provide evidence that the challenger personally:

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

(B) Searched local telephone directories, including online directories, to determine whether the voter maintains a telephone listing at any address in the county;

(C) Searched county auditor property records to determine whether the challenged voter owns any property in the county;

(D) Searched the statewide voter registration database to determine if the voter is registered at any other address in the state; and

(E) Searched the voter registration database of another state to determine if the voter is registered to vote in any other state;

(d) The challenged voter will not be eighteen years of age by the next general election; or

(e) The challenged voter is not a citizen of the United States.

(2) A person's right to vote may be challenged by another registered voter or the county prosecuting attorney.

(3) The challenger must file a signed affidavit subject to the penalties of perjury swearing that, to his or her personal knowledge and belief, having exercised due diligence to personally verify the evidence

presented, the challenged voter either is not qualified to vote or does not reside at the address given on his or her voter registration record based on one of the reasons allowed in subsection (1) of this section. The challenger must provide the factual basis for the challenge, including any information required by subsection (1)(c) of this section, in the signed affidavit. The challenge may not be based on unsupported allegations or allegations by anonymous third parties. All documents pertaining to the challenge are public records.

(4) Challenges based on a felony conviction under RCW 29A.08.520 must be heard according to RCW 29A.08.520 and rules adopted by the secretary of state.

[2023 c 466 § 28; 2020 c 208 § 6; 2011 c 10 § 20; 2006 c 320 § 4; 2003 c 111 § 253. Prior: 2001 c 41 § 9; 1987 c 288 § 1; 1983 1st ex.s. c 30 § 2. Formerly RCW 29.10.125.]

Effective date—2020 c 208 §§ 3, 5, 6, and 13-17: See note following RCW 29A.08.210.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

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

Right to vote, loss and restoration of: State Constitution Art. 6 § 3, RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 29A.08.820: Times for filing challenges—Hearings—Treatment of challenged ballots.

(1) Challenges must be filed with the county auditor of the county in which the challenged voter is registered no later than 45 days before the election. The county auditor presides over the hearing.

(2) Challenges may be filed after 45 days before the election, only when the challenged voter registered to vote less than 60 days before the election, or changed residence less than 60 days before the election without updating the residence address of the voter's voter registration. A challenge may then be filed not later than 10 days before any primary or election, general or special, or within 10 days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed after 45 days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately to the challenged voter's registration in the voter registration system, and the county canvassing board shall preside over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be processed as a challenged ballot, and held until the challenge is resolved.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. However, the process shall proceed until the challenge is resolved.

[2023 c 466 § 29; 2013 c 11 § 20; 2011 c 10 § 21; 2006 c 320 § 5; 2003 c 111 § 254; 1987 c 288 § 2; 1983 1st ex.s. c 30 § 3. Formerly RCW 29.10.127.]

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

Right to vote

loss of: State Constitution Art. 6 § 3.

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

RCW 29A.08.835: County auditor to publish voter challenges on the internet—Ongoing notification requirements.

(1) The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet website the entire content of any voter challenge filed under chapter 29A.08 RCW. Immediately after publishing any voter challenge, the county auditor shall notify any person who requests to receive such notifications on an ongoing basis.

(2) The information on the website may be removed 45 days following certification of an election. Information related to the challenge must be maintained by the county auditor for the appropriate retention period, and is subject to disclosure upon request.

[2023 c 466 § 30; 2006 c 320 § 1.]

RCW 29A.08.840: County auditor duties—Dismissal of challenges—Notification—Hearings—Counting or cancellation of ballots.

(1) If the challenge is not in proper form or the factual basis for the challenge does not meet the legal grounds for a challenge, the county auditor may dismiss the challenge and notify the challenger of the

reasons for the dismissal. A challenge is not in proper form if it is incomplete on its face or does not substantially comply with the form issued by the secretary of state.
(2) If the challenge is in proper form and the factual basis meets the legal grounds for a challenge, the county auditor must notify the challenged voter and provide a copy of the affidavit. The county auditor shall also provide to any person, upon request, a copy of all materials provided to the challenged voter.
(a) If the challenge is to the residential address provided by the voter, the challenged voter must be provided notice of the exceptions allowed in RCW 29A.08.112 and 29A.04.151, and Article VI, section 4 of the state Constitution, and may update the residence address on the voter's voter registration, or reregister until 8:00 p.m. the day of the election.
(b) The county auditor must schedule a hearing and notify the challenger and the challenged voter of the time and place for the hearing.
(3) All notice must be by certified mail to the address provided in the voter registration record, and any other addresses at which the challenged voter is alleged to reside or the county auditor reasonably expects the voter to receive notice. The challenger and challenged voter may either appear in person or submit testimony by affidavit. Personal appearance may be accomplished using video telecommunications technology if the auditor or canvassing board chooses.
(4) The challenger has the burden to prove by clear and convincing evidence that the challenged voter's registration is improper. The challenged voter must be provided a reasonable opportunity to respond. If the challenge is to the residential address provided by the voter, the challenged voter may provide evidence that he or she resides at the location described in his or her voter's registration records, or meets one of the exceptions allowed in RCW 29A.08.112 or 29A.04.151, or Article VI, section 4 of the state Constitution. If either the challenger or challenged voter fails to appear at the hearing, the challenge must be resolved based on the available facts.
(5) If the challenge is based on an allegation under RCW 29A.08.810(1) (a), (b), (d), or (e) and the canvassing board sustains the challenge, the voter registration shall be canceled and any challenged ballot shall not be counted. If the challenge is based on an allegation under RCW 29A.08.810(1)(c) and the canvassing board sustains the challenge, the board shall permit the voter to correct the residence address on the voter registration and any races and ballot measures on any challenged ballot that the voter would have been qualified to vote for had the registration been correct shall be counted.
(6) If the challenger fails to prove by clear and convincing evidence that the registration is improper, the challenge must be dismissed and any pending challenged ballot must be accepted as valid. All challenged ballots must be resolved before certification of the election. The decision of the county auditor or canvassing board is final subject only to judicial review by the superior court under chapter 34.05 RCW.
[2023 c 466 § 31; 2006 c 320 § 6; 2003 c 111 § 256. Prior: 1987 c 288 § 4; 1983 1st ex.s. c 30 § 5; 1971 ex.s. c 202 § 34; 1967 c 225 § 3; 1965 ex.s. c 156 § 3. Formerly RCW 29.10.140.]

RCW 29A.08.850: Challenge of registration—Forms, availability.

The secretary of state must provide forms for voter registration challenges, and the county auditor must make such forms available. A challenge is not required to be submitted on the provided voter challenge form, but may be prepared using an official electronic voter challenge form template provided by the auditor or secretary of state that has been printed and signed by the challenger for submission.
[2006 c 320 § 7; 2003 c 111 § 257; 1991 c 81 § 27; 1971 ex.s. c 202 § 35; 1965 ex.s. c 156 § 4. Formerly RCW 29.10.150.]
Effective date—1991 c 81: See note following RCW 29A.84.540.

TITLE 29A.12 RCW: VOTING SYSTEMS

Sections
RCW 29A.12.005: "Voting system."

RCW 29A.12.010: Authority for use.
RCW 29A.12.020: Inspection and test by secretary of state—Report.
RCW 29A.12.030: Submitting system or component for examination.
RCW 29A.12.040: Independent evaluation.
RCW 29A.12.050: Approval required—Modification.
RCW 29A.12.060: Maintenance and operation.
RCW 29A.12.070: Acceptance and vulnerability tests.
RCW 29A.12.080: Requirements for approval.
RCW 29A.12.085: Paper record.
RCW 29A.12.101: Requirements of tallying systems for approval.
RCW 29A.12.110: Record of programming—Devices sealed.
RCW 29A.12.120: Counting center personnel—Instruction, requirements.
RCW 29A.12.130: Tallying systems—Programming tests.
RCW 29A.12.140: Operating procedures.
RCW 29A.12.150: Recording requirements.
RCW 29A.12.160: Blind or visually impaired voter accessibility.
RCW 29A.12.180: Disclosure of security breaches—Use of intrusion detection system.
RCW 29A.12.190: Decertification.
RCW 29A.12.200: Security breach identification and reporting.

RCW 29A.12.005: "Voting system."

As used in this chapter, "voting system" means:
(1) The total combination of mechanical, electromechanical, or electronic equipment including, but not limited to, the software, firmware, and documentation required to program, control, and support the equipment, that is used:
(a) To define ballots;
(b) To cast and count votes;
(c) To report or display election results from the voting system;
(d) To maintain and produce any audit trail information; and
(e) To perform an audit under RCW 29A.60.185; and
(2) The practices and associated documentation used:
(a) To identify system components and versions of such components;
(b) To test the system during its development and maintenance;
(c) To maintain records of system errors and defects;
(d) To determine specific system changes to be made to a system after the initial qualification of the system; and
(e) To make available any materials to the voter such as notices, instructions, forms, or paper ballots.
[2018 c 218 § 5; 2013 c 11 § 21; 2004 c 267 § 601.]
Intent—2018 c 218: See note following RCW 29A.60.185.
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.12.010: Authority for use.

At any primary or election in any county, votes may be cast, registered, recorded, or counted by means of voting systems that have been approved under RCW 29A.12.020.
[2003 c 111 § 301. Prior: 1990 c 59 § 17; 1967 ex.s. c 109 § 12; 1965 c 9 § 29.33.020; prior: (i) 1913 c 58 § 1, part; RRS § 5300, part. (ii) 1913 c 58 § 18; RRS § 5318. Formerly RCW 29.33.020.]
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.12.020: Inspection and test by secretary of state—Report.

The secretary of state shall inspect, evaluate, and publicly test all voting systems or components of voting systems that are submitted for review under RCW 29A.12.030. The secretary of state shall determine whether the voting systems conform with all of the requirements of this title, the applicable rules adopted in accordance with this title, and with generally accepted safety requirements. The

secretary of state shall transmit a copy of the report of any examination under this section, within thirty days after completing the examination, to the county auditor of each county.

[2003 c 111 § 302. Prior: 1990 c 59 § 18; 1982 c 40 § 1. Formerly RCW 29.33.041.]

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

Severability—1982 c 40: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 40 § 11.]

RCW 29A.12.030: Submitting system or component for examination.

The manufacturer or distributor of a voting system or component of a voting system may submit that system or component to the secretary of state for examination under RCW 29A.12.020.

[2003 c 111 § 303. Prior: 1990 c 59 § 19; 1982 c 40 § 2. Formerly RCW 29.33.051.]

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

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

RCW 29A.12.040: Independent evaluation.

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

(2) The secretary of state may contract with experts in mechanical or electrical engineering or data processing to assist in examining a voting system or component. The manufacturer or distributor who has submitted a voting system for testing under RCW 29A.12.030 shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation under this section and for any other unrecoverable costs associated with the examination of a voting system or component by the manufacturer or distributor who submitted the voting system or component for examination.

[2003 c 111 § 304. Prior: 1990 c 59 § 20; 1982 c 40 § 3. Formerly RCW 29.33.061.]

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

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

CHANGE IN 2025: RCW 29A.12.050: Approval required—Modification.

(1) Prior to use in conducting any primary or election, the secretary of state must approve systems used in the conduct of elections, including:

(a) Voting systems, voting devices, or vote tallying systems, unless approved under this chapter or the former chapter 29.34 RCW before March 22, 1982; and

(b) Any mechanical, electromechanical, or electronic equipment or platform, including software, firmware, or hardware that is used:

(i) In issuing a ballot;

(ii) To factilitate voters' response to a required notice;

(iii) To provide an electronic means for submission of a ballot declaration signature under RCW 29A.60.165; or

(iv) To issue, authenticate, or validate voter identification.

(2) The secretary of state may, after review, determine that a modification, change, or improvement to any voting system or component of a system does not require a full reexamination or reapproval by the secretary of state under RCW 29A.12.020.

[2025; 2003 c 111 § 305; 1990 c 59 § 21; 1982 c 40 § 4. Formerly RCW 29.33.081.]

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

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

RCW 29A.12.060: Maintenance and operation.

The county auditor of a county in which voting systems are used is responsible for the preparation, maintenance, and operation of those systems and may employ and direct persons to perform some or all of these functions.

[2003 c 111 § 306. Prior: 1990 c 59 s 22; 1965 c 9 § 29.33.130; prior: 1955 c 323 § 2; prior: 1935 c 85 § 1, part; 1919 c 163 § 23, part; 1915 c 114 § 5, part; 1913 c 58 § 10, part; RRS § 5309, part. Formerly RCW 29.33.130.]

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

RCW 29A.12.070: Acceptance and vulnerability tests.

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing:
(1) An acceptance test sufficient to demonstrate that the equipment is the same as that certified by the secretary of state and that the equipment is operating correctly as delivered to the county; and
(2) A vulnerability test conducted by a federal or state public entity which includes participation by local elections officials.

[2020 c 101 § 3; 2003 c 111 § 307. Prior: 1998 c 58 § 1; 1990 c 59 § 23. Formerly RCW 29.33.145.]
Findings—Intent—2020 c 101: See note following RCW 29A.12.200.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.12.080: Requirements for approval.

No voting device shall be approved by the secretary of state unless it:
(1) Secures to the voter secrecy in the act of voting;
(2) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
(3) Correctly registers all votes cast for any and all persons and for or against any and all measures;
(4) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States; and
(5) Except for functions or capabilities unique to this state, has been tested and certified by an independent testing authority designated by the United States election assistance commission.

[2013 c 11 § 22; 2006 c 207 § 2; 2003 c 111 § 308. Prior: 1990 c 59 § 26; 1982 c 40 § 6; 1977 ex.s. c 361 § 66; 1971 ex.s. c 6 § 1; 1967 ex.s. c 109 § 18. Formerly RCW 29.33.300, 29.34.080.]
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Severability—1982 c 40: See note following RCW 29A.12.020.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.
Severability—1971 ex.s. c 6: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 6 § 3.]
Voting devices, machines—Recording requirements: RCW 29A.12.150.

RCW 29A.12.085: Paper record.

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

[2011 c 10 § 22; 2005 c 242 § 1.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Preservation: RCW 29A.60.095.
Unauthorized removal from voting center: RCW 29A.84.545.

RCW 29A.12.101: Requirements of tallying systems for approval.

The secretary of state shall not approve a vote tallying system unless it:
(1) Correctly counts votes on ballots on which the proper number of votes have been marked for any office or issue;
(2) Ignores votes marked for any office or issue where more than the allowable number of votes have been marked, but correctly counts the properly voted portions of the ballot;
(3) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each issue of the ballot in that precinct;

(4) Produces precinct and cumulative totals in printed form; and
(5) Except for functions or capabilities unique to this state, has been tested and certified by an independent testing authority designated by the United States election assistance commission.
[2006 c 207 § 3; 2004 c 271 § 109.]

RCW 29A.12.110: Record of programming—Devices sealed.

In preparing a voting device for a primary or election, a record shall be made of the programming installed in each device. Except where provided by a rule adopted under RCW 29A.04.611, after being prepared for a primary or election, each device shall be sealed with a uniquely numbered seal. The programmed memory pack for each voting device must be sealed into the device during final preparation and logic and accuracy testing. Except in the case of a device breakdown or error in programming, the memory pack must remain sealed in the device until after 8:00 p.m. on the day of the primary, special election, or general election.
[2011 c 10 § 23; 2003 c 111 § 311; 1990 c 59 § 25. Formerly RCW 29.33.330.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.12.120: Counting center personnel—Instruction, requirements.

(1) Before each state primary or general election at which voting systems are to be used, the county auditor shall instruct all counting center personnel who will operate a voting system in the proper conduct of their voting system duties.
(2) The county auditor may waive instructional requirements for counting center personnel who have previously received instruction and who have served for a sufficient length of time to be fully qualified to perform their duties. The county auditor shall keep a record of each person who has received instruction and is qualified to serve at the subsequent primary or election.
(3) No person may operate a voting system in a counting center at a primary or election unless that person has received the required instruction and is qualified to perform his or her duties in connection with the handling and tallying of ballots for that primary or election.
[2013 c 11 § 23; 2011 c 10 § 24; 2003 c 111 § 312. Prior: 1990 c 59 § 29; 1977 ex.s. c 361 § 69. Formerly RCW 29.33.340, 29.34.143.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.12.130: Tallying systems—Programming tests.

At least three days before each state primary or general election, the office of the secretary of state shall provide for the conduct of tests of the programming for each vote tallying system to be used at that primary or general election. The test must verify that the system will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The test shall verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election. If any error is detected, the cause shall be determined and corrected, and an errorless total shall be produced before the primary or election.
Such tests shall be observed by at least one representative from each major political party, if representatives have been appointed by the respective major political parties and are present at the test, and shall be open to candidates, the press, and the public. The county auditor and any political party observers shall certify that the test has been conducted in accordance with this section. Copies of this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely sealed until the day of the primary or general election.
[2003 c 111 § 313; 1998 c 58 § 2; 1990 c 59 § 32; 1977 ex.s. c 361 § 73. Formerly RCW 29.33.350, 29.34.163.]
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.12.140: Operating procedures.

The secretary of state may publish recommended procedures for the operation of the various vote tallying systems that have been approved. These procedures allow the office of the secretary of state to restrict or define the use of approved systems in elections.

[2003 c 111 § 314. Prior: 1998 c 58 § 3; 1990 c 59 § 34; 1977 ex.s. c 361 § 75; 1967 ex.s. c 109 § 32. Formerly RCW 29.33.360, 29.34.170.]

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

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

RCW 29A.12.150: Recording requirements.

The secretary of state shall not certify under this title any voting device or machine for use in conducting a primary or general or special election in this state unless the device or machine correctly records on a separate ballot the votes cast by each elector for any person and for or against any measure and such separate ballots are available for audit purposes after such a primary or election.

[2013 c 11 § 24; 2003 c 111 § 315; 1998 c 245 § 26; 1991 c 363 § 30; 1990 c 184 § 1. Formerly RCW 29.04.200.]

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

RCW 29A.12.160: Blind or visually impaired voter accessibility.

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

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

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

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

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

[2011 c 10 § 25; 2004 c 267 § 701; 2004 c 266 § 3. Prior: 2003 c 110 § 1. Formerly RCW 29.33.305.]

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

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

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

CHANGE IN 2025: RCW 29A.12.180: Disclosure of security breaches by manufacturer or distributor—Use of intrusion detection system.

(1) A manufacturer or distributor of a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any breach of the security of its system immediately following discovery of the breach if:

(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or

(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.005.

(2) Every county must install and maintain an intrusion detection system that passively monitors its network for malicious traffic 24 hours a day, seven days a week, and 365 days a year by a qualified and trained security team with access to cyberincident response personnel who can assist the county in the event of a malicious attack. The system must support the unique security requirements of state, local, tribal, and territorial governments and possess the ability to receive cyberintelligent threat updates to stay ahead of evolving attack patterns.

(3) A county auditor or county information technology director of any county, participating in the shared voter registration system operated by the secretary of state under RCW 29A.08.105 and 29A.08.125, or operating a voting system or component of a voting system that is certified by the secretary of state under RCW 29A.12.020 shall disclose to the secretary of state and attorney general any malicious activity or breach of the security of any of its information technology (IT) systems immediately following discovery if:

(a) Malicious activity was detected by an information technology intrusion detection system (IDS), malicious domain blocking and reporting system, or endpoint security software, used by the county, the county auditor, or the county election office;

(b) A breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of election systems, information technology systems used by the county staff to manage and support the administration of elections, or peripheral information technology systems that support the auditor's office in the office's day-to-day activities;
(c) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election within the state; or
(d) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19.255.005.
(4) A manufacturer of, distributor of, or organization contracted to provide support to, the voter registration database system required by RCW 29A.08.125, the official voter list required by RCW 29A.08.105, or systems or components of the voter registration system used by the secretary of state shall disclose to the secretary of sate and attorney general any security breach of any of that organization's systems immediately following discovery of the breach if:
(a) The breach has, or is reasonably likely to have, compromised the security, confidentiality, or integrity of an election in any state; or
(b) Personal information of residents in any state was, or is reasonably believed to have been, acquired by an unauthorized person as a result of the breach and the personal information was not secured. For purposes of this subsection, "personal information" has the meaning given in RCW 19A.255.005.
(5) For purposes of this section:
(a) "Malicious activity" means an external or internal threat that is designed to damage, disrupt, or compromise an information technology network, as well as the hardware and applications that reside on the network, thereby impacting performance, data integrity, and the confidentiality of data on the network. Threats include viruses, ransomware, trojan horses, worms, malware, data loss, or the disabling or removing of information technology security systems.
(b) "Security breach" means a breach of the election system, information technology systems used to administer and support the election process, or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person. The definition of breach includes all unauthorized access to systems by external or internal personnel or organizations, including personnel employed by a county or the state providing access to systems that have the potential to lead to a breach.
(6) Notification under this section must be made in the most expedient time possible and without unreasonable delay.
[2024 c 28 § 1; 2018 c 218 § 6.]
Intent—2018 c 218: See note following RCW 29A.60.185.

RCW 29A.12.190: Decertification.

(1) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if, at any time after certification, the secretary of state determines that:
(a) The system or component fails to meet the standards set forth in applicable federal guidelines;
(b) The system or component was materially misrepresented in the certification application;
(c) The applicant has installed unauthorized modifications to the certified software or hardware; or
(d) Any other reason authorized by rule adopted by the secretary of state.
(2) The secretary of state may decertify a voting system or any component of a voting system and withdraw authority for its future use or sale in the state if the manufacturer or distributor of the voting system or component thereof fails to comply with the notification requirements of RCW 29A.12.180.
[2018 c 218 § 7.]
Intent—2018 c 218: See note following RCW 29A.60.185.

RCW 29A.12.200: Security breach identification and reporting.

(1) The secretary of state must annually consult with the Washington state fusion center, state chief information officer, and each county auditor to identify instances of security breaches of election

systems or election data.
(2) To the extent possible, the secretary of state must identify whether the source of a security breach, if any, is a foreign entity, domestic entity, or both.
(3) By December 31st of each year, the secretary of state must submit a report to the governor, state chief information officer, Washington state fusion center, and the chairs and ranking members of the appropriate legislative committees from the senate and house of representatives that includes information on any instances of security breaches identified under subsection (1) of this section and options to increase the security of the election systems and election data, and to prevent future security breaches. The report, and any related material, data, or information provided pursuant to subsection (1) of this section or used to assemble the report, may only be distributed to, or otherwise shared with, the individuals specifically mentioned in this subsection (3).
(4) For the purposes of this section:
(a) "Domestic entity" means an entity organized or formed under the laws of the United States, a person domiciled in the United States, or a citizen of the United States, and includes elected officials and staff of the state or a county.
(b) "Foreign entity" means an entity that is not organized or formed under the laws of the United States, or a person who is not domiciled in the United States or a citizen of the United States.
(c) "Security breach" means a breach of the election system or associated data where the system or associated data has been penetrated, accessed, or manipulated by an unauthorized person.
[2024 c 28 § 2; 2020 c 101 § 2.]
Findings—Intent—2020 c 101: "The legislature finds that public confidence in state elections systems and election data are of paramount consideration to the integrity of the voting process. The legislature also finds that recent events have revealed an intentional and persistent effort by foreign entities to influence election systems and other cybernetworks. Therefore, the legislature intends to review the state's electoral systems and processes and take appropriate measures to identify whether foreign entities were responsible for the intrusions." [2020 c 101 § 1.]

CHANGE IN 2025: New Section (Not Named as of 07/01/2025)

A new section is added to chapter 29A.12 RCW to read as follows:
Each county auditor shall implement no later than July 1, 2027, cybersecurity measures including but not limited to:
(1) Implementation and adoption of the ".gov" top-level domain available through the United States department of homeland security through the cybersecurity and infrastructure security agency for all election and voting systems and infrastructure. This adoption is required for election and voting systems and websites and may include all county cyber assets and email domains.
(2) Partitioning the entire auditor's office, including all of its information technology systems and assets, or specifically partitioning election and voting information technology infrastructure from other county assets. The secretary of state shall consult with county auditors on which systems and assets need to be partitioned or technologically isolated and protected. Eliminating threat actors from moving laterally within a network to target election-related capabilities is paramount. The secretary of state may extend the deadline for a county auditor to comply with this subsection if more time is necessary for implementation.
(3) Isolation of all ballot counting equipment and voting system components as defined in RCW 29A.12.005 from any other network including:
(a) Internal networks within a county election office;
(b) Printer sharing networks external to the ballot counting system;
(c) The internet, world wide web, or other similar networks;
(d) Wifi and radio connectivity;
(e) Wired connectivity; and
(f) Any telephonic or other connectivity.
(4) No configuration of voting systems to:
(a) Establish a connection to an external network; or
(b) Connect to any device external to the voting system.
(5) Purchase of voting systems that include documentation listing security configurations and network

security best practices and operating those systems used for conducting primaries and elections in a manner consistent with that documentation.
(6) Restricting all data transfers from any voting system to using single use, previously erased devices that contain no information prior to connection with the system. This includes pen drives, flash memory drives, memory sticks, and any other removal media used to transfer data. Devices used in data transfer must either be provided by the secretary of state to the county auditor for single use, or the media must be overwritten by the county auditor by following guidelines for media sanitization defined in rules promulgated by the secretary of state.

TITLE 29A.16 RCW: PRECINCTS

Sections

RCW 29A.16.040: Precincts—Boundaries may be altered.
RCW 29A.16.050: Precincts—Restrictions on precinct boundaries—Designated by number.
RCW 29A.16.070: Precincts—Boundary changes—Registration transfer.

RCW 29A.16.040: Precincts—Boundaries may be altered.

The county legislative authority of each county in the state shall divide the county into election precincts and establish the boundaries of the precincts.
(1) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored. Except as permitted under subsection (3) of this section, no precinct changes may be made during the period starting seven days prior to the first day for candidates to file for the primary election and ending with the day of the general election.
(2) The county legislative authority may establish by ordinance a limitation on the maximum number of active registered voters in each precinct within its jurisdiction. The number may be less than the number established by law, but in no case may the number exceed one thousand five hundred active registered voters.
(3) The county auditor shall temporarily adjust precinct boundaries when a city or town annexes unincorporated territory to the city or town, or whenever unincorporated territory is incorporated as a city or town. The adjustment must be made as soon as possible after the approval of the annexation or incorporation. The temporary adjustment must be limited to the minimum changes necessary to accommodate the addition of the territory to the city or town, or to establish the eligible voters within the boundaries of the new city or town, and remains in effect only until precinct boundary modifications reflecting the annexation or incorporation are adopted by the county legislative authority.
[2023 c 394 § 8. Prior: 2011 c 349 § 5; 2011 c 10 § 26; 2004 c 266 § 10; 2003 c 111 § 404; 1999 c 158 § 3; 1994 c 57 § 3; 1986 c 167 § 2; 1980 c 107 § 3; prior: 1977 ex.s. c 361 § 4; 1977 ex.s. c 128 § 1; 1975-'76 2nd ex.s. c 129 § 3; 1967 ex.s. c 109 § 1; 1965 c 9 § 29.04.040; prior: (i) 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. (ii) 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part. (iii) Code 1881 § 2679; 1854 p 65 § 4, part; No RRS. Formerly RCW 29.04.040.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—2004 c 266: See note following RCW 29A.04.575.
Severability—1994 c 57: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1994 c 57 § 55.]
Effective date—1994 c 57: "Sections 1 through 3, 7, 10 through 12, 21, 22, 25, 27, 28, 31 through 34, 37 through 40, 42, 44 through 52, and 54 of this act take effect January 1, 1995." [1994 c 57 § 56.]
Severability—1986 c 167: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 167 § 26.]
Effective date—1977 ex.s. c 361: "This 1977 amendatory act shall take effect January 1, 1978." [1977 ex.s. c 361 § 113.]
Severability—1977 ex.s. c 361: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c

361 § 112.]
Severability—1977 ex.s. c 128: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 128 § 6.]
Effective date—Severability—1975-'76 2nd ex.s. c 129: See notes following RCW 29A.76.040.
"Precinct" defined: RCW 29A.04.121.

RCW 29A.16.050: Precincts—Restrictions on precinct boundaries—Designated by number.

(1) Every voting precinct must be wholly within a single congressional district, a single legislative district, a single district of a county legislative authority, and, if applicable, a single city.
(2) Every voting precinct shall be composed, as nearly as practicable, of contiguous and compact areas.
(3) Except as provided in this subsection, changes to the boundaries of any precinct shall follow visible, physical features delineated on the most current maps provided by the United States census bureau. A change need not follow such visible, physical features if (a) it is necessitated by an annexation or incorporation and the proposed precinct boundary is identical to an exterior boundary of the annexed or incorporated area which does not follow a visible, physical feature; or (b) doing so would substantially impair election administration in the involved area.
(4) After a change to precinct boundaries is adopted by the county legislative authority, if the change does not follow visible physical features, the county auditor shall send to the secretary of state an electronic or paper copy of the description, a map or maps of the changes, and a statement of the applicable exception under subsection (3) of this section. For boundary changes made pursuant to subsection (3)(b) of this section, the auditor shall include a statement of the reasons why following visible, physical features would have substantially impaired election administration.
(5) Every voting precinct within each county shall be designated by number for the purpose of preparation of maps and the tabulation of population for apportionment purposes. These precincts may be identified with names or other numbers for other election purposes.
(6) After a change to precinct boundaries in a city or town, the county auditor shall send one copy of the map or maps delineating the new precinct boundaries within that city or town to the city or town clerk.
(7) Precinct maps are public records and shall be available for inspection by the public during normal office hours in the offices where they are kept. Copies shall be made available to the public for a fee necessary to cover the cost of reproduction.
[2003 c 111 § 405; 1999 c 298 § 1; 1989 c 278 § 1; 1977 ex.s. c 128 § 2; 1965 c 9 § 29.04.050. Prior: 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. Formerly RCW 29.04.050.]
Severability—1977 ex.s. c 128: See note following RCW 29A.16.040.

RCW 29A.16.070: Precincts—Boundary changes—Registration transfer.

If the boundaries of any city, township, or rural precinct are changed in the manner provided by law, the county auditor shall update the registration records of every registered voter whose place of residence is affected thereby. It shall not be necessary for any registered voter whose registration has been changed from one precinct to another, by a change of boundary, to apply to the county auditor for a transfer of registration. The county auditor shall mail a notice to each registered voter.
[2013 c 11 § 78; 2003 c 111 § 1903; 1971 ex.s. c 202 § 27; 1965 c 9 § 29.10.060. Prior: 1933 c 1 § 17; RRS § 5114-17. Formerly RCW 29A.76.030, 29.10.060.]

TITLE 29A.24 RCW: FILING FOR OFFICE

GENERAL

Sections
RCW 29A.24.010: Officials to designate position numbers, when—Effect.

RCW 29A.24.020: Designation of short terms, full terms, and unexpired terms—Filing declarations—Election to both short and full terms.
RCW 29A.24.031: Declaration of candidacy.
RCW 29A.24.040: Declaration of candidacy—Electronic filing.
RCW 29A.24.050: Declaration of candidacy—Certain offices, when filed.
RCW 29A.24.060: Candidates' names—Nicknames.
RCW 29A.24.070: Declaration of candidacy—Where filed—Copy to public disclosure commission.
RCW 29A.24.072: Preservation of declarations of candidacy.
RCW 29A.24.075: Qualifications for filing, appearance on ballot.
RCW 29A.24.081: Declaration—Filing by mail.
RCW 29A.24.091: Declaration—Fees and petitions.
RCW 29A.24.095: Distribution of filing fees.
RCW 29A.24.101: Filing fee petition—Form.
RCW 29A.24.111: Petitions—Rejection—Acceptance, canvass of signatures—Judicial review.
RCW 29A.24.131: Withdrawal of candidacy.
RCW 29A.24.141: Void in candidacy.
RCW 29A.24.171: Vacancies in office.
RCW 29A.24.181: Regular filing period—Voids in candidacy.
RCW 29A.24.191: Scheduled election lapses, when.
RCW 29A.24.201: Lapse of election when no filing for single positions—Effect
RCW 29A.24.220: Void in candidacy for water-sewer districts—Fewer than one hundred residents.

WRITE-IN CANDIDATES

Sections

RCW 29A.24.311: Write-in voting—Candidates, declaration.
RCW 29A.24.320: Write-in candidates—Notice to auditors, ballot counters.

RCW 29A.24.010: Officials to designate position numbers, when—Effect.

Not less than thirty days before the first day for filing declarations of candidacy under RCW 29A.24.050 for legislative, judicial, county, city, town, or district office, where more than one position with the same name, district number, or title will be voted upon at the succeeding election, the filing officer shall designate the positions to be filled by number.

The positions so designated shall be dealt with as separate offices for all election purposes. With the exception of the office of justice of the supreme court, the position numbers shall be assigned, whenever possible, to reflect the position numbers that were used to designate the same positions at the last full-term election for those offices.

[2003 c 111 § 601. Prior: 1990 c 59 § 79; 1965 c 52 § 1. Formerly RCW 29.15.130, 29.18.015.]

RCW 29A.24.020: Designation of short terms, full terms, and unexpired terms—Filing declarations—Election to both short and full terms.

If at the same election there are short terms or full terms and unexpired terms of office to be filled, the filing officer shall distinguish them and designate the short term, the full term, and the unexpired term, as such, or by use of the words "short term," "unexpired two year term," or "four year term," as the case may be.

When both a short term and a full term for the same position are scheduled to be voted upon, or when a short term is created after the close of the filing period, a single declaration of candidacy accompanied by a single filing fee shall be construed as a filing for both the short term and the full term and the name of such candidate shall appear upon the ballot for the position sought with the designation "short term and full term." The candidate elected to both such terms shall be sworn into and assume office for the short term as soon as the election returns have been certified and shall again be sworn into office for the full term.

[2013 c 11 § 30; 2003 c 111 § 602. Prior: 1990 c 59 § 92; 1975-'76 2nd ex.s. c 120 § 4; 1965 c 9 § 29.21.140; prior: (i)

1927 c 155 § 1, part; 1925 ex.s. c 68 § 1, part; 1921 c 116 § 1, part; 1919 c 85 § 1, part; 1911 c 101 § 1, part; 1909 c 82 § 11, part; 1907 c 209 § 38, part; RRS § 5212, part. (ii) 1933 c 85 § 1, part; RRS § 5213-1, part. Formerly RCW 29.15.140, 29.21.140.]

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

Term of person elected to fill vacancy: RCW 42.12.030.

Vacancies in public office, how filled: RCW 42.12.010.

RCW 29A.24.031: Declaration of candidacy.

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

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

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

(3) A place for the candidate to state a party preference, if the office is a partisan office;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a filing fee petition in lieu of the filing fee under RCW 29A.24.091;

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

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.091.

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

[2013 c 11 § 31; 2004 c 271 § 158.]

RCW 29A.24.040: Declaration of candidacy—Electronic filing.

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

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

(2) Electronic filing may begin at 8:00 a.m. the first day of the filing period and continue through 5:00 p.m. the last day of the filing period.

[2023 c 394 § 2; 2011 c 349 § 6; 2006 c 344 § 5; 2003 c 111 § 604. Prior: 2002 c 140 § 2. Formerly RCW 29.15.044.]

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

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

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

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

RCW 29A.24.050: Declaration of candidacy—Certain offices, when filed.

Except where otherwise provided by this title, declarations of candidacy for the following offices shall be filed between 8:00 a.m. and 5:00 p.m. with the filing officer beginning the first Monday in May and ending the following Friday in the year in which the office is scheduled to be voted upon:

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

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

section supersedes all other statutes that provide for a different filing period for these offices.
[2023 c 394 § 1; 2011 c 349 § 7; 2006 c 344 § 6; 2003 c 111 § 605. Prior: 1990 c 59 § 81; 1986 c 167 § 8; 1984 c 142 § 2. Formerly RCW 29.15.020, 29.18.025.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.
Severability—1986 c 167: See note following RCW 29A.16.040.
Intent—1984 c 142: "It is the intention of the legislature that this act shall provide an equitable qualifying procedure for candidates who, at the time of filing, lack sufficient assets or income to pay the filing fees otherwise required of candidates for public office." [1984 c 142 § 1.]

RCW 29A.24.060: Candidates' names—Nicknames.

When filing for office, a candidate may indicate the manner in which he or she desires his or her name to be printed on the ballot. For filing purposes, a candidate may use a nickname by which he or she is commonly known as his or her first name, but the last name shall be the name under which he or she is registered to vote.
No candidate may:
(1) Use a nickname that denotes present or past occupation, including military rank;
(2) Use a nickname that denotes the candidate's position on issues or political affiliation;
(3) Use a nickname designed intentionally to mislead voters.
[2003 c 111 § 606; 1990 c 59 § 83. Formerly RCW 29.15.090.]

RCW 29A.24.070: Declaration of candidacy—Where filed—Copy to public disclosure commission.

(1) Declarations of candidacy shall be filed with the following filing officers:
(a) The secretary of state for declarations of candidacy for statewide offices, United States senate, United States house of representatives, Washington state legislature, court of appeals, and superior court. The secretary of state shall establish contingency plans, consistent with this subsection, to support candidate filing for state legislative candidates who have not yet filed their declaration of candidacy in the case that a localized or system-wide internet outage or a disruption to the secretary of state's candidate filing website occurs during the two hours immediately preceding the filing deadline. The secretary of state shall immediately process all filings received pursuant to the contingency plan;
(b) The county auditor for all other offices. For any nonpartisan office, other than judicial offices and school director in joint districts, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside. For school directors in joint school districts, the declaration of candidacy shall be filed with the county auditor of the county designated by the superintendent of public instruction as the county to which the joint school district is considered as belonging under RCW 28A.323.040.
(2) Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall transmit to the public disclosure commission the information required in RCW 29A.24.031 (1) through (4) for each declaration of candidacy filed with the official's office during such filing period or a list containing the name of each candidate who files such a declaration with the official's office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following the receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.
[2023 c 394 § 3; 2009 c 106 § 1; 2006 c 263 § 614; 2005 c 221 § 1; 2003 c 111 § 607; 2002 c 140 § 4; 1998 c 22 § 1; 1990 c 59 § 84; 1977 ex.s. c 361 § 30; 1975-'76 2nd ex.s. c 112 § 1; 1965 c 9 § 29.18.040. Prior: 1907 c 209 § 7; RRS § 5184. Formerly RCW 29.15.030, 29.18.040.]
Findings—Purpose—Part headings not law—2006 c 263: See notes following RCW 28A.150.230.
Implementation—Captions not law—2002 c 140: See notes following RCW 29A.24.040.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.
Construction—1975-'76 2nd ex.s. c 112: See RCW 42.17A.907.
Public disclosure—Campaign finances, lobbying, records: Chapter 42.17A RCW.

RCW 29A.24.072: Preservation of declarations of candidacy.

The secretary of state and each county auditor shall preserve all declarations of candidacy filed in their respective offices for six months. All declarations of candidacy must be open to public inspection.
[2003 c 111 § 501; 1965 c 9 § 29.27.090. Prior: 1921 c 178 § 1, part; 1915 c 11 § 1, part; 1907 c 130 § 1, part; 1889 p 402 § 7, part; Code 1881 § 3067, part; 1865 p 30 § 1, part; RRS § 5171, part. Formerly RCW 29A.20.010, 29.27.090.]

RCW 29A.24.075: Qualifications for filing, appearance on ballot.

(1) A person filing a declaration of candidacy for an office shall, at the time of filing, be a registered voter and possess the qualifications specified by law for persons who may be elected to the office.
(2) Excluding the office of precinct committee officer or a temporary elected position such as a charter review board member or freeholder, no person may file for more than one office.
(3) The name of a candidate for an office shall not appear on a ballot for that office unless, except for judge of the superior court and as provided in RCW 3.50.057, the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in the geographic area represented by the office. For the purposes of this section, each geographic area in which registered voters may cast ballots for an office is represented by that office. If a person elected to an office must be nominated from a district or similar division of the geographic area represented by the office, the name of a candidate for the office shall not appear on a primary ballot for that office unless the candidate is, at the time the candidate's declaration of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.
(4) The requirements of voter registration and residence within the geographic area of a district do not apply to candidates for congressional office. Qualifications for the United States congress are specified in the United States Constitution.
[2013 c 11 § 25; 2004 c 271 § 153. Formerly RCW 29A.20.021.]

RCW 29A.24.081: Declaration—Filing by mail.

Any candidate may mail a declaration of candidacy for an office to the filing officer. Such declarations of candidacy shall be processed by the filing officer in the following manner:
(1) Any declaration received by the filing officer by mail before the tenth business day immediately preceding the first day for candidates to file for office shall be returned to the candidate submitting it, together with a notification that the declaration of candidacy was received too early to be processed. The candidate shall then be permitted to resubmit the candidate's declaration of candidacy during the filing period.
(2) Any properly executed declaration of candidacy received by mail on or after the tenth business day immediately preceding the first day for candidates to file for office and before 5:00 p.m. on the last day of the filing period shall be included with filings made in person during the filing period.
(3) Any declaration of candidacy received by the filing officer after 5:00 p.m. on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it.
[2023 c 394 § 4; 2011 c 10 § 27; 2004 c 271 § 159.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.24.091: Declaration—Fees and petitions.

(1) A filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less. A filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for precinct committee officer or any office for which compensation is on a per diem or per meeting attended basis, or any declaration of candidacy for a write-in candidate filed after the close of filing and more than eighteen days prior to a primary or election.
(2) A filing fee of twenty-five dollars shall accompany the declaration of candidacy for write-in candidates for any office with a fixed annual salary of one thousand dollars or less if filed eighteen days or less prior to a primary or election.

(3) A filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany a declaration of candidacy for write-in candidates for any office with a fixed annual salary of more than one thousand dollars per annum if filed eighteen days or less prior to a primary or election.
(4) A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with the candidate's declaration of candidacy a filing fee petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.
[2023 c 394 § 5; 2018 c 187 § 1; 2009 c 106 § 2; 2006 c 206 § 3; 2005 c 221 § 2; 2004 c 271 § 160.]

RCW 29A.24.095: Distribution of filing fees.

Fees paid when filing for office must be collected by the filing officer and distributed as follows:
(1) When the candidacy is for a statewide office, the United States senate, the United States house of representatives, or the state supreme court, the fee shall be retained by the secretary of state;
(2) When the candidacy is for a Washington state legislative, state court of appeals, or a superior court judicial office, the fees shall be distributed to the office of the county auditor or auditors whose counties comprise the district. When the district includes multiple counties, the distribution must be an equal division between the counties comprising the district;
(3) When the candidacy is for a city or town office, the county auditor shall transmit fees to the city or town clerk for deposit in the city or town treasury; and
(4) When the candidacy is for any other office, the fees shall be retained by the office of the filing officer.
[2023 c 394 § 6.]

RCW 29A.24.101: Filing fee petition—Form.

(1) The filing fee petition authorized by RCW 29A.24.091 must be printed on sheets of uniform color and size, must include a place for each individual to sign and print his or her name and the address, city, and county at which he or she is registered to vote, and must contain no more than twenty numbered lines.
(2) The filing fee petition must be in substantially the following form:
The warning prescribed by RCW 29A.72.140; followed by:
We, the undersigned registered voters of (the state of Washington or the political subdivision for which the nomination is made) , hereby petition that the name of (candidate's name) be printed on the official primary ballot for the office of (insert name of office) .
[2013 c 11 § 32; 2006 c 206 § 4; 2004 c 271 § 114.]

RCW 29A.24.111: Petitions—Rejection—Acceptance, canvass of signatures—Judicial review.

Filing fee petitions may be rejected for the following reasons:
(1) The petition is not in the proper form;
(2) The petition clearly bears insufficient signatures;
(3) The petition is not accompanied by a declaration of candidacy;
(4) The time within which the petition and the declaration of candidacy could have been filed has expired.
If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the filing fee petition is filed. He or she shall additionally reject any signature that appears on the filing fee petitions of two or more candidates for the same office and shall also reject, each time it appears, the name of any person who signs the same petition more than once.
If the officer with whom the petition is filed refuses to accept the petition or refuses to certify the petition as bearing sufficient valid signatures, the person filing the petition may appeal that action to the superior court. The application for judicial review shall take precedence over other cases and matters and shall be speedily heard and determined.

[2006 c 206 § 5; 2004 c 271 § 161.]

RCW 29A.24.131: Withdrawal of candidacy.

A candidate may withdraw the candidate's declaration of candidacy at any time before 5:00 p.m. on the Monday following the last day for candidates to file under RCW 29A.24.050 by filing, with the officer with whom the declaration of candidacy was filed, a signed request that the candidate's name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under this title. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time the candidate files.

[2023 c 394 § 7; 2011 c 349 § 8; 2004 c 271 § 115.]

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

RCW 29A.24.141: Void in candidacy.

A void in candidacy occurs when an election has been scheduled and no valid declaration of candidacy has been filed for the position or all persons filing such valid declarations of candidacy have died or been disqualified.

[2011 c 349 § 9; 2004 c 271 § 162.]

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

RCW 29A.24.171: Vacancies in office.

(1) If, prior to the first day of the regular filing period, a vacancy occurs in an office that is not scheduled to appear on the general election ballot, leaving an unexpired term for which a successor must be elected at the next general election, filings for that office shall be accepted during the regular filing period. The filing officer shall provide notice of the vacancy and filing period to newspapers, radio, and television in the county, and online. The position shall appear on the primary and general election ballots unless no primary is required or unless a candidate for superior court judge is entitled to a certificate of election pursuant to Article 4 [IV], section 29 of the state Constitution.

(2) If, on the first day of the regular filing period or later, a vacancy occurs in an office that is not scheduled to appear on the general election ballot, leaving an unexpired term, the election of the successor shall occur at the next succeeding general election that the office is allowed by law to have an election.

[2011 c 349 § 10; 2006 c 344 § 7; 2004 c 271 § 165.]

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

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

RCW 29A.24.181: Regular filing period—Voids in candidacy.

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

(2) This section does not apply to voids in candidacy in the office of precinct committee officer, which are filled by appointment pursuant to *RCW 29A.28.071.

[2011 c 349 § 11; 2006 c 344 § 8; 2004 c 271 § 166.]

*Reviser's note: RCW 29A.28.071 was recodified as RCW 29A.80.031 pursuant to 2013 c 11 § 93.

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

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

RCW 29A.24.191: Scheduled election lapses, when.

A scheduled election shall be lapsed, the office deemed stricken from the ballot, no purported write-in votes counted, and no candidate certified as elected, when a void in candidacy occurs following the

special three-day filing period required by RCW 29A.24.181.
[2011 c 349 § 12; 2006 c 344 § 9; 2004 c 271 § 167.]
Effective date—2011 c 349 §§ 10-12, 27, 28, and 30: See note following RCW 29A.24.171.
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.24.201: Lapse of election when no filing for single positions—Effect.

If after both the normal filing period and special three-day filing period as provided by RCW 29A.24.171 and 29A.24.181 have passed, no candidate has filed for any single city, town, or district position to be filled, the election for such position shall be deemed lapsed, the office deemed stricken from the ballot and no write-in votes counted. In such instance, the incumbent occupying such position shall remain in office and continue to serve until a successor is elected at the next election when such positions are voted upon.
[2004 c 271 § 190.]

RCW 29A.24.220: Void in candidacy for water-sewer districts—Fewer than one hundred residents.

A void in candidacy in a water-sewer district with fewer than one hundred residents may be filled in accordance with RCW 57.12.035.
[2007 c 383 § 2.]

RCW 29A.24.311: Write-in voting—Candidates, declaration.

(1) Any person who desires to be a write-in candidate shall file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than 8:00 p.m. on the day of the primary or election. A write-in declaration of candidacy is timely if filed by this deadline. No votes shall be counted for a write-in candidate who has not properly filed a write-in declaration of candidacy.
(2) Votes cast for write-in candidates who have filed such declarations of candidacy need only specify the name of the candidate in the appropriate location on the ballot in order to be counted.
(3) No person may file as a write-in candidate where:
(a) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name was printed on the ballot for the same office at the preceding primary;
(b) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election;
(c) The name of the person attempting to file is already printed on the ballot as a candidate for another office, unless the other office is precinct committee officer or a temporary elected position, such as charter review board member or freeholder;
(d) The office filed for is precinct committee officer.
(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voters' 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 voters' pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.
[2018 c 187 § 2; 2013 c 11 § 91; 2012 c 89 § 2; 2011 c 349 § 13; 2004 c 271 § 117.]
Intent—Finding—2012 c 89: "The United States district court, western district of Washington, ruled that Washington's method of electing political party precinct committee officers is unconstitutional based on the associational rights of political parties. The court stated that Washington may decide to implement elections for precinct committee officer in a manner not yet conceived but ultimately satisfactory to the political parties. Washington may even implement these elections in a way that severely burdens the political parties' associational rights but does so in a manner narrowly tailored to serve a compelling governmental interest. The major political parties stated in court that they might be satisfied of party membership if a voter affirms affiliation with the particular party. Toward this end, the legislature has worked closely with the major political parties to develop a system of electing precinct committee officers that the parties support, that will protect the secrecy of the ballot, and will not increase burdens placed on local election officials. Therefore, it is the intent of the legislature to remedy the unconstitutional method of selecting precinct committee officers by implementing a provision requiring voters to affirm an affiliation with the appropriate party in order to vote in a race for precinct committee officer in that party. The legislature finds that the office of precinct committee officer itself is both a constitutionally recognized and authorized office with certain duties outlined in state law and the state Constitution." [2012 c 89 § 1.]

Effective date—2012 c 89: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 29, 2012]." [2012 c 89 § 7.]
Effective date—2011 c 349: See note following RCW 29A.04.255.

RCW 29A.24.320: Write-in candidates—Notice to auditors, ballot counters.

The secretary of state shall notify each county auditor of any declarations filed with the secretary under RCW 29A.24.311 for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.
[2013 c 11 § 33; 2003 c 111 § 623. Prior: 1988 c 181 § 2. Formerly RCW 29.04.190.]

TITLE 29A.28 RCW: VACANCIES

Sections

RCW 29A.28.030: United States senate.
RCW 29A.28.041: Congress—Special election.
RCW 29A.28.050: Congress—Notices of special primary and election.
RCW 29A.28.061: Congress—General, primary election laws to apply—Time deadlines, modifications.

RCW 29A.28.030: United States senate.

When a vacancy occurs in the representation of this state in the senate of the United States, the governor shall make a temporary appointment to that office until the people fill the vacancy by election as provided in this chapter.
[2003 c 111 § 703. Prior: 1985 c 45 § 3; 1965 c 9 § 29.68.070; prior: 1921 c 33 § 1; RRS § 3798. Formerly RCW 29.68.070.]
Legislative intent—1985 c 45: See note following RCW 29A.04.420.
Special procedures for primary for United States senate vacancy in 1983: Chapter 1, Laws of 1983 3rd ex. sess. (uncodified).
Vacancies in public office, how caused: RCW 42.12.010.

RCW 29A.28.041: Congress—Special election.

(1) Whenever a vacancy occurs in the United States house of representatives or the United States senate from this state, the governor shall order a special election to fill the vacancy.
(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the primary at least seventy days after issuance of the writ, and fixing a date for the election at least seventy days after the date of the primary If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.
(3) If the vacancy occurs less than eight months before a general election and before the close of the filing period for that general election, the special primary and special vacancy election must be held in concert with the state primary and general election in that year.
(4) If the vacancy occurs on or after the first day for filing under RCW 29A.24.050 and on or before the close of the filing period, a special filing period of three normal business days shall be fixed and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period.
(5) If the vacancy occurs later than the close of the filing period, a special primary and vacancy election to fill the position shall be held after the next general election but, in any event, no later than the ninetieth day following the general election.
[2013 c 11 § 34; 2011 c 349 § 14; 2006 c 344 § 12; 2004 c 271 § 118.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.28.050: Congress—Notices of special primary and election.

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

Each county auditor shall publish notices of the special primary and the special vacancy election at least once in any legal newspaper published in the county, as provided by RCW 29A.52.355.

[2013 c 11 § 35; 2003 c 111 § 705; 1985 c 45 § 5; 1973 2nd ex.s. c 36 § 5; 1965 c 9 § 29.68.100. Prior: 1909 ex.s. c 25 § 2, part; RRS § 3800, part. Formerly RCW 29.68.100.]

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

RCW 29A.28.061: Congress—General, primary election laws to apply—Time deadlines, modifications.

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in chapter 29A.28 RCW to the extent that they are not inconsistent with the provisions of these sections. Statutory time deadlines relating to availability of ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29A.04.611.

[2013 c 11 § 36; 2011 c 10 § 28; 2004 c 271 § 119.]

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

TITLE 29A.32 RCW: VOTERS' PAMPHLETS

STATE VOTERS' PAMPHLET

Sections

RCW 29A.32.010: Printing and distribution.
RCW 29A.32.020: Prohibition against deceptively similar campaign materials.
RCW 29A.32.031: Contents.
RCW 29A.32.032: Party preference.
RCW 29A.32.040: Explanatory statements.
RCW 29A.32.060: Arguments.
RCW 29A.32.070: Format, layout, contents.
RCW 29A.32.080: Amendatory style.
RCW 29A.32.090: Arguments—Rejection, dispute.
RCW 29A.32.100: Arguments—Public inspection.
RCW 29A.32.110: Photographs.
RCW 29A.32.121: Candidates' statements—Length.
RCW 29A.32.125: Deadline for submission of candidate statements and photographs.

LOCAL VOTERS' PAMPHLET

Sections

RCW 29A.32.210: Duty to print and distribute—Contents—Format.
RCW 29A.32.220: Notice of production—Local governments' decision to participate.
RCW 29A.32.230: Administrative rules.
RCW 29A.32.241: Contents.
RCW 29A.32.250: Candidates, when included.
RCW 29A.32.260: Mailing.
RCW 29A.32.270: Cost.

RCW 29A.32.010: Printing and distribution.

The secretary of state shall, whenever at least one statewide measure or office is scheduled to appear on the general election ballot, print and distribute a voters' pamphlet.

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

The secretary of state may make the material required to be distributed by this chapter available to the public in electronic form. The secretary of state may provide the material in electronic form to web-based, print, and broadcast news media and similar services at the cost of reproduction or transmission of the data.

[2024 c 78 § 1; 2003 c 111 § 801. Prior: 1999 c 260 § 1. Formerly RCW 29.81.210.]

Effective date—2024 c 78: "This act takes effect January 1, 2025." [2024 c 78 § 13.]

RCW 29A.32.020: Prohibition against deceptively similar campaign materials.

No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet that was published by the secretary of state during the 10-year period before the publication or distribution of the campaign material by the person or entity. The secretary of state shall take reasonable measures to prevent or to stop violations of this section. Such measures may include, among others, petitioning the superior court for a temporary restraining order or other appropriate injunctive relief. In addition, the secretary may request the superior court to impose a civil fine on a violator of this section. The court is authorized to levy on and recover from each violator a civil fine not to exceed the greater of: (1) $5 for each copy of the deceptive material distributed, or (2) $10,000. In addition, the violator is liable for the state's legal expenses and other costs resulting from the violation. Any funds recovered under this section must be transmitted to the state treasurer for deposit in the general fund.

[2024 c 78 § 2; 2003 c 111 § 802; 1984 c 41 § 1. Formerly RCW 29.04.035.]

Effective date—2024 c 78: See note following RCW 29A.32.010.

RCW 29A.32.031: Contents. *(Effective January 1, 2025 until January 1, 2026)*

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

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

(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd-numbered years, statements, if submitted, from candidates for any office listed in subsection (2) of this section that appears on the ballot due to a vacancy. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this

section;
(5) Contact information for major political parties;
(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;
(7) A list of all student engagement hubs as designated under RCW 29A.40.180;
(8) A page providing information about how to access the internet presentation of the information created in RCW 44.48.160 about the state budgets, including a uniform resource locator, a quick response code, and a phone number for the legislative information center. The uniform resource locator and quick response codes will lead the voter to the internet information required in RCW 44.48.160; and
(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

[2024 c 78 § 3; 2023 c 109 § 8; 2020 c 208 § 11; 2013 c 283 § 2; (2018 c 112 § 5 expired January 1, 2019); 2011 c 60 § 13; 2009 c 415 § 2; 2008 c 1 § 12 (Initiative Measure No. 960, approved November 6, 2007); 2004 c 271 § 121.]

Effective date—2024 c 78: See note following RCW 29A.32.010.

Findings—2023 c 109: See note following RCW 29A.32.070.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Expiration date—2018 c 112 § 5: "Section 5 of this act expires January 1, 2019." [2018 c 112 § 7.]

Findings—Intent—2013 c 283: "(1) The legislature finds that the voters of the state of Washington have overwhelmingly affirmed the public's right to know about the financing of political activity. Recognizing that Initiative 276, which created the public disclosure commission and serves as the foundation of Washington's disclosure and campaign finance laws, was approved with over seventy-two percent of voters in support, the legislature also finds that maintaining the tradition of transparency in campaigns and political activities in the state of Washington is a top priority for citizens throughout Washington state.
(2) Therefore, it is the intent of the legislature to increase transparency and ensure that voters be provided easy access to accurate information about the sources of money supporting or opposing candidates and ballot measures by printing the public disclosure commission's website on voters' pamphlets and ballots for each primary and general election." [2013 c 283 § 1.]

Effective date—2011 c 60: See RCW 42.17A.919.

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

RCW 29A.32.031: Contents. *(Effective January 1, 2026)*

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:
(1) Information about each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;
(2) In even-numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, commissioner of public lands, superintendent of public instruction, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;
(3) In odd-numbered years, statements, if submitted, from candidates for any office listed in subsection (2) of this section that appears on the ballot due to a vacancy. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;
(4) Contact information for the public disclosure commission established under RCW 29B.20.010, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;
(5) Contact information for major political parties;
(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(7) A list of all student engagement hubs as designated under RCW 29A.40.180;
(8) A page providing information about how to access the internet presentation of the information created in RCW 44.48.160 about the state budgets, including a uniform resource locator, a quick response code, and a phone number for the legislative information center. The uniform resource locator and quick response codes will lead the voter to the internet information required in RCW 44.48.160; and
(9) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

[2024 c 164 § 507; 2024 c 78 § 3; 2023 c 109 § 8; 2020 c 208 § 11; 2013 c 283 § 2; (2018 c 112 § 5 expired January 1, 2019); 2011 c 60 § 13; 2009 c 415 § 2; 2008 c 1 § 12 (Initiative Measure No. 960, approved November 6, 2007); 2004 c 271 § 121.]

Reviser's note: This section was amended by 2024 c 78 s 3 and by 2024 c 164 s 507, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.

Effective date—2024 c 78: See note following RCW 29A.32.010.

Findings—2023 c 109: See note following RCW 29A.32.070.

Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

Expiration date—2018 c 112 § 5: "Section 5 of this act expires January 1, 2019." [2018 c 112 § 7.]

Findings—Intent—2013 c 283: "(1) The legislature finds that the voters of the state of Washington have overwhelmingly affirmed the public's right to know about the financing of political activity. Recognizing that Initiative 276, which created the public disclosure commission and serves as the foundation of Washington's disclosure and campaign finance laws, was approved with over seventy-two percent of voters in support, the legislature also finds that maintaining the tradition of transparency in campaigns and political activities in the state of Washington is a top priority for citizens throughout Washington state.
(2) Therefore, it is the intent of the legislature to increase transparency and ensure that voters be provided easy access to accurate information about the sources of money supporting or opposing candidates and ballot measures by printing the public disclosure commission's website on voters' pamphlets and ballots for each primary and general election." [2013 c 283 § 1.]

Effective date—2011 c 60: See RCW 42.17A.919.

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

RCW 29A.32.032: Party preference.

The voters' pamphlet must also contain the political party preference or independent status where a candidate appearing on the ballot has expressed such a preference on his or her declaration of candidacy.

[2005 c 2 § 11 (Initiative Measure No. 872, approved November 2, 2004).]

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

RCW 29A.32.040: Explanatory statements.

(1) Explanatory statements prepared by the attorney general under RCW 29A.32.070 (3) and (4) must be written in clear and concise language, avoiding legal and technical terms when possible. Statements are initiated by written request from the secretary of state, and must be filed with the secretary of state by the date provided in the request.
(2) When the explanatory statements for a measure initiated by petition are filed with the secretary of state, the secretary of state shall immediately provide the text of the statements to the person proposing the measure and any others who have made written request for notification of the exact language of the statements.
(3) A person dissatisfied with the statements may appeal to the superior court of Thurston county within five days of the filing date. A copy of the petition and a notice of the appeal must be served on the secretary of state and the attorney general. The court shall examine the measure, the statements, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state a statement it determines will meet the requirements of this chapter, and within the timelines identified by the secretary of state.
The decision of the superior court is final, and its statement is the established explanatory statement. The appeal must be heard without costs to either party.

[2015 c 171 § 1; 2009 c 415 § 3; 2003 c 111 § 804. Prior: 1999 c 260 § 3. Formerly RCW 29.81.230.]

RCW 29A.32.060: Arguments.

Committees shall write and submit arguments advocating the approval or rejection of each statewide ballot issue and rebuttals of those arguments. The secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint the initial two members of each committee. In making these committee appointments the secretary of state and presiding officers of the senate and house of representatives shall consider legislators, sponsors of initiatives and referendums, and other interested groups known to advocate or oppose the ballot measure. Committees must have the explanatory and fiscal impact statements available before preparing their arguments.

The initial two members may select up to four additional members, and the committee shall elect a chairperson. The remaining committee member or members may fill vacancies through appointment.

After the committee submits its initial argument statements to the secretary of state, the secretary of state shall transmit the statements to the opposite committee. The opposite committee may then prepare rebuttal arguments. Rebuttals may not interject new points.

The voters' pamphlet may contain only text argument statements prepared according to this section. Graphs, charts, photographs, cartoons, or caricatures are not permitted.

[2024 c 78 § 4; 2015 c 171 § 2; 2003 c 111 § 806. Prior: 1999 c 260 § 4. Formerly RCW 29.81.240.]

Effective date—2024 c 78: See note following RCW 29A.32.010.

RCW 29A.32.070: Format, layout, contents.

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The secretary of state's name may not appear in the voters' pamphlet in an official capacity if the secretary is a candidate for office during the same year. The secretary's name may only be included as part of the information normally included for candidates.

The voters' pamphlet must provide the following information for each statewide issue on the ballot:

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

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

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

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

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

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

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

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

(10) The full text of the measure.

[2024 c 78 § 5; 2023 c 109 § 2; 2016 c 83 § 1; 2009 c 415 § 5. Prior: 2008 c 1 § 13 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 807; prior: 2002 c 139 § 2; 1999 c 260 § 5. Formerly RCW 29.81.250.]

Findings—2023 c 109: "The legislature finds that making the act of casting a ballot as simple as possible will help promote the free and equal elections guaranteed by Article I, section 19 and Article VI, section 1 of the Washington state Constitution. The legislature recognizes that transparency and fiscal responsibility are important to the people of Washington, and that election administration and ballot design should reflect these long-held values. The legislature further finds that the people rightfully expect items on their ballots to be neutrally and accurately worded. Finally, the legislature finds for the votes that Washingtonians cast to have meaning, the ballot must be limited to candidate elections that give the people the power to choose their representatives or ballot measures that determine what laws and plan of government the state and its localities shall have." [2023 c 109 § 1.]

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

RCW 29A.32.080: Amendatory style.

Statewide ballot measures that amend existing law must be printed in the voters' pamphlet so that language proposed for deletion is enclosed by double parentheses and has a line through it. Proposed new language must be underlined. A statement explaining the deletion and addition of language must appear as follows: "Any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters."

[2003 c 111 § 808. Prior: 1999 c 260 § 6. Formerly RCW 29.81.260.]

RCW 29A.32.090: Arguments—Rejection, dispute.

(1) If in the opinion of the secretary of state any argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate contains obscene matter or matter that is otherwise prohibited by law from distribution through the mail, the secretary may petition the superior court of Thurston county for a judicial determination that the argument or statement may be rejected for publication or edited to delete the matter. The court shall not enter such an order unless it concludes that the matter is obscene or otherwise prohibited for distribution through the mail.

(2) A candidate's statement submitted for inclusion in the voters' pamphlet shall not contain false or misleading statements about the candidate's opponent. A false or misleading statement shall be considered "libel or defamation per se" if the statement tends to expose the candidate to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation. If a candidate believes his or her opponent has libeled or defamed him or her, the candidate may commence an action under subsection (3) of this section.

(3)(a) A person who believes that he or she may be defamed by an argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate may petition the superior court of Thurston county for a judicial determination that the argument or statement may be rejected for publication or edited to delete the defamatory statement.

(b) The court shall not enter such an order unless it concludes that the statement is untrue and that the petitioner has a very substantial likelihood of prevailing in a defamation action.

(c) An action under this subsection (3) must be filed and served no later than the tenth day after the deadline for the submission of the argument or statement to the secretary of state.

(d) If the secretary of state notifies a person named or identified in an argument or statement of the contents of the argument or statement within three days after the deadline for submission to the secretary, then neither the state nor the secretary is liable for damages resulting from publication of the argument or statement unless the secretary publishes the argument or statement in violation of an order entered under this section. Nothing in this section creates a duty on the part of the secretary of state to identify, locate, or notify the person.

(4) Parties to a dispute under this section may agree to resolve the dispute by rephrasing the argument or statement, even if the deadline for submission to the secretary has elapsed, unless the secretary determines that the process of publication is too far advanced to permit the change. The secretary shall promptly provide any such revision to any committee entitled to submit a rebuttal argument. If that committee has not yet submitted its rebuttal, its deadline to submit a rebuttal is extended by five days. If it has submitted a rebuttal, it may revise it to address the change within five days of the filing of the revised argument with the secretary.

(5) In an action under this section the committee or candidate must be named as a defendant, and may be served with process by certified mail directed to the address contained in the secretary's records for that party. The secretary of state shall be a nominal party to an action brought under subsection (3) of this section, solely for the purpose of determining the content of the voters' pamphlet. The superior court shall give such an action priority on its calendar.

[2009 c 222 § 3; 2003 c 111 § 809. Prior: 1999 c 260 § 8. Formerly RCW 29.81.280.]

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

RCW 29A.32.100: Arguments—Public inspection.

(1) An argument or statement submitted to the secretary of state for publication in the voters' pamphlet is not available for public inspection or copying until:
(a) In the case of candidate statements, (i) all statements by all candidates who have filed for a particular office have been received, except those who informed the secretary that they will not submit statements, or (ii) the deadline for submission of statements has elapsed;
(b) In the case of arguments supporting or opposing a measure, (i) the arguments on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed; and
(c) In the case of rebuttal arguments, (i) the rebuttals on both sides have been received, unless a committee was not appointed for one side, or (ii) the deadline for submission of arguments has elapsed.
(2) Nothing in this section prohibits the secretary from releasing information under RCW 29A.32.090.
[2013 c 11 § 37; 2003 c 111 § 810. Prior: 1999 c 260 § 9. Formerly RCW 29.81.290.]

RCW 29A.32.110: Photographs.

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

RCW 29A.32.121: Candidates' statements—Length.

(1) The maximum number of words for statements submitted by candidates is as follows: State representative, 100 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, 200 words; president and vice president, United States senator, United States representative, and governor, 300 words.
(2) Arguments written by committees under RCW 29A.32.060 may not exceed 250 words in length.
(3) Rebuttal arguments written by committees may not exceed 75 words in length.
(4) The secretary of state or county auditor shall allocate space in the pamphlet based on the number of candidates or nominees for each office.
[2024 c 78 § 6; 2004 c 271 § 168.]

RCW 29A.32.125: Deadline for submission of candidate statements and photographs.

The secretary may, by rule, set a deadline for submission of candidate statements and photographs for inclusion in the statewide voters' pamphlet. The deadline for submission of candidate statements and photographs must be not sooner than 11 days immediately following the deadline for filing declarations of candidacy under RCW 29A.24.050.
[2023 c 394 § 9]

RCW 29A.32.210: Duty to print and distribute—Contents—Format.

Before any primary or general election, or any special election held under RCW 29A.04.321 or 29A.04.330, each county auditor shall print and distribute a local voters' pamphlet. The pamphlet shall provide information on all measures and candidates appearing on ballots within that county. The format of any local voters' pamphlet shall, whenever applicable, comply with the provisions of this chapter regarding the publication of the state candidates' and voters' pamphlets.
[2024 c 78 § 7; 2020 c 337 § 6; 2013 c 11 § 38; 2003 c 111 § 813; 1984 c 106 § 3. Formerly RCW 29.81A.010.]
Effective date—2024 c 78: See note following RCW 29A.32.010.
Effective date—2020 c 337: See note following RCW 29A.04.410.

RCW 29A.32.220: Notice of production—Local governments' decision to participate.

(1) Not later than 90 days before the publication and distribution of a local voters' pamphlet by a

county, the county auditor shall notify each city, town, or special taxing district with issues or offices appearing on ballots within that county that a pamphlet will be produced.
(2) All voters' pamphlets published by the county pursuant to RCW 29A.32.210 must include the elective offices and ballot measures of the county and the elective offices and ballot measures of each unit of local government within the county which will appear on the ballot at that primary or election.
If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the legislative authority of the county to waive this requirement. The legislative authority of the county may provide such a waiver if it does so not later than 60 days before the publication of the pamphlet and it finds that the requirement would create such hardship.
(3) If a city, town, or district is located within more than one county, all appropriate information for that jurisdiction must appear in the local voters' pamphlet for each of the counties containing the jurisdiction. Arguments, candidate statements, and photographs must be submitted to the county auditor of the county that accepted any resolutions or candidate filings for that jurisdiction. The auditor that receives this information shall provide it to the other county auditors after reviewing and accepting the submissions.
[2024 c 78 § 814; 2003 c 111 § 814; 1994 c 191 § 1; 1984 c 106 § 4. Formerly RCW 29.81A.020.]

Effective date—2024 c 78: See note following RCW 29A.32.010.

RCW 29A.32.230: Administrative rules.

The county auditor or, if applicable, the city clerk of a first-class or code city shall, in consultation with the participating jurisdictions, adopt and publish administrative rules necessary to facilitate the provisions of any ordinance authorizing production of a local voters' pamphlet. Any amendment to such a rule shall also be adopted and published. Copies of the rules shall identify the date they were adopted or last amended and shall be made available to any person upon request. One copy of the rules adopted by a county auditor and one copy of any amended rules shall be submitted to the county legislative authority. One copy of the rules adopted by a city clerk and one copy of any amended rules shall be submitted to the city legislative authority. These rules shall include but not be limited to the following:
(1) Deadlines for decisions by cities, towns, or special taxing districts on being included in the pamphlet;
(2) Limits on the length and deadlines for submission of arguments for and against each measure;
(3) The basis for rejection of any explanatory or candidates' statement or argument deemed to be libelous or otherwise inappropriate. Any statements by a candidate shall be limited to those about the candidate himself or herself;
(4) Limits on the length of candidates' statements;
(5) Deadlines for submission of candidates' statements not sooner than 11 days following the deadline for filing declarations of candidacy under RCW 29A.24.050;
(6) An appeal process in the case of the rejection of any statement or argument.
[2023 c 394 § 10; 2003 c 111 § 815. Prior: 1984 c 106 § 5. Formerly RCW 29.81A.030.]

RCW 29A.32.241: Contents.

(1) The local voters' pamphlet shall include but not be limited to the following:
(a) Appearing on the cover, the words "official local voters' pamphlet," the name of the jurisdiction producing the pamphlet, and the date of the election or primary;
(b) A list of jurisdictions that have measures or candidates in the pamphlet;
(c) Information on how a person may register to vote and obtain a ballot;
(d) Candidate statements and photographs;
(e) The text of each measure accompanied by an explanatory statement prepared by the prosecuting attorney for any county measure or by the attorney for the jurisdiction submitting the measure if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;

(f) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and
(g) A list of all student engagement hubs in the county as designated under RCW 29A.40.180.
(2) The county auditor's name may not appear in the local voters' pamphlet in an official capacity if the county auditor is a candidate for office during the same year. The auditor's name may only be included as part of the information normally included for candidates.

[2024 c 78 § 208; 2020 c 208 § 12; 2016 c 83 § 2; 2011 c 10 § 29; 2004 c 271 § 123.]
Effective date -- 2024 c 78: See note following RCW 29A.32.010.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.32.250: Candidates, when included.

Local voters' pamphlets shall include candidate statements accepted by the county auditor and may also include candidates' photographs accepted by the county auditor.

[2024 c 78 § 10; 2003 c 111 § 817. Prior: 1984 c 106 § 7. Formerly RCW 29.81A.050.]
Effective date -- 2024 c 78: See note following RCW 29A.32.010.

RCW 29A.32.260: Mailing.

As soon as practicable before the primary, special election, or general election, the county auditor shall mail the local voters' pamphlet to every residence in each jurisdiction within the county that is participating in the associated primary or election and for which election information is included in the pamphlet. The county auditor may choose to mail the pamphlet to each registered voter in each jurisdiction within the county that is participating in the associated primary or election and for which election information is included in the pamphlet, if in the auditor's judgment, a more economical and effective distribution of the pamphlet would result. The county auditor shall either mail or send a printable electronic version of the state and local voters' pamphlets to any service or overseas voter registered in the jurisdiction who has requested them.

[2024 c 78 § 11; 2022 c 193 § 2; 2011 c 10 § 30; 2003 c 111 § 818. Prior: 1984 c 106 § 8. Formerly RCW 29.81A.060.]
Effective date -- 2024 c 78: See note following RCW 29A.32.010.
Finding—Intent—2022 c 193: "The legislature finds that service and overseas voters have the right to vote for their elected officials. To effectuate this right, service and overseas voters must have access to the same ballot materials as voters present in the state with sufficient time to thoughtfully consider candidates and issues before casting a ballot. Accordingly, the legislature intends to ensure that voters' pamphlets are available to service and overseas voters at the same time as the ballot." [2022 c 193 § 1.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.32.270: Cost.

The cost of a local voters' pamphlet shall be considered an election cost to those local jurisdictions included in the pamphlet and shall be prorated in the manner provided in RCW 29A.04.410.

[2003 c 111 § 819. Prior: 1984 c 106 § 9. Formerly RCW 29.81A.070.]

RCW 29A.32.280: Arguments advocating approval or disapproval—Preparation by committees.

(1) For each measure from a unit of local government included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than the resolution deadline, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure.
(2) The authority shall appoint persons that reside within the jurisdictional boundaries and are known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons that reside within the jurisdictional boundaries and are known to oppose the measure to serve on the committee advocating rejection.
(3) Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons.
(4) If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall issue a media release and publish information on the

auditor's election website announcing the opportunity to form committees and provide statements. If the legislative authority is unable to make appointments, the auditor shall make appointments on a first-come, first-served basis if qualified committee members contact the auditor by the appropriate deadline.

(5) If no statement is produced, the auditor shall include a statement in the pamphlet stating that no person in the jurisdiction contacted the auditor to provide a statement, and there are no statements for that measure.

[2024 c 78 § 12; 2015 c 146 § 3; 2003 c 111 § 820. Prior: 1994 c 191 § 2; 1984 c 106 § 10. Formerly RCW 29.81A.080.]

Effective date -- 2024 c 78: See note following RCW 29A.32.010.

TITLE 29A.36 RCW: BALLOTS AND OTHER VOTING FORMS

Sections

RCW 29A.36.010: Certifying primary candidates.
RCW 29A.36.020: Constitutional measures—Ballot title—Formulation, ballot display, certification.
RCW 29A.36.030: Constitutional measures—Ballot title—Filing.
RCW 29A.36.040: Constitutional questions—Notice of ballot title and summary.
RCW 29A.36.060: Constitutional questions—Ballot title—Appeal.
RCW 29A.36.071: Local measures—Ballot title—Formulation—Advertising.
RCW 29A.36.080: Local measures—Ballot title—Notice.
RCW 29A.36.090: Local measures—Ballot title—Appeal.
RCW 29A.36.101: Names on primary ballot.
RCW 29A.36.111: Uniformity, arrangement, contents required—Contracts with vendors.
RCW 29A.36.115: Provisional ballots.
RCW 29A.36.121: Order of positions or offices.
RCW 29A.36.131: Order of candidates on ballots.
RCW 29A.36.151: Sample ballots.
RCW 29A.36.161: Arrangement of instructions, measures, offices—Order of candidates.
RCW 29A.36.170: Top two candidates qualified for general election—Exception (as amended by 2013 c 11).
RCW 29A.36.170: Top two candidates qualified for general election (as amended by 2013 c 143).
RCW 29A.36.180: Disqualified candidates in nonpartisan elections—Special procedures for conduct of election.
RCW 29A.36.201: Names qualified to appear on election ballot.
RCW 29A.36.210: Property tax levies—Ballot form.
RCW 29A.36.220: Expense of printing and mailing ballots, envelopes, and instructions.
RCW 29A.36.230: Regional transportation investment district and regional transit authority single ballot.

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

RCW 29A.36.010: Certifying primary candidates.

Not later than the Tuesday following the regular filing period, 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 preference, if any, provided on filed declarations.

[2013 c 11 § 39; 2011 c 349 § 15. Prior: 2005 c 2 § 12 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 901; prior: 1990 c 59 § 8; 1965 ex.s. c 103 § 4; 1965 c 9 § 29.27.020; prior: 1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part. Formerly RCW 29.27.020.]

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

Short title—Intent—Contingent effective date—2005 c 2 (Initiative Measure No. 872): See notes following RCW 29A.52.112.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.36.020: Constitutional measures—Ballot title—Formulation, ballot display, certification.

(1) When a proposed constitutional amendment is to be submitted to the people of the state for statewide popular vote, the ballot title consists of: (a) A statement of the subject of the amendment; (b) a concise description of the amendment; and (c) a question in the form prescribed in this section. The statement of the subject of a constitutional amendment must be sufficiently broad to reflect the nature of the amendment, sufficiently precise to give notice of the amendment's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, give a true and impartial description of the amendment's essential contents, clearly identify the amendment to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the amendment.

The ballot title for a proposed constitutional amendment must be displayed on the ballot substantially as follows:

"The legislature has proposed a constitutional amendment on (statement of subject). This amendment would (concise description). Should this constitutional amendment be:

Approved . . . . . □

Rejected . . . . . □"

(2) When a proposed new constitution is submitted to the people of the state by a constitutional convention for statewide popular vote, the ballot title consists of: (a) A concise description of the new constitution; and (b) a question in the form prescribed in this section. The concise description must contain no more than thirty words, give a true and impartial description of the new constitution's essential contents, clearly identify the proposed constitution to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the new constitution.

The ballot title for a proposed new constitution must be displayed on the ballot substantially as follows:

"The constitutional convention approved a new proposed state constitution that (concise description). Should this proposed constitution be:

Approved . . . . . □

Rejected . . . . . □"

(3) The legislature may specify the statement of subject or concise description, or both, in a constitutional amendment that it submits to the people. If the legislature fails to specify the statement of subject or concise description, or both, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the concise description for a proposed new constitution that is submitted to the people by a constitutional convention, and the concise description as so provided must be included as part of the ballot title unless changed on appeal.

(4) The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other statewide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

[2003 c 111 § 902. Prior: 2000 c 197 § 7. Formerly RCW 29.27.057.]

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

RCW 29A.36.030: Constitutional measures—Ballot title—Filing.

The ballot title for a constitutional amendment or proposed constitution must be filed with the secretary of state in the same manner as the ballot title and summary for a state initiative or referendum are filed.

[2003 c 111 § 903. Prior: 2000 c 197 § 8. Formerly RCW 29.27.061.]

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

RCW 29A.36.040: Constitutional questions—Notice of ballot title and summary.

Upon the filing of a ballot title under RCW 29A.36.020, the secretary of state shall provide notice of the

exact language of the ballot title and summary to the chief clerk of the house of representatives, the secretary of the senate, and the prime sponsor of measure.

[2013 c 11 § 92; 2003 c 111 § 904. Prior: 2000 c 197 § 9; 1993 c 256 § 11; 1965 c 9 § 29.27.065; prior: 1953 c 242 § 3. Formerly RCW 29.27.065.]

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

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.36.060: Constitutional questions—Ballot title—Appeal.

If any persons are dissatisfied with the ballot title for a proposed constitution or constitutional amendment, they may at any time within ten days from the time of the filing of the ballot title and summary, not including Saturdays, Sundays, or legal holidays, appeal to the superior court of Thurston county by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of the ballot title. The time of the filing of the ballot title, as used in this section for establishing the time for appeal, is the time the ballot title is first filed with the secretary of state. A copy of the petition on appeal together with a notice that an appeal has been taken must be served upon the secretary of state, the attorney general, the chief clerk of the house of representatives, and the secretary of the senate. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the secretary of state a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title so certified will be the established ballot title. The appeal must be heard without cost to either party.

[2013 c 11 § 40; 2003 c 111 § 906. Prior: 2000 c 197 § 11. Formerly RCW 29.27.0655.]

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

RCW 29A.36.071: Local measures—Ballot title—Formulation—Advertising.

(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; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district or a proposed fire protection district, as provided in RCW 52.02.160, may exceed seventy-five words. If the local governmental unit is a city or a town, or if the ballot title is for a referendum under RCW 35.13A.115, the concise statement must be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement must be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement must be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.

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

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

[2017 c 328 § 4; 2015 c 172 § 3; 2006 c 311 § 9; 2004 c 271 § 169.]

Findings—2006 c 311: See note following RCW 36.120.020.

RCW 29A.36.080: Local measures—Ballot title—Notice.

Upon the filing of a ballot title of a question to be submitted to the people of a county or municipality, the county auditor shall provide notice of the exact language of the ballot title to the persons proposing the measure, the county or municipality, and to any other person requesting a copy of the ballot title.

[2003 c 111 § 908. Prior: 2000 c 197 § 13. Formerly RCW 29.27.0665.]

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

RCW 29A.36.090: Local measures—Ballot title—Appeal.

If any persons are dissatisfied with the ballot title for a local ballot measure that was formulated by the city attorney or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title, not including Saturdays, Sundays, and legal holidays, appeal to the superior court of the county where the question is to appear on the ballot, by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of it. The time of the filing of the ballot title, as used in this section in determining the time for appeal, is the time the ballot title is first filed with the county auditor.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the county auditor and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be adjourned by consent of the appellants, examine the proposed measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the county auditor a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title or statement so certified will be the established ballot title. The appeal must be heard without cost to either party.

[2003 c 111 § 909. Prior: 2000 c 197 § 14; 1993 c 256 § 12; 1965 c 9 § 29.27.067; prior: 1953 c 242 § 4. Formerly RCW 29.27.067.]

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

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.36.101: Names on primary ballot.

Except for the candidates for president and vice president, or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who, under this title, filed a declaration of candidacy must appear on the appropriate ballot at the primary throughout the jurisdiction for which they filed.

[2013 c 11 § 41; 2004 c 271 § 125.]

RCW 29A.36.111: Uniformity, arrangement, contents required—Contracts with vendors.

(1) Every ballot for a single combination of issues, offices, and candidates shall be uniform within a precinct and shall identify the type of primary or election, the county, and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes. Each position, together with the names of the candidates for that office, shall be clearly separated from other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot card may be marked by or at the direction of an election official in any way that would permit the identification of the person who voted that ballot.

(2) An elections [election] official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot.

[2009 c 414 § 1; 2004 c 271 § 128.]

RCW 29A.36.115: Provisional ballots.

All provisional ballots must be visually distinguishable from other ballots and incapable of being tabulated by a voting system.

[2011 c 10 § 31; 2005 c 243 § 3.]

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

RCW 29A.36.121: Order of positions or offices.

(1) The positions or offices on a primary consolidated ballot shall be arranged in substantially the

following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; superintendent of public instruction; insurance commissioner; state senator; state representative; county officers; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any.

(2) The order of the positions or offices on a general election ballot shall be substantially the same as on a primary ballot except that state ballot issues must be placed before all offices. The offices of president and vice president of the United States shall precede all other offices on a presidential election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

[2013 c 11 § 42; 2004 c 271 § 129.]

RCW 29A.36.131: Order of candidates on ballots.

After the close of business on the last day for candidates to file for office, the filing officer shall determine by lot the order in which the names of those candidates will appear on all ballots. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required, the names shall appear on the general election ballot in the order determined by lot.

[2013 c 11 § 43; 2011 c 10 § 32; 2004 c 271 § 130.]

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

RCW 29A.36.151: Sample ballots.

Except in each county with a population of one million or more, on or before the fifteenth day before a primary or election, the county auditor shall prepare a sample ballot which shall be made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in counties with a population of one million or more. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a county with a population of one million or more for a primary or election, each of which lists a portion of the offices and issues to be voted on in that county. The position of precinct committee officer shall be shown on the sample ballot for the primary, but the names of candidates for the individual positions need not be shown.

[2004 c 271 § 131.]

RCW 29A.36.161: Arrangement of instructions, measures, offices—Order of candidates.

(1) On the top of each ballot must be printed:

(a) Clear and concise instructions directing the voter how to mark the ballot, including write-in votes; and

(b) The following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section. Alternately, at the discretion of the county auditor or local election official, the statement required by this subsection (1)(b) may be printed in a prominent position on the ballot envelope and in the materials that accompany the ballot.

(2) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type. The secretary of state shall establish standards for ballot design and layout consistent with this section and RCW 29A.04.611.

(3) The questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election must appear after the instructions and before any offices.

(4) In a year that president and vice president appear on the general election ballot, the names of candidates for president and vice president for each political party must be grouped together with a single response position for a voter to indicate his or her choice.

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election. Independent candidates and minor parties must follow major parties and be listed in the order of their qualification with the secretary of state.

[2013 c 283 § 3; 2013 c 11 § 44; 2011 c 10 § 33; 2010 c 32 § 1; 2004 c 271 § 132.]

Reviser's note: This section was amended by 2013 c 11 § 44 and by 2013 c 283 § 3, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Findings—Intent—2013 c 283: See note following RCW 29A.32.031.

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

RCW 29A.36.170: Top two candidates qualified for general election—Exception *(as amended by 2013 c 11)*.

(1) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for 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)) 29A.36.131.

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

[2013 c 11 § 45. Prior: 2005 c 2 § 6 (Initiative Measure No. 872, approved November 2, 2004); (2004 c 271 § 193 repealed by the legislature); 2003 c 111 § 917; prior: 1992 c 181 § 2; 1990 c 59 § 95. Formerly RCW 29.30.085.]

RCW 29A.36.170: Top two candidates qualified for general election *(as amended by 2013 c 143)*.

(((~~(1)~~))) For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for an office for which no primary was held, the names of the candidates shall be listed in the order determined ((~~under~~)) pursuant to RCW ((~~29A.36.130~~)) 29A.36.131.

((~~(2) 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 for that position on the ballot at the general election.~~))

[2013 c 143 § 1. Prior: 2005 c 2 § 6 (Initiative Measure No. 872, approved November 2, 2004); (2004 c 271 § 193 repealed by the legislature); 2003 c 111 § 917; prior: 1992 c 181 § 2; 1990 c 59 § 95. Formerly RCW 29.30.085.]

Reviser's note: RCW 29A.36.170 was amended twice during the 2013 legislative session, each without reference to the other. For rule of construction concerning sections amended more than once during the same legislative session, see RCW 1.12.025.

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

Effective date—1992 c 181: See note following RCW 29A.36.180.

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

RCW 29A.36.180: Disqualified candidates in nonpartisan elections—Special procedures for conduct of election.

This section applies if a candidate for an elective office of a city, town, or special purpose district would, under this chapter, otherwise qualify to have his or her name printed on the general election ballot for the office, but the candidate has been declared to be unqualified to hold the office by a court of

competent jurisdiction.
(1) In a case in which a primary is conducted for the office:
(a) If ballots for the general election for the office have not been ordered by the county auditor, the candidate who received the third greatest number of votes for the office at the primary shall qualify as a candidate for general election and that candidate's name shall be printed on the ballot for the office in lieu of the name of the disqualified candidate.
(b) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office shall not be counted for that office.
(2) In a case in which a primary is not conducted for the office:
(a) If ballots for the general election for the office have not been ordered by the county auditor, the name of the disqualified candidate shall not appear on the general election ballot for the office.
(b) If general election ballots for the office have been so ordered, votes cast for the disqualified candidate at the general election for the office shall not be counted for that office.
(3) If the disqualified candidate is the only candidate to have filed for the office during a regular or special filing period for the office, a void in candidacy for the office exists.
[2003 c 111 § 918. Prior: 1992 c 181 § 1. Formerly RCW 29.30.086.]
Effective date—1992 c 181: "This act shall take effect July 1, 1992." [1992 c 181 § 3.]

RCW 29A.36.201: Names qualified to appear on election ballot.

The names of candidates certified by the secretary of state or the county canvassing board as qualified to appear on the general election shall be printed on the general election ballot.
If a primary for an office was held, no name of any candidate shall be placed upon the ballot at a general or special election unless it appears upon the certificate of either (1) the secretary of state, or (2) the county canvassing board.
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 on a ballot more than once.
[2013 c 11 § 46; 2004 c 271 § 171.]

RCW 29A.36.210: Property tax levies—Ballot form.

(1) The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.68.525, 36.69.145, 67.38.130, 84.52.069, or 84.52.135 must contain in substance the following:
"Will the . . . . . (insert the name of the taxing district) be authorized to impose regular property tax levies of . . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation for each of . . . . . (insert the maximum number of years allowable) consecutive years?
Yes . . . . . .□
No . . . . . .□"
Each voter may indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.
(2) The ballot proposition authorizing a taxing district to impose a permanent regular tax levy under RCW 84.52.069 must contain in substance the following:
"Will the . . . . . (insert the name of the taxing district) be authorized to impose a PERMANENT regular property levy of . . . . . (insert the maximum rate) or less per thousand dollars of assessed valuation?
Yes . . . . . .□
No . . . . . .□"
[2010 c 106 § 301; 2004 c 80 § 2; 2003 c 111 § 921. Prior: 1999 c 224 § 2; 1984 c 131 § 3. Formerly RCW 29.30.111.]
Effective date—2010 c 106: See note following RCW 35.102.145.
Effective date—2004 c 80: See note following RCW 84.52.135.
Application—1999 c 224: See note following RCW 84.52.069.
Purpose—1984 c 131 §§ 3-9: "The purpose of sections 3 through 6 of this act is to clarify requirements necessary for voters to authorize certain local governments to impose regular property tax levies for a series of years. Sections 3 through 9 of this act only clarify the existing law to avoid credence being given to an erroneous opinion that has been rendered by the attorney general. As cogently expressed in Attorney General Opinion, Number 14, Addendum, opinions rendered by the attorney general are advisory only and are merely a "prediction of the outcome if the matter were to be litigated." Nevertheless, confusion has arisen from this erroneous opinion." [1984 c 131 § 2.]

RCW 29A.36.220: Expense of printing and mailing ballots, envelopes, and instructions.

The cost of printing and mailing ballots, envelopes, and instructions shall be an election cost that shall be borne as determined under RCW 29A.04.410 and 29A.04.420, as appropriate.

[2011 c 10 § 34; 2003 c 111 § 922. Prior: 1990 c 59 § 16; 1965 c 9 § 29.30.130; prior: 1889 p 400 § 1; RRS § 5269. Formerly RCW 29.30.130.]

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

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

RCW 29A.36.230: Regional transportation investment district and regional transit authority single ballot.

The election on the single ballot proposition described in RCW 36.120.070 and 81.112.030(10) must be conducted by the auditor of each component county in accordance with the general election laws of the state, except as provided in this section. Notice of the election must be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. The single joint ballot proposition required under RCW 36.120.070 and 81.112.030(10) must be in substantially the following form:

"REGIONAL TRANSPORTATION INVESTMENT DISTRICT (RTID)
AND
REGIONAL TRANSIT AUTHORITY (RTA)
PROPOSITION #1
REGIONAL ROADS AND TRANSIT SYSTEM

To reduce transportation congestion, increase road capacity, promote safety, facilitate mobility, provide for an integrated regional transportation system, and improve the health, welfare, and safety of the citizens of Washington, shall a regional transit authority (RTA) implement a regional rail and transit system to link [insert geographic references] as described in [insert plan name], financed by [insert taxes] imposed by RTA, all as provided in Resolution No. [insert number]; and shall a regional transportation investment district (RTID) be formed and authorized to implement and invest in improving the regional transportation system by replacing vulnerable bridges, improving safety, and increasing capacity on state and local roads to further link major education, employment, and retail centers described in [insert plan name] financed by [insert taxes] imposed by RTID, all as provided in Resolution No. [insert number]; further provided that the RTA taxes shall be imposed only within the boundaries of the RTA, and the RTID taxes shall be imposed only within the boundaries of the RTID?

Yes . . . . . .□

No . . . . . .□"

[2007 c 509 § 4.]

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

TITLE 29A.40 RCW: ELECTIONS BY MAIL

Sections

RCW 29A.40.010: Ballots by mail.
RCW 29A.40.020: Request for ballot from an overseas voter or service voter.
RCW 29A.40.050: Special ballots.
RCW 29A.40.070: Date ballots mailed—Replacement ballots.
RCW 29A.40.091: Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name.
RCW 29A.40.100: Observers.
RCW 29A.40.110: Processing incoming ballots.
RCW 29A.40.111: Processing incoming ballots—Alternative verification options pilot project.

RCW 29A.40.130: Record of voters issued a ballot and voters who returned a ballot—Public access.
RCW 29A.40.160: Voting centers.
RCW 29A.40.170: Ballot drop boxes.
RCW 29A.40.180: Student engagement hubs.

RCW 29A.40.010: Ballots by mail.

Each active registered voter of the state, overseas voter, and service voter shall automatically be issued a mail ballot for each general election, special election, or primary. Overseas voters and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter. Each active registered voter shall continue to receive a ballot by mail until the death or disqualification of the voter, cancellation of the voter's registration, or placing the voter on inactive status.

[2013 c 11 § 47; 2011 c 10 § 35; 2009 c 369 § 36; 2003 c 111 § 1001. Prior: 2001 c 241 § 1; 1991 c 81 § 29; 1987 c 346 § 9; 1986 c 167 § 14; 1985 c 273 § 1; 1984 c 27 § 1; 1977 ex.s. c 361 § 76; 1974 ex.s. c 35 § 1; 1971 ex.s. c 202 § 37; 1965 c 9 § 29.36.010; prior: 1963 ex.s. c 23 § 1; 1955 c 167 § 2; prior: (i) 1950 ex.s. c 8 § 1; 1943 c 72 § 1; 1933 ex.s. c 41 § 1; 1923 c 58 § 1; 1921 c 143 § 1; 1917 c 159 § 1; 1915 c 189 § 1; Rem. Supp. 1943 § 5280. (ii) 1933 ex.s. c 41 § 2, part; 1923 c 58 § 2, part; 1921 c 143 § 2, part; 1917 c 159 § 2, part; 1915 c 189 § 2, part; RRS § 5281, part. Formerly RCW 29.36.210, 29.36.010.]

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

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

Legislative intent—1987 c 346: "By this act the legislature intends to combine and unify the laws and procedures governing absentee voting. These amendments are intended: (1) To clarify and incorporate into a single chapter of the Revised Code of Washington the preexisting statutes under which electors of this state qualify for absentee ballots under state law, federal law, or a combination of both state and federal law, and (2) to insure uniformity in the application, issuance, receipt, and canvassing of these absentee ballots. Nothing in this act is intended to impose any new requirement on the ability of the registered voters or electors of this state to qualify for, receive, or cast absentee ballots in any primary or election." [1987 c 346 § 1.]

Effective date—1987 c 346: "This act shall take effect on January 1, 1988." [1987 c 346 § 25.]

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

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

RCW 29A.40.020: Request for ballot from an overseas voter or service voter.

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

(2) No person, organization, or association may distribute any ballot materials that contain a return address other than that of the appropriate county auditor.

[2011 c 10 § 36; 2009 c 369 § 37; 2003 c 111 § 1002; 2001 c 241 § 2. Formerly RCW 29.36.220.]

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

RCW 29A.40.050: Special ballots.

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

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

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

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

(4) A voter who requests a special absentee ballot under this section may also request a regular ballot. If the regular absentee ballot is properly voted and returned, the special absentee ballot is void, and the county auditor shall reject it in whole when special absentee ballots are canvassed.
[2011 c 10 § 37; 2003 c 111 § 1005; 2001 c 241 § 5; 1991 c 81 § 35; 1987 c 346 § 21. Formerly RCW 29.36.250, 29.36.170.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.40.070: Date ballots mailed—Replacement ballots.

(1) Except where a recount or litigation is pending, the county auditor must mail ballots to each voter at least eighteen days before each primary or election, and as soon as possible days before each primary or election, and as soon as possible for all subsequent registration changes.
(2) Except where a recount or litigation is pending, the county auditor must mail ballots to each service and overseas voter at least thirty days before each special election, and at least forty-five days before each primary or general election, or any special election that involves federal office. A request for a ballot made by an overseas or service voter after that day must be processed immediately.
(3) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each request for a replacement ballot.
(4) Each county auditor shall certify to the office of the secretary of state the dates the ballots were mailed, or the reason and date the ballots will be mailed if the ballots were not mailed timely.
(5) Failure to mail ballots as prescribed in this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election.
[2013 c 11 § 48. Prior: 2011 c 349 § 16; 2011 c 10 § 38; 2006 c 344 § 13; 2004 c 266 § 13; prior: 2003 c 162 § 2; 2003 c 111 § 1007; prior: 1987 c 54 § 1; 1977 ex.s. c 361 § 56; 1965 ex.s. c 103 § 5; 1965 c 9 § 29.30.075; prior: 1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part. Formerly RCW 29.36.270, 29.30.075.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.
Effective date—2004 c 266: See note following RCW 29A.04.575.
Policy—2003 c 162: "It is the policy of the state of Washington that individuals voting absentee and mail ballots receive their ballots in a timely and consistent manner before each election. Since many voters in Washington state have come to rely upon absentee and mail voting, mailing the ballots in a timely manner is critical in order to maximize participation by every eligible voter." [2003 c 162 § 1.]
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.40.091: Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots—County auditor's name.

(1) The county auditor shall send each voter a ballot, a security envelope in which to conceal the ballot after voting, a larger envelope in which to return the security envelope, a declaration that the voter must sign, and instructions on how to obtain information about the election, how to mark the ballot, and how to return the ballot to the county auditor. The calendar date of the election must be prominently displayed in bold type, twenty-point font or larger, on the envelope sent to the voter containing the ballot and other materials listed in this subsection.
(2) The voter must swear under penalty of perjury that he or she meets the qualifications to vote, and has not voted in any other jurisdiction at this election. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated for a federal or out-of-state felony conviction; it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter; and that the signature on the declaration will be compared to the signature in the voter's registration file. The ballot materials must provide space for the voter to sign the declaration, indicate the date on which the ballot was voted, and include a telephone number.
(3) For overseas and service voters, the signed declaration constitutes the equivalent of a voter

registration. Return envelopes for overseas and service voters must enable the ballot to be returned postage free if mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy under 39 U.S.C. 3406.
(4) The voter must be instructed to either return the ballot to the county auditor no later than 8:00 p.m. the day of the election or primary, or mail the ballot to the county auditor with a postmark no later than the day of the election or primary. Return envelopes for all election ballots must include prepaid postage. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or email. A voted ballot and signed declaration returned by fax or email must be received by 8:00 p.m. on the day of the election or primary.
(5) The county auditor's name may not appear on the security envelope, the return envelope, or on any voting instructions or materials included with the ballot if he or she is a candidate for office during the same year.
(6) For purposes of this section, "prepaid postage" means any method of return postage paid by the county or state.
[2024 c 269 § 7; 2021 c 10 § 3; 2020 c 12 § 1; 2019 c 161 § 3; 2016 c 83 § 3; 2013 c 11 § 49. Prior: 2011 c 349 § 17; 2011 c 348 § 3; 2011 c 182 § 1; 2011 c 10 § 39; 2010 c 125 § 1; 2009 c 369 § 39; 2005 c 246 § 21; 2004 c 271 § 135.]
Effective date—2024 c 269 § 7: "Section 7 of this act takes effect June 1, 2025." [2024 c 269 § 14.]
Effective date—2021 c 10: See note following RCW 29A.08.520.
Findings—2019 c 161: "The legislature finds that voting by mail has many advantages. However, the legislature also finds that while the cost of ballot return postage may only be a small amount, passing the burden along to Washington's citizens, many of whom no longer need stamps in their everyday lives, is an unnecessary barrier to fully participate in the democratic process. The legislature further finds that in order to continue to increase participation in our democracy, we must lower all barriers to participation in the democratic process. The legislature finds that voting should be free for all citizens." [2019 c 161 § 1.]
Effective date—2019 c 161: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 161 § 4.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—2005 c 246: See note following RCW 10.64.140.

RCW 29A.40.100: Observers.

County auditors must request that observers be appointed by the major political parties to be present during the processing of ballots at the counting center. County auditors have discretion to also request that observers be appointed by any campaigns or organizations. The absence of the observers will not prevent the processing of ballots if the county auditor has requested their presence. Observers may not touch any ballots, ballot materials, or election systems. Unauthorized physical contact, or access to ballots or election systems[,] is a crime subject to punishment under chapter 29A.84 RCW.
[2024 c 28 § 3; 2011 c 10 § 40; 2003 c 111 § 1010. Prior: 2001 c 241 § 9. Formerly RCW 29.36.300.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.40.110: Processing incoming ballots. *(Effective until January 1, 2029)*

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.
(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.
(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.

[2024 c 259 s 8; 2024 c 138 s 2. Prior: 2011 c 349 § 18; 2011 c 348 § 4; 2011 c 10 § 41; 2009 c 369 § 40. Prior: 2006 c 207 § 4; 2006 c 206 § 6; 2005 c 243 § 5; 2003 c 111 § 1011; prior: 2001 c 241 § 10; 1991 c 81 § 32; 1987 c 346 § 14; 1977 ex.s. c 361 § 78; 1973 c 140 § 1; 1965 c 9 § 29.36.060; prior: 1963 ex.s. c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2; prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part. Formerly RCW 29.36.310, 29.36.060.]

Reviser's note: This section was amended by 2024 c 138 s 2 and by 2024 c 269 s 8, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Expiration date—2024 c 138: See note following RCW 29A.40.111.

Reviser's note: This section was amended by 2011 c 10 § 41, 2011 c 348 § 4, and by 2011 c 349 § 18, each without reference to the other. All amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

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

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

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

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

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

Unsigned ballot declarations: RCW 29A.60.165.

RCW 29A.40.110: Processing incoming ballots. *(Effective January 1, 2029)*

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until processing. Ballots may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) The canvassing board, or its designated representatives, shall examine the postmark on the return envelope and signature on the declaration before processing the ballot. The ballot must either be received no later than 8:00 p.m. on the day of the primary or election, or must be postmarked no later than the day of the primary or election. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. The county auditor shall publish on its website the names of all canvassing board members who received training on statewide standards for signature verification and the dates on which the training was completed. Personnel shall verify that the voter's signature on the ballot declaration is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. A variation between the signature of the voter on the ballot declaration and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) If the postmark is missing or illegible, the date on the ballot declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. For overseas voters and service voters, the date on the declaration to which the voter has attested determines the validity, as to the time of voting, for that ballot. Any overseas voter or service voter may return the signed declaration and voted ballot by fax or email by 8:00 p.m. on the day of the primary or election, and the county auditor must use established procedures to maintain the secrecy of the ballot.

[2024 c 269 § 8. Prior: 2011 c 349 § 18; 2011 c 348 § 4; 2011 c 10 § 41; 2009 c 369 § 40. Prior: 2006 c 207 § 4; 2006 c 206 § 6; 2005 c 243 § 5; 2003 c 111 § 1011; prior: 2001 c 241 § 10; 1991 c 81 § 32; 1987 c 346 § 14; 1977 ex.s. c 361 § 78; 1973 c 140 § 1; 1965 c 9 § 29.36.060; prior: 1963 ex.s. c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2; prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part. Formerly RCW 29.36.310,

29.36.060.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.
County canvassing board, meeting to process ballots, canvass returns: RCW 29A.60.160.
Unsigned ballot declarations: RCW 29A.60.165.

RCW 29A.40.111: Processing incoming ballots—Alternative verification options pilot project. *(Expires January 1, 2029)*

(1) The secretary of state shall establish the alternative verification options pilot project. The purpose of the pilot project is to allow for the development and testing of supplemental methods, other than signature verification, to verify that a ballot was filled out and returned by the intended voter.
(2) Any county may apply to participate in the alternative verification options pilot project. The county auditor of any county that wishes to participate in the pilot project must submit an application to the office of the secretary of state. The office of the secretary of state must approve the county auditor's application before the county can participate in the pilot project.
(a) The application submitted by the county auditor must include at least the following:
(i) A description of the alternative verification method or methods the county auditor plans to utilize and how the method or methods comply with the requirements of (b) of this subsection;
(ii) Details on how the proposed alternative verification method or methods will be implemented; and
(iii) Which election the county plans to use the proposed alternative verification method or methods in.
(b) Each alternative verification method proposed for use in the pilot project must:
(i) Allow the voter to submit clear evidence which can be verified by the county auditor indicating that the intended voter was the one who filled out and returned the ballot;
(ii) Establish criteria for determining accepted and failed verifications;
(iii) Require the voter to attest to the ballot declaration; and
(iv) Be compatible with the centralized statewide voter registration list maintained by the secretary of state.
(c) Counties may participate in the pilot project during any special election held on the second Tuesday in February or the fourth Tuesday in April as provided in RCW 29A.04.321 and 29A.04.330. A county may not participate in the pilot project during a special election held in a jurisdiction that is not wholly contained within one county, unless all counties involved in the special election agree to participate jointly in the pilot project.
(d) Each application to participate in the pilot project shall be limited to the special election or elections held on a single date. A county may participate in the pilot project during multiple special election dates, but the county auditor must submit a separate application for approval by the office of the secretary of state for each special election date.
(e) The office of the secretary of state shall review each application, the feasibility of each proposed alternative verification method and whether each proposed alternative verification method complies with the requirements of (b) of this subsection before determining whether to approve or deny the application.
(f) The secretary of state may establish additional rules governing application content, application submittal, and the application approval process as necessary, including deadlines for the submittal and approval of applications before each special election.
(g) The secretary of state may establish reasonable rules related to the standards and procedures for the examination and testing of alternative verification systems.
(h)(i) If the application is approved by the secretary of state, not later than 90 days before the election, the county auditor shall notify each city, town, or special taxing district located wholly within that county that an alternative verification option will be used.
(ii) Each unit of local government may petition the legislative authority of the county for a waiver to opt-out of this pilot project. The legislative authority of the county may provide such a waiver if it does so not later than 60 days before the election and it finds that the waiver is reasonable.

(iii) If a waiver is granted, no precincts within the unit of local government may use the alternative verification option.
(3) During the special election in which a county is participating in the alternative verification options pilot project, the county may accept and canvass any ballot that can be verified as being returned by the intended voter through an alternative verification method that was approved by the secretary of state for use by that county in the pilot project, even if a signature that matches a signature of that voter in the registration files of the county is not included with the ballot declaration as normally required by RCW 29A.40.110.
(a) The county auditor must notify the governing authorities of all jurisdictions with a race or measure on the ballot that the county is participating in the alternative verification options pilot project and provide information on the alternative verification method or methods that have been approved for use as soon as practicable after receiving approval from the secretary of state.
(b) Any voter in a county participating in the pilot project must still have their ballot counted if the signature on the ballot declaration matches a signature of that voter in the registration files of the county. The alternative verification method or methods utilized by the county for the pilot project may not entirely replace signature verification.
(c) If a voter has returned a ballot attempting to utilize an alternative verification method, but the county auditor is unable to verify that the ballot was returned by that voter, the county auditor shall follow the same procedures as if the voter neglected to sign the ballot declaration as outlined in RCW 29A.60.165.
(d) Any information provided by the voter in order to verify that they voted the ballot as part of the pilot project is exempt from public disclosure following the same rules as pertain to voter signatures on ballot return envelopes in RCW 29A.04.260 and 42.56.425.
(4)(a) The county auditor shall provide a report to the secretary of state on their participation in the alternative verification options pilot project no later than 30 days after the certification of each special election in which their county participates in the pilot project. This report must describe the alternative verification method or methods utilized, the number of voters that used each method, the ballot rejection rate for that election and a comparison to the ballot rejection rate for prior similar elections in that county, and any relevant information related to the administration of each method.
(b) The secretary of state shall provide reports on the progress of the alternative verification options pilot project to the governor, appropriate committees of the legislature, and county auditors no later than December 31st of each year. The report must describe the alternative verification methods utilized by each county that year, the number of voters that used each method in each election, the impact of alternative verification methods on ballot rejection rates, and any relevant other findings of the pilot project.
(c) The secretary of state shall provide a final report on the alternative verification options pilot project to the governor, appropriate committees of the legislature, and county auditors no later than December 31, 2028. The report must describe all alternative verification methods utilized by each county, the number of voters that used each method in each election, the impact of alternative verification methods on ballot rejection rates, and any other relevant findings of the pilot project.
[2024 c 138 § 1.]
Expiration date—2024 c 138: "This act expires January 1, 2029." [2024 c 138 § 3.]

RCW 29A.40.130: Record of voters issued a ballot and voters who returned a ballot—Public access.

Each county auditor shall maintain in his or her office, open for public inspection, a record of all voters issued a ballot and all voters who returned a ballot. For each primary, special election, or general election, any political party, committee, or person may request a list of all registered voters who have or have not voted. Such requests shall be handled as public records requests pursuant to chapter 42.56 RCW.
[2011 c 10 § 42; 2003 c 111 § 1013. Prior: 1991 c 81 § 33; 1987 c 346 § 17; 1973 1st ex.s. c 61 § 1. Formerly RCW 29.36.340, 29.36.097.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.40.160 Voting centers.

(1) Each county auditor shall open a voting center each primary, special election if the county is conducting an election, and general election. The voting center shall be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of, the primary, special election if the county is conducting an election, or general election.

(2) Each county auditor shall open a voting center at each of the following locations in the county:

(a) At the county auditor's office or at the division of elections that is in a separate location from the county auditor's office; and

(b) For each presidential general election, in each city in the county with a population of one hundred thousand or greater which does not have a voting center as required in (a) of this subsection. A voting center opened pursuant to this subsection (2) is not required to be open on the Sunday before the presidential election.

(3) Voting centers shall be located in public buildings or buildings that are leased by a public entity including, but not limited to, libraries.

(4) Each voting center, and at least one of the other locations designated by the county auditor to allow voters to register in person pursuant to RCW 29A.08.140(1)(b), must provide voter registration materials, ballots, provisional ballots, disability access voting units, sample ballots, instructions on how to properly vote the ballot, a ballot drop box, and voters' pamphlets, if a voters' pamphlet has been published.

(5) Each voting center must be accessible to persons with disabilities. Each state agency and entity of local government shall permit the use of any of its accessible facilities as voting centers when requested by a county auditor.

(6) Each voting center must provide at least one voting unit certified by the secretary of state that provides access to individuals who are blind or visually impaired, enabling them to vote with privacy and independence.

(7) No person may interfere with a voter attempting to vote in a voting center. Interfering with a voter attempting to vote is a violation of RCW 29A.84.510. The county auditor shall designate by administrative rule a specific point or points as the entrance to each voting center, taking into account the unique attributes of the voting center, to assure that voters have the ability to arrive and depart unimpeded.

(8) No person may interfere with the operation of a voting center. Interfering with the operation of a voting center is a violation of RCW 29A.84.510. This prohibition includes unauthorized access or handling of ballots, and unauthorized access to any voting equipment or election systems. Unauthorized access includes elected officials and county staff accessing systems in any manner not required by their job function.

(9) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. lf the voting equipment is capable of direct tabulation of each voter's choices, the county auditor shall verify that no votes have been registered for any issue or office, and that the device has been sealed with a unique numbered seal at the time of final preparation and logic and accuracy testing. A log must be made of all device numbers and seal numbers.

(10) The county auditor shall require any person desiring to vote at a voting center to either sign a ballot declaration or provide identification.

(a) The signature on the declaration must be compared to the signature on the voter registration record before the ballot may be counted. If the voter registered using a mark, or can no longer sign the voter's name, the election officers shall require the voter to be identified by another registered voter.

(b) The identification must be valid photo identification, such as a driver's license, state identification card, student identification card, tribal identification card, or employer identification card. A tribal identification card is not required to include a residential address or an expiration date to be considered valid under this section. Any individual who desires to vote in person but cannot provide identification shall be issued a provisional ballot, which shall be accepted if the signature on the declaration matches the signature on the voter's registration record.

(11) Provisional ballots must be accompanied by a declaration and security envelope, as required by RCW 29A.40.091, and space for the voter's name, date of birth, current and former registered address,

reason for the provisional ballot, and disposition of the provisional ballot. The voter shall vote and return the provisional ballot at the voting center. The voter must be provided information on how to ascertain whether the provisional ballot was counted and, if applicable, the reason why the vote was not counted.
(12) Any voter may take printed or written material into the voting device to assist in casting votes. The voter shall not use this material to electioneer and shall remove it when leaving the voting center.
(13) If any voter states that the voter is unable to cast a vote due to a disability, the voter may designate a person of the voter's choice, or two election officers, to enter the voting booth and record the votes as the voter directs.
(14) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, the voter may be issued a replacement ballot.
(15) A voter who has already returned a ballot but requests to vote at a voting center shall be issued a provisional ballot. The canvassing board shall not count the provisional ballot if it finds that the voter has also voted a regular ballot in that primary, special election, or general election.
(16) Any voter who is inside or in line at the voting center at 8:00 p.m. on the day of the primary, special election, or general election must be allowed to vote.
(17) For each primary, special election, and general election, the county auditor may provide election services at locations in addition to the voting center. The county auditor has discretion to establish which services will be provided at the additional locations, and which days and hours the locations will be open.
[2024 c 28 § 4; 2022 c 69 § 1; 2019 c 6 § 6; 2018 c 112 § 4; 2017 c 327 § 1; 2011 c 10 § 43.]
Effective date—2018 c 112 §§ 1-4: See note following RCW 29A.08.140.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.40.170: Ballot drop boxes.

(1) The county auditor must prevent overflow of each ballot drop box to allow a voter to deposit his or her ballot securely. Ballots must be removed from a ballot drop box by at least two people, with a record kept of the date and time ballots were removed, and the names of people removing them. Ballots from drop boxes must be returned to the counting center in secured transport containers. A copy of the record must be placed in the container, and one copy must be transported with the ballots to the counting center, where the seal number must be verified by the county auditor or a designated representative. All ballot drop boxes must be secured at 8:00 p.m. on the day of the primary, special election, or general election.
(2) The county auditor must establish a minimum of one ballot drop box per fifteen thousand registered voters in the county and a minimum of one ballot drop box in each city, town, and census-designated place in the county with a post office.
(3) At the request of a federally recognized Indian tribe with a reservation in the county, the county auditor must establish at least one ballot drop box on the Indian reservation on a site selected by the tribe that is accessible to the county auditor by a public road.
(4) A federally recognized Indian tribe may designate at least one building as a ballot pickup and collection location at no cost to the tribe. The designated building must be accessible to the county auditor by a public road. The county auditor of the county in which the building is located must collect ballots from that location in compliance with the procedures in subsection (1) of this section.
[2019 c 6 § 5.]

RCW 29A.40.180: Student engagement hubs.

(1) Each state university, regional university, and The Evergreen State College as defined in RCW 28B.10.016 and each higher education campus as defined in RCW 28B.45.012 shall open a nonpartisan student engagement hub on its campus. The student engagement hub may be open during business hours beginning eight days before, and ending at 8:00 p.m. on the day of, the general election. All student engagement hubs must allow students to download their exact ballot from an online portal. Upon request of the student government organization to the administration and the county auditor, the student engagement hub at a state university, regional university, or The Evergreen State College as

defined in RCW 28B.10.016 must allow voters to register in person pursuant to RCW 29A.08.140(1)(b) and provide voter registration materials and ballots.
(2) Each institution shall contract with the county auditor for the operation of a student engagement hub under this section.
(3) Student engagement hubs are not voting centers as outlined in RCW 29A.40.160 and must be operated in a manner that avoids partisan influence or electioneering.
[2020 c 208 § 10.]
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

TITLE 29A.52 RCW: PRIMARIES AND ELECTIONS

PARTISAN PRIMARIES

Sections

RCW 29A.52.112: Top two candidates—Single county partisan office—Party or independent preference.
RCW 29A.52.121: General election laws govern primaries.
RCW 29A.52.161: One vote.
RCW 29A.52.171: Precinct committee officer—Filing—Ballot format—Party affiliation—Votes cast.

NONPARTISAN PRIMARIES

Sections

RCW 29A.52.210: Local primaries.
RCW 29A.52.220: No nonpartisan office primary permitted—Procedure—No primary for the office of commissioner of park and recreation district, office of cemetery district commissioner—Names of candidates.
RCW 29A.52.231: Nonpartisan offices specified.
RCW 29A.52.240: Special election to fill unexpired term.

NOTICES AND CERTIFICATES

Sections

RCW 29A.52.321: Certification of candidates.
RCW 29A.52.330: Constitutional amendments and state measures—Notice method.
RCW 29A.52.340: Constitutional amendments and state measures—Notice contents.
RCW 29A.52.355: Notice of election—Prior to mail-in registration deadline.
RCW 29A.52.360: Ceremonial certificates of election to officers elected in single county or less.
RCW 29A.52.370: Certificates of election to other offices.

RCW 29A.52.112: Top two candidates—Single county partisan office—Party or independent preference.

(1) A primary is a first stage in the public process by which voters elect candidates to public office.
(2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter. Based upon votes cast at the primary, the top two candidates will be certified as qualified to appear on the general election ballot, unless only one candidate qualifies as provided in *RCW 29A.36.170.
(3) No primary may be held for any single county partisan office to fill an unexpired term if, after the last day allowed for candidates to withdraw, only one candidate has filed for the position.
(4) For partisan office, if a candidate has expressed a party preference on the declaration of candidacy, then that preference will be shown after the name of the candidate on the primary and general election ballots as set forth in rules of the secretary of state. A candidate may choose to express no party

preference. Any party preferences are shown for the information of voters only and may in no way limit the options available to voters.

[2014 c 7 § 1; 2013 c 11 § 50; 2005 c 2 § 7 (Initiative Measure No. 872, approved November 2, 2004).]

*Reviser's note: RCW 29A.36.170 was amended by 2013 c 143 § 1, removing the one candidate exception.

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

Intent—2005 c 2 (Initiative Measure No. 872): "The Washington Constitution and laws protect each voter's right to vote for any candidate for any office. The Washington State Supreme Court has upheld the blanket primary as protecting compelling state interests "allowing each voter to keep party identification, if any, secret; allowing the broadest possible participation in the primary election; and giving each voter a free choice among all candidates in the primary." *Heavey v. Chapman*, 93 Wn.2d 700, 705, 611 P.2d 1256 (1980). The Ninth Circuit Court of Appeals has threatened this system through a decision, that, if not overturned by the United States Supreme Court, may require change. In the event of a final court judgment invalidating the blanket primary, this People's Choice Initiative will become effective to implement a system that best protects the rights of voters to make such choices, increases voter participation, and advances compelling interests of the state of Washington." [2005 c 2 § 2 (Initiative Measure No. 872, approved November 2, 2004).]

Contingent effective date—2005 c 2 (Initiative Measure No. 872): "This act takes effect only if the Ninth Circuit Court of Appeals' decision in *Democratic Party of Washington State v. Reed*, 343 F.3d 1198 (9th Cir. 2003) holding the blanket primary election system in Washington state invalid becomes final and a Final Judgment is entered to that effect." [2005 c 2 § 18 (Initiative Measure No. 872, approved November 2, 2004).]

Reviser's note: On February 28, 2004, the United States Supreme Court refused to take the case on appeal; therefore the Ninth Circuit's decision stands.

RCW 29A.52.121: General election laws govern primaries.

So far as applicable, the provisions of this title relating to conducting general elections govern the conduct of primaries.

[2004 c 271 § 143.]

RCW 29A.52.161: One vote.

Nothing in this chapter may be construed to mean that a voter may cast more than one vote for candidates for a given office.

[2004 c 271 § 144.]

RCW 29A.52.171: Precinct committee officer—Filing—Ballot format—Party affiliation—Votes cast.

(1) The office of precinct committee officer must be voted upon at the primary election in each even-numbered year. If no one files for the office, the office shall be filled in accordance with *RCW 29A.28.071. If, after the last day to withdraw, only one candidate has filed for the office in a precinct, that candidate is deemed elected and the auditor shall issue a certificate of election. Only contested races may appear on the ballot.

(2) The ballot format may be either a consolidated ballot or a physically separate ballot. If a consolidated ballot is used, the races for precinct committee officer must be clearly delineated from other races on the ballot. If a physically separate ballot is used, it must be distinguishable from the top two primary ballot. If the ballot is returned in the return envelope provided, but outside of the security envelope, it shall not be grounds to invalidate the ballot.

(3) The following instructions must appear on the ballot: "In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."

(4) Party affiliation is affirmed by including the following statement after the name of each candidate: "I affirm I am a Democrat." if the candidate is a Democrat, or "I affirm I am a Republican." if the candidate is a Republican.

(5) If a voter votes for candidates from both parties, the votes cast in the election for precinct committee officer on that ballot will not be tabulated and reported.

[2012 c 89 § 3.]

*Reviser's note: RCW 29A.28.071 was recodified as RCW 29A.80.031 pursuant to 2013 c 11 § 93.

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

RCW 29A.52.210: Local primaries.

All city and town primaries shall be nonpartisan. Primaries for special purpose districts, except those districts that require ownership of property within the district as a prerequisite to voting, shall be nonpartisan. City, town, and district primaries shall be held as provided in RCW 29A.04.311.

The purpose of this section is to establish the holding of a primary, subject to the exemptions in RCW 29A.52.220, as a uniform procedural requirement to the holding of city, town, and district elections. These provisions supersede any and all other statutes, whether general or special in nature, having different election requirements.

[2013 c 11 § 51; 2003 c 111 § 1305. Prior: 1990 c 59 § 89; 1977 c 53 § 3; 1975-'76 2nd ex.s. c 120 § 1; 1965 c 123 § 7; 1965 c 9 § 29.21.010; prior: 1951 c 257 § 7; 1949 c 161 § 3; Rem. Supp. 1949 § 5179-1. Formerly RCW 29.21.010.]

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

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

RCW 29A.52.220: No nonpartisan office primary permitted—Procedure—No primary for the office of commissioner of park and recreation district, office of cemetery district commissioner—Names of candidates.

(1) No primary may be held for any single position in any nonpartisan office if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position. The county auditor shall as soon as possible notify all the candidates so affected that the office for which they filed will not appear on the primary ballot.

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

(3) Names of candidates for offices that do not appear on the primary ballot shall be printed upon the general election ballot in the manner specified by RCW 29A.36.131.

[2013 c 195 § 1; 2005 c 153 § 10; 2003 c 111 § 1306. Prior: 1998 c 19 § 1; 1996 c 324 § 1; 1990 c 59 § 90; 1975-'76 2nd ex.s. c 120 § 2; 1965 c 9 § 29.21.015; prior: 1955 c 101 § 2; 1955 c 4 § 1. Formerly RCW 29.21.015.]

Effective date—2013 c 195: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 10, 2013]." [2013 c 195 § 3.]

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

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

RCW 29A.52.231: Nonpartisan offices specified.

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.

[2004 c 271 § 174.]

RCW 29A.52.240: Special election to fill unexpired term.

Whenever it is necessary to hold a special election to fill an unexpired term of an elective office of any city, town, or district, the special election must be held in concert with the next general election that is to be held by the respective city, town, or district concerned for the purpose of electing officers to full terms. This section does not apply to any city of the first class whose charter provision relating to elections to fill unexpired terms are inconsistent with this section.

[2003 c 111 § 1308; 1972 ex.s. c 61 § 7. Formerly RCW 29.21.410.]

Severability—1972 ex.s. c 61: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 61 § 8.]

RCW 29A.52.321: Certification of candidates.

No later than the day following the certification of the returns of any primary, the secretary of state shall certify to the appropriate county auditors the names of all candidates qualified to appear on the general election ballot.

[2013 c 11 § 52; 2004 c 271 § 146.]

RCW 29A.52.330: Constitutional amendments and state measures—Notice method.

Subject to the availability of funds appropriated specifically for that purpose, the secretary of state shall publish notice of the proposed constitutional amendments and other state measures that are to be submitted to the people at a state general election up to four times during the four weeks immediately preceding that election in every legal newspaper in the state. The secretary of state shall supplement this publication with an equivalent amount of radio and television advertisements.

[2003 c 111 § 1311. Prior: 1997 c 405 § 1; 1967 c 96 § 1; 1965 c 9 § 29.27.072; prior: 1961 c 176 § 1. Formerly RCW 29.27.072.]

RCW 29A.52.340: Constitutional amendments and state measures—Notice contents.

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

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

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

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

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

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

No individual candidate or incumbent public official may be referred to or identified in these notices or advertisements.

[2003 c 111 § 1312. Prior: 1997 c 405 § 2; 1967 c 96 § 2; 1965 c 9 § 29.27.074; prior: 1961 c 176 § 2. Formerly RCW 29.27.074.]

RCW 29A.52.355: Notice of election—Prior to mail-in registration deadline.

(1) Notice for any state, county, district, or municipal primary or election, whether special or general, must be given by the county auditor between five and fifteen days prior to the deadline for mail-in registrations. The notice must be published in one or more newspapers of general circulation and must contain, at a minimum, the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, the type of election, the date of the election, how a voter can obtain a ballot, a list of all jurisdictions involved in the election, including positions and short titles for ballot measures appearing on the ballot, and the times and dates of any public meetings associated with the election. The notice shall also include where additional information regarding the election may be obtained. The notice of a primary held in an even-numbered year must indicate that the office of precinct committee officer is on the ballot. This is the only notice required for a state, county, district, or municipal primary or special or general election.

(2) If the county or city chooses to mail a local voters' pamphlet as described in RCW 29A.32.210 to each residence, the notice required in this section need only include the last date to register online or through the mail, the last date to transfer or update an existing registration, the last date to register in person for first-time voters, information on where a person can register, and the times and dates of any public meetings associated with the election.

[2013 c 11 § 53; 2011 c 10 § 45.]

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

RCW 29A.52.360: Ceremonial certificates of election to officers elected in single county or less.

Immediately after the ascertainment of the result of an election for an office to be filled by the voters

of a single county, or of a precinct, or of a constituency within a county for which the county auditor serves as supervisor of elections, the county auditor shall notify the person elected, and issue to the person a ceremonial certificate of election.
[2007 c 374 § 2; 2003 c 111 § 1314; 1965 c 9 § 29.27.100. Prior: 1961 c 130 § 8; prior: Code 1881 § 3096, part; 1866 p 6 § 2, part; 1865 p 39 § 7, part; RRS § 5343, part. Formerly RCW 29.27.100.]

RCW 29A.52.370: Certificates of election to other officers.

Except as provided in the state Constitution, the governor shall issue certificates of election to those elected as senator or representative in the Congress of the United States and to state offices. The secretary of state shall issue certificates of election to those elected to the office of judge of the superior court in judicial districts comprising more than one county and to those elected to either branch of the state legislature in legislative districts comprising more than one county.
[2003 c 111 § 1315; 1965 c 9 § 29.27.110. Prior: (i) 1933 c 92 § 1; RRS § 5343-1. (ii) Code 1881 § 3100, part; No RRS. Formerly RCW 29.27.110.]
Judges of their own election and qualification—Quorum: State Constitution Art. 2 § 8.
Returns of elections, canvass, etc.: State Constitution Art. 3 § 4.

TITLE 29A.56 RCW: SPECIAL CIRCUMSTANCES ELECTIONS

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RCW 29A.56.500: Meeting—Organization.
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MINOR PARTY AND INDEPENDENT CANDIDATE PRESIDENTIAL NOMINATIONS

Sections

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RCW 29A.56.640: Certificate of nomination—Requisites.
RCW 29A.56.650: Multiple certificates of nomination.
RCW 29A.56.660: Presidential electors—Selection at convention.
RCW 29A.56.670: Certificate of nomination—Checking signatures—Appeal of determination.

RCW 29A.56.020: Date.

(1) On the second Tuesday in March of each year in which a president of the United States is to be nominated and elected, a presidential primary shall be held at which voters may vote for the nominee

of a major political party for the office of president.
(2)(a) The secretary of state may propose an alternative date for the primary, including to coordinate a regional primary with any of the following states: Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Utah, no later than the first day of September of the year before the year in which a president is to be nominated and elected. The proposed date must not be prior to the earliest date permitted by the national rules of the major political parties.
(b) No later than the fifteenth day of September of the year before the year in which a presidential nominee is selected, the state committee of any major political party that will use the primary results for candidates of that party may propose an alternative date for that primary.
(3) If an alternative date is proposed under subsection (2)(a) or (b) of this section, a committee consisting of the chair and the vice chair of the state committee of each major political party, the secretary of state, the majority leader and minority leader of the senate, and the speaker and the minority leader of the house of representatives shall meet and, if affirmed by a two-thirds vote of the members of the committee, the date of the primary shall be changed. The committee shall meet and decide on the proposed alternate date not later than the first day of October of the year before the year in which a presidential nominee is selected. The secretary of state shall convene and preside over the meeting of the committee. A committee member other than a legislator may appoint, in writing, a designee to serve on his or her behalf. A legislator who is a member of the committee may appoint, in writing, another legislator to serve on his or her behalf.
(4) If an alternate date is approved under this section, the secretary of state shall adopt rules under RCW 29A.04.620 to adjust the deadlines in RCW 29A.56.031 and related provisions of this chapter to correspond with the date that has been approved.
[2019 c 7 § 1; 2003 c 111 § 1402; (2011 c 319 § 1 expired January 1, 2013); (2003 3rd sp.s. c 1 § 2 expired January 1, 2005); (2003 3rd sp.s. c 1 § 1 expired July 1, 2004). Prior: 1995 1st sp.s. c 20 § 1; 1989 c 4 § 2 (Initiative Measure No. 99). Formerly RCW 29.19.020.]
Expiration date—2011 c 319: "Section 1 of this act expires January 1, 2013." [2011 c 319 § 2.]
Effective date—2003 3rd sp.s. c 1 § 2: "Section 2 of this act takes effect July 1, 2004." [2003 3rd sp.s. c 1 § 5.]
Expiration date—2003 3rd sp.s. c 1 § 2: "Section 2 of this act expires January 1, 2005." [2003 3rd sp.s. c 1 § 6.]
Expiration date—2003 3rd sp.s. c 1 § 1: "Section 1 of this act expires July 1, 2004." [2003 3rd sp.s. c 1 § 4.]
Effective date—2003 3rd sp.s. c 1§ 1: "Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [December 9, 2003]." [2003 3rd sp.s. c 1 § 3.]
Effective date—1995 1st sp.s. c 20: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [June 15, 1995]." [1995 1st sp.s. c 20 § 7.]

RCW 29A.56.031: Submission of candidates by parties.

(1) Each party must determine which candidates are to be placed on the presidential primary ballot for that party. The chair of each party must submit to the secretary of state the names of the candidates to appear on the ballot for that party no later than sixty-three days before the presidential primary. Once submitted, changes must not be made to the candidates that will appear on the ballot.
(2) No later than the seventh day before the presidential nomination primary, the chair of each party must submit to the secretary of state the names of write-in candidates, if any, to be counted for that party.
[2019 c 7 § 2.]

RCW 29A.56.040: Procedures—Ballot form and arrangement.

(1) Except where necessary to accommodate the national or state rules of a major political party or where this chapter specifically provides otherwise, the presidential primary must be conducted in substantially the same manner as a state primary under this title.
(2) The arrangement and form of presidential primary ballots must be established by administrative rule adopted under RCW 29A.04.620, and in consultation with the major political parties. Only the candidates who have been submitted under RCW 29A.56.031 may appear on the ballots.
(3) Each party's ballot or portion of the ballot must list alphabetically the names of all candidates for the office of president for that party. The ballot must clearly indicate the political party of each candidate.

(4) If requested by a party chair, the ballot for that party must contain a place for a voter to indicate a preference for having delegates to the party's national convention remain uncommitted. A request under this subsection must be submitted to the secretary of state no later than sixty-three days before the presidential primary.
(5) A presidential primary ballot with votes for more than one candidate is void, and notice to this effect, stated in clear, simple language and printed in large type, must appear on the face of each presidential primary ballot or on or about each voting device.
(6) Notice must be published in the manner required by RCW 29A.52.355.
[2019 c 7 § 3; 2013 c 11 § 54; 2007 c 385 § 1; 2003 c 111 § 1404. Prior: 1995 1st sp.s. c 20 § 2. Formerly RCW 29.19.045.]
Effective date—1995 1st sp.s. c 20: See note following RCW 29A.56.020.

RCW 29A.56.050: Allocation of delegates—Party declarations.

(1) A major political party may, under national or state party rules, base the allocation of delegates from this state to the national nominating convention of that party in whole or in part on the participation in precinct caucuses and conventions conducted under the rules of that party.
(2) If requested by a major political party, the secretary of state shall adopt rules under RCW 29A.04.620 to provide for any declaration required by that party.
(3) Voters who subscribe to a specific political party declaration under this section may only vote for a candidate of that party. Each list of candidates on ballots must be readily distinguishable from the list of candidates for any other party. Votes cast by persons making these declarations must be tabulated and reported separately from other votes cast at the primary and may be used by a major political party in its allocation of delegates under the rules of that party.
(4) For a political party that requires a specific voter declaration under this section, the secretary of state shall prescribe rules for providing, to the state and county committees of that political party, a copy of the declarations or a list of the voters who participated in the presidential nominating process of that party.
[2019 c 7 § 4; 2003 c 111 § 1405. Prior: 1995 1st sp.s. c 20 § 3. Formerly RCW 29.19.055.]
Effective date—1995 1st sp.s. c 20: See note following RCW 29A.56.020.

RCW 29A.56.060: Costs.

Subject to available funds specifically appropriated for this purpose, whenever a presidential primary is held as provided by this chapter, the state of Washington shall assume all costs of holding the primary if it is held alone. If any other election or elections are held at the same time, the state is liable only for a prorated share of the costs. The county auditor shall determine the costs, including the state's prorated share, if applicable, in the same manner as provided under RCW 29A.04.410 and shall file a certified claim with the secretary of state. The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for primary costs must be from appropriations specifically provided by law for that purpose.
[2003 c 111 § 1406. Prior: 1995 1st sp.s. c 20 § 5; 1989 c 4 § 8 (Initiative Measure No. 99). Formerly RCW 29.19.080.]
Effective date—1995 1st sp.s. c 20: See note following RCW 29A.56.020.

RCW 29A.56.080 Definitions.

The definitions in this section apply throughout this section and RCW 29A.56.082 through 29A.56.092 unless the context clearly requires otherwise.
(1) "Cast" means accepted by the secretary of state in accordance with RCW 29A.56.090(2).
(2) "Elector" means an individual selected as a presidential elector under RCW 29A.56.320 and 29A.56.082 through 29A.56.092.
(3) "President" means president of the United States.
(4) "Unaffiliated presidential candidate" means a candidate for president who qualifies for the general election ballot in this state by means other than nomination by a political party.
(5) "Vice president" means vice president of the United States.
[2019 c 143 § 2.]

Short title—2019 c 143: "This act may be known and cited as the uniform faithful presidential electors act." [2019 c 143 § 1.]
Uniformity of application and construction—2019 c 143: "In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it." [2019 c 143 § 9.]

RCW 29A.56.082: Designation of electors.

For each elector position in this state, a political party contesting the position, or an unaffiliated presidential candidate, shall submit to the secretary of state the names of two qualified individuals. One of the individuals must be designated "elector nominee" and the other "alternate elector nominee." Except as otherwise provided in RCW 29A.56.086 through 29A.56.092, this state's electors are the winning elector nominees under the laws of this state.
[2019 c 143 § 3.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.084: Pledge by electors.

Each elector nominee and alternate elector nominee of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for president and vice president for the nominees for those offices of the party that nominated me." Each elector nominee and alternate elector nominee of an unaffiliated presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an unaffiliated presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice presidential running mate." The executed pledges must accompany the submission of the corresponding names to the secretary of state.
[2019 c 143 § 4.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.086: Certificate of ascertainment.

In submitting this state's certificate of ascertainment as required by 3 U.S.C. Sec. 6, the governor shall certify this state's electors and state in the certificate that:
(1) The electors will serve as electors unless a vacancy occurs in the office of elector before the end of the meeting at which elector votes are cast, in which case a substitute elector will fill the vacancy; and
(2) If a substitute elector is appointed to fill a vacancy, the governor will submit an amended certificate of ascertainment stating the names on the final list of this state's electors.
[2019 c 143 § 5.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.088: Meeting of electors—Presiding officer—Elector vacancy.

(1) The secretary of state shall preside at the meeting of electors described in RCW 29A.56.090.
(2) The position of an elector not present to vote is vacant. The secretary of state shall appoint an individual as a substitute elector to fill a vacancy as follows:
(a) If the alternate elector is present to vote, by appointing the alternate elector for the vacant position;
(b) If the alternate elector for the vacant position is not present to vote, by appointing an elector chosen by lot from among the alternate electors present to vote who were nominated by the same political party or unaffiliated presidential candidate;
(c) If the number of alternate electors present to vote is insufficient to fill any vacant position pursuant to (a) and (b) of this subsection, by appointing any immediately available individual who is qualified to serve as an elector and chosen through nomination by and plurality vote of the remaining electors, including nomination and vote by a single elector if only one remains;
(d) If there is a tie between at least two nominees for substitute elector in a vote conducted under (c) of this subsection, by appointing an elector chosen by lot from among those nominees; or
(e) If all elector positions are vacant and cannot be filled pursuant to (a) through (d) of this subsection, by appointing a single presidential elector, with remaining vacant positions to be filled under (c) of this subsection and, if necessary, (d) of this subsection.
(3) To qualify as a substitute elector under subsection (2) of this section, an individual who has not

executed the pledge required under RCW 29A.56.084 shall execute the following pledge: "I agree to serve and to mark my ballots for president and vice president consistent with the pledge of the individual to whose elector position I have succeeded."

[2019 c 143 § 6.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.090: Voting by electors.

(1) At the time designated for elector voting and after all vacant positions have been filled under RCW 29A.56.088, the secretary of state shall provide each elector with a presidential and a vice presidential ballot. The elector shall mark the elector's presidential and vice presidential ballots with the elector's votes for the offices of president and vice president, respectively, along with the elector's signature and the elector's legibly printed name.

(2) Except as otherwise provided by law of this state other than RCW 29A.56.080 through 29A.56.092, each elector shall present both completed ballots to the secretary of state, who shall examine the ballots and accept as cast all ballots of electors whose votes are consistent with their pledges executed under RCW 29A.56.084 or 29A.56.088(3). Except as otherwise provided by law of this state other than RCW 29A.56.080 through 29A.56.092, the secretary of state may not accept and may not count either an elector's presidential or vice presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

(3) An elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge executed under RCW 29A.56.084 or 29A.56.088(3) vacates the office of elector, creating a vacant position to be filled under RCW 29A.56.088.

(4) The secretary of state shall distribute ballots to and collect ballots from a substitute elector and repeat the process under this section of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of this state's electoral votes have been cast and recorded.

[2019 c 143 § 7.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.092: Amended certificate of ascertainment—Certificate of vote.

(1) After the vote of this state's electors is completed, if the final list of electors differs from any list that the governor previously included on a certificate of ascertainment prepared and transmitted under 3 U.S.C. Sec. 6, the secretary of state immediately shall prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature.

(2) The governor immediately shall deliver the signed amended certificate of ascertainment to the secretary of state and a signed duplicate original of the amended certificate of ascertainment to all individuals entitled to receive this state's certificate of ascertainment, indicating that the amended certificate of ascertainment is to be substituted for the certificate of ascertainment previously submitted.

(3) The secretary of state shall prepare a certificate of vote. The electors on the final list shall sign the certificate. The secretary of state shall process and transmit the signed certificate with the amended certificate of ascertainment under 3 U.S.C. Secs. 9, 10, and 11.

[2019 c 143 § 8.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.110: Initiating proceedings—Statement—Contents—Verification—Definitions.

Whenever any legal voter of the state or of any political subdivision thereof, either individually or on behalf of an organization, desires to demand the recall and discharge of any elective public officer of the state or of such political subdivision, as the case may be, under the provisions of sections 33 and 34 of Article 1 of the Constitution, the voter shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of the office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated the oath of office, or has been guilty of any two or more of the acts specified in the Constitution as grounds for recall. The charge shall state the act

or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person or persons making the charge, give their respective post office addresses, and be verified under oath that the person or persons believe the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

For the purposes of this chapter:

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

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

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

(2) "Violation of the oath of office" means the neglect or knowing failure by an elective public officer to perform faithfully a duty imposed by law.

[2003 c 111 § 1407; 1984 c 170 § 1; 1975-'76 2nd ex.s. c 47 § 1; 1965 c 9 § 29.82.010. Prior: 1913 c 146 § 1; RRS § 5350. Former part of section: 1913 c 146 § 2; RRS § 5351, now codified in RCW 29.82.015. Formerly RCW 29.82.010.]

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

RCW 29A.56.120: Petition—Where filed.

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

[2003 c 111 § 1408. Prior: 1984 c 170 § 2; 1975-'76 2nd ex.s. c 47 § 2; 1965 c 9 § 29.82.015; prior: 1913 c 146 § 2; RRS § 5351. Formerly RCW 29.82.010, part. Formerly RCW 29.82.015.]

Severability—1975-'76 2nd ex.s. c 47: See note following RCW 29A.56.110.

RCW 29A.56.130: Ballot synopsis.

(1) Within fifteen days after receiving a charge, the officer specified below shall formulate a ballot synopsis of the charge of not more than two hundred words.

(a) Except as provided in (b) of this subsection, if the recall is demanded of an elected public officer whose political jurisdiction encompasses an area in more than one county, the attorney general shall be the preparer, except if the recall is demanded of the attorney general, the chief justice of the supreme court shall be the preparer.

(b) If the recall is demanded of an elected public officer whose political jurisdiction lies wholly in one county, or if the recall is demanded of an elected public officer of a district whose jurisdiction encompasses more than one county but whose declaration of candidacy is filed with a county auditor in one of the counties, the prosecuting attorney of that county shall be the preparer, except that if the prosecuting attorney is the officer whose recall is demanded, the attorney general shall be the preparer.

(2) The synopsis shall set forth the name of the person charged, the title of the office, and a concise statement of the elements of the charge. Upon completion of the ballot synopsis, the preparer shall certify and transmit the exact language of the ballot synopsis to the persons filing the charge and the officer subject to recall. The preparer shall additionally certify and transmit the charges and the ballot synopsis to the superior court of the county in which the officer subject to recall resides and shall petition the superior court to approve the synopsis and to determine the sufficiency of the charges.

[2003 c 111 § 1409; 1984 c 170 § 3. Formerly RCW 29.82.021.]

RCW 29A.56.140: Determination by superior court—Correction of ballot synopsis.

Within 15 days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party, (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis. The

court shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. An appeal of a sufficiency decision shall be filed in the supreme court as specified by RCW 29A.56.270. The superior court shall correct any ballot synopsis it deems inadequate. Any decision regarding the ballot synopsis by the superior court is final. The clerk shall certify and transmit the ballot synopsis to the officer subject to recall, the person demanding the recall, and either the secretary of state or the county auditor, as appropriate.

[2021 c 92 § 1; 2003 c 111 § 1410. Prior: 1984 c 170 § 4. Formerly RCW 29.82.023.]

RCW 29A.56.150: Filing supporting signatures—Time limitations.

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

(2) The sponsors of a recall demanded of an officer elected to a statewide position shall have a maximum of two hundred seventy days, and the sponsors of a recall demanded of any other officer shall have a maximum of one hundred eighty days, in which to obtain and file supporting signatures after the issuance of a ballot synopsis by the superior court. If the decision of the superior court regarding the sufficiency of the charges is not appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the sixteenth day following the decision of the superior court. If the decision of the superior court regarding the sufficiency of the charges is appealed, the one hundred eighty or two hundred seventy day period for the circulation of signatures begins on the day following the issuance of the decision by the supreme court.

[2003 c 111 § 1411; 1984 c 170 § 5; 1971 ex.s. c 205 § 2. Formerly RCW 29.82.025.]

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

RCW 29A.56.160: Petition—Form.

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

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

Petition for the recall of (here insert the name of the office and of the person whose recall is petitioned for) to the Honorable (here insert the name and title of the officer with whom the charge is filed).

We, the undersigned citizens and legal voters of (the state of Washington or the political subdivision in which the recall is to be held), respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged and the office which he or she holds) be recalled and discharged from his or her office, for and on account of (his or her having committed the act or acts of malfeasance or misfeasance while in office, or having violated his or her oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the precinct and city (or town) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

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

[2003 c 111 § 1412; 1984 c 170 § 6; 1971 ex.s. c 205 § 4; 1965 c 9 § 29.82.030. Prior: 1913 c 146 § 4; RRS § 5353. Formerly RCW 29.82.030.]

Severability—1971 ex.s. c 205: See note following RCW 29A.56.150.

RCW 29A.56.170: Petition—Size.

Each recall petition at the time of circulating, signing, and filing with the officer with whom it is to be filed, must consist of not more than five sheets with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title, and form of petition on each sheet, and a full, true, and correct copy of the original statement of the charges against the officer referred to therein, printed on sheets of paper of like size and quality as the petition, firmly fastened together.

[2003 c 111 § 1413; 1965 c 9 § 29.82.040. Prior: 1913 c 146 § 6; RRS § 5355. Formerly RCW 29.82.040.]

RCW 29A.56.180: Number of signatures required.

When the person, committee, or organization demanding the recall of a public officer has secured sufficient signatures upon the recall petition the person, committee, or organization may submit the same to the officer with whom the charge was filed for filing in his or her office. The number of signatures required shall be as follows:

(1) In the case of a state officer, an officer of a city of the first class, a member of a school board in a city of the first class, or a county officer of a county with a population of forty thousand or more—signatures of legal voters equal to twenty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

(2) In the case of an officer of any political subdivision, city, town, township, precinct, or school district other than those mentioned in subsection (1) of this section, and in the case of a state senator or representative—signatures of legal voters equal to thirty-five percent of the total number of votes cast for all candidates for the office to which the officer whose recall is demanded was elected at the preceding election.

[2003 c 111 § 1414. Prior: 1991 c 363 § 36; 1965 c 9 § 29.82.060; prior: 1913 c 146 § 8, part; RRS § 5357, part. Formerly RCW 29.82.060.]

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

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

RCW 29A.56.190: Canvassing signatures—Time of—Notice.

Upon the filing of a recall petition, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date must be not less than five or more than ten days from the date of its filing.

[2003 c 111 § 1415; 1965 c 9 § 29.82.080. Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.080.]

RCW 29A.56.200: Verification and canvass of signatures—Procedure—Statistical sampling.

(1) Upon the filing of a recall petition, the elections officer shall proceed to verify and canvass the names of legal voters on the petition.

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

(3) Where the recall of a statewide elected official is sought, the secretary of state may use any statistical sampling techniques for verification and canvassing which have been adopted by rule for canvassing initiative petitions under RCW 29A.72.230. No petition will be rejected on the basis of any statistical method employed. No petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than the number of signatures of legal voters required by Article I, section 33 (Amendment 8) of the state Constitution.

[2003 c 111 § 1416. Prior: 1984 c 170 § 7; 1977 ex.s. c 361 § 107; 1965 c 9 § 29.82.090; prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.090.]

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

RCW 29A.56.210: Fixing date for recall election—Notice.

If, at the conclusion of the verification and canvass, it is found that a petition for recall bears the required number of signatures of certified legal voters, the officer with whom the petition is filed shall promptly certify the petitions as sufficient and fix a date for the special election to determine whether or not the officer charged shall be recalled and discharged from office. The special election shall be held not less than forty-five nor more than ninety days from the certification and, whenever possible, on one of the dates provided in RCW 29A.04.330, but no recall election may be held between the date of the primary and the date of the general election in any calendar year. Notice shall be given in the manner as required by law for special elections in the state or in the political subdivision, as the case may be.

[2013 c 11 § 55; 2003 c 111 § 1417. Prior: 1984 c 170 § 8; 1977 ex.s. c 361 § 108; 1971 ex.s. c 205 § 5; 1965 c 9 § 29.82.100; prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.100.]

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

Severability—1971 ex.s. c 205: See note following RCW 29A.56.150.

RCW 29A.56.220: Response to petition charges.

When a date for a special recall election is set the certifying officer shall serve a notice of the date of the election to the officer whose recall is demanded and the person demanding recall. The manner of service shall be the same as for the commencement of a civil action in superior court. After having been served a notice of the date of the election and the ballot synopsis, the officer whose recall is demanded may submit to the certifying officer a response, not to exceed two hundred fifty words in length, to the charge contained in the ballot synopsis. Such response shall be submitted by the seventh consecutive day after service of the notice. The certifying officer shall promptly send a copy of the response to the person who filed the petition.

[2003 c 111 § 1418. Prior: 1984 c 170 § 9; 1980 c 42 § 1. Formerly RCW 29.82.105.]

RCW 29A.56.230: Destruction of insufficient recall petition.

If it is found that the recall petition does not contain the requisite number of signatures of certified legal voters, the officer shall so notify the persons filing the petition, and at the expiration of thirty days from the conclusion of the count the officer shall destroy the petitions unless prevented therefrom by the injunction or mandate of a court.

[2003 c 111 § 1419; 1965 c 9 § 29.82.110. Prior: 1913 c 146 § 9, part; RRS § 5358, part. Formerly RCW 29.82.110.]

RCW 29A.56.240: Fraudulent names—Record of.

The officer making the canvass of a recall petition shall keep a record of all names appearing on it that are not certified to be legal voters of the state or of the political subdivision, as the case may be, and of all names appearing more than once, and shall report the same to the prosecuting attorneys of the respective counties where the names appear to have been signed, to the end that prosecutions may be had for the violation of this chapter.

[2003 c 111 § 1420; 1965 c 9 § 29.82.120. Prior: 1913 c 146 § 10; RRS § 5359. Formerly RCW 29.82.120.]

RCW 29A.56.250: Conduct of election—Contents of ballot.

The special election for the recall of an officer shall be conducted in the same manner as a special election for that jurisdiction. The county auditor shall conduct the recall election. The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge and the officer's response to the charge if one has been filed.

[2003 c 111 § 1421. Prior: 1990 c 59 § 71; 1980 c 42 § 2; 1965 c 9 § 29.82.130; prior: 1913 c 146 § 11; RRS § 5360. See also RCW 29.48.040. Formerly RCW 29.82.130.]

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

RCW 29A.56.260: Ascertaining the result—When recall effective.

The votes on a recall election must be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled. However, if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, the returns must be made to the officer with whom the charge is filed, and who called the special election. In the case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of the election to the officer calling the special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, the officer is thereupon recalled and discharged from the office, and the office thereupon is vacant.

[2003 c 111 § 1422; 1977 ex.s. c 361 § 109; 1965 c 9 § 29.82.140.Prior: 1913 c 146 § 12; RRS § 5361. Formerly RCW 29.82.140.]

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

Canvassing the returns: Chapter 29A.60 RCW.

RCW 29A.56.270: Enforcement provisions—Mandamus—Appellate review.

The superior court of the county in which the officer subject to recall resides has original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

The supreme court has like original jurisdiction in relation to state officers and revisory jurisdiction over the decisions of the superior courts. Any proceeding to compel or prevent the performance of any such act shall be begun within ten days from the time the cause of complaint arises, and shall be considered an emergency matter of public concern and take precedence over other cases, and be speedily heard and determined. Appellate review of a decision of any superior court shall be begun and perfected within fifteen days after its decision in a recall election case and shall be considered an emergency matter of public concern by the supreme court, and heard and determined within thirty days after the decision of the superior court.

[2003 c 111 § 1423. Prior: 1988 c 202 § 30; 1984 c 170 § 10; 1965 c 9 § 29.82.160; prior: 1913 c 146 § 14; RRS § 5363. Formerly RCW 29.82.160.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 16.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

RCW 29A.56.300: States' agreement—Presidential election—National popular vote.

The agreement among the states to elect the president by national popular vote is hereby entered into and enacted into law with all jurisdictions legally joining therein, in the form substantially as follows:

ARTICLE I - Membership

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

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

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

ARTICLE III - Manner of Appointing Presidential Electors in Member States

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

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

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

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

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

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

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

The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

ARTICLE IV - Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a president's term shall not become effective until a president or vice president shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

ARTICLE V - Definitions

For purposes of this agreement:

"Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia;

"Elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

"Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

"Presidential elector" shall mean an elector for president and vice president of the United States;

"Presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

"Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for president of the United States and the second of whom has been nominated as a candidate for vice president of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

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

"Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

[2009 c 264 § 2.]

Intent—2009 c 264: "It is the intent of the legislature to enter into the agreement among the states to elect the president by national popular vote. This agreement is a contract between the member states. As a contract, this agreement is governed by the legal

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

RCW 29A.56.310: Date of election—Number.

On the Tuesday after the first Monday of November in the year in which a president of the United States is to be elected, there shall be elected as many electors of president and vice president of the United States as there are senators and representatives in Congress allotted to this state.

[2003 c 111 § 1424; 1965 c 9 § 29.71.010. Prior: 1891 c 148 § 1; RRS § 5138. Formerly RCW 29.71.010.]

RCW 29A.56.320: Nomination—What names on ballots—How counted.

(1) In the year in which a presidential election is held, each major political party and each minor political party or independent candidate convention that nominates candidates for president and vice president of the United States shall nominate presidential electors for this state. The party or convention shall file with the secretary of state a certificate signed by the presiding officer of the convention at which the presidential electors were chosen, listing the names and addresses of the presidential electors.

(2) The names of presidential electors shall not appear on the ballots. The votes cast for candidates for president and vice president of each political party shall be counted for the candidates for presidential electors of that political party; however, if the interstate compact entitled the "agreement among the states to elect the president by national popular vote," as set forth in RCW 29A.56.300, governs the appointment of the presidential electors for a presidential election as provided in clause 9 of Article III of that compact, then the final appointment of presidential electors for that presidential election shall be in accordance with that compact.

[2019 c 143 § 10; 2013 c 11 § 56; 2009 c 264 § 3; 2003 c 111 § 1425. Prior: 1990 c 59 § 69; 1977 ex.s. c 238 § 1; 1965 c 9 § 29.71.020; prior: 1935 c 20 § 1; RRS § 5138-1. Formerly RCW 29.71.020.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

Intent—2009 c 264: See note following RCW 29A.56.300.

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

RCW 29A.56.340: Time and place of meeting.

The electors of the president and vice president shall convene at the seat of government on the day fixed by federal statute, at the hour of twelve o'clock noon of that day.

[2019 c 143 § 11; 2003 c 111 § 1427; 1977 ex.s. c 238 § 2; 1965 c 9 § 29.71.040. Prior: 1909 c 22 § 1; 1891 c 148 § 3; RRS § 5140. Formerly RCW 29.71.040.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.350: Compensation.

Every presidential elector who attends at the time and place appointed, and gives his or her vote for president and vice president consistent with his or her pledge under RCW 29A.56.084 or 29A.56.088(3), is entitled to receive from this state a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060 for each day's attendance at the meeting of the college of electors.

[2019 c 143 § 12; 2013 c 38 § 1; 2003 c 111 § 1428; 1965 c 9 § 29.71.050. Prior: 1891 c 148 § 4; RRS § 5141. Formerly RCW 29.71.050.]

Short title—Uniformity of application and construction—2019 c 143: See notes following RCW 29A.56.080.

RCW 29A.56.360: Slate of presidential electors.

In a year in which the president and vice president of the United States are to be elected, the secretary of state shall include in the certification prepared under RCW 29A.52.321 the names of all candidates for president and vice president who, no later than the third Tuesday of August, have certified a slate of electors to the secretary of state under RCW 29A.56.320 and have been nominated either (1) by a major political party, as certified by the appropriate authority under party rules, or (2) by a minor party or as independent candidates. Major or minor political parties or independent presidential candidates may substitute a different candidate for vice president for the one whose name appears on the party's

certification or nominating petition at any time before seventy-five days before the general election, by certifying the change to the secretary of state. Substitutions must not be permitted to delay the printing of either ballots or a voters' pamphlet. Substitutions are valid only if submitted under oath and signed by the same individual who originally certified the nomination, or his or her documented successor, and only if the substitute candidate consents in writing.
[2013 c 11 § 57; 2003 c 111 § 1429. Prior: 2001 c 30 § 1. Formerly RCW 29.27.140.]

RCW 29A.56.410: Governor's proclamation calling convention—When.

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

RCW 29A.56.420: Governor's proclamation calling convention—Publication.

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

RCW 29A.56.430: Election of convention delegates—Date.

The date for holding the election of delegates must be not less than one month nor more than six weeks before the date of holding the convention. If a general election is to be held not more than six months nor less than three months from the date of official notice of submission to the state of the proposed amendment, the governor must fix the date of the general election as the date for the election of delegates to the convention.
[2003 c 111 § 1432; 1965 c 9 § 29.74.030. Prior: (i) 1933 c 181 § 1, part; RRS § 5249-1, part. (ii) 1933 c 181 § 9; RRS § 5249-9. Formerly RCW 29.74.030.]

RCW 29A.56.440: Time and place for convention.

The convention shall be held not less than five nor more than eight months from the date of the first publication of the proclamation provided for in RCW 29A.56.420. It shall be held in the chambers of the state house of representatives unless the governor shall select some other place at the state capitol.
[2003 c 111 § 1433. Prior: 1965 c 9 § 29.74.040; prior: 1933 c 181 § 1, part; RRS § 5249-1, part. Formerly RCW 29.74.040.]

RCW 29A.56.450: Delegates—Number and qualifications.

Each state representative district shall be entitled to as many delegates in the convention as it has members in the house of representatives of the state legislature. No person shall be qualified to act as a delegate in said convention who does not possess the qualifications required of representatives in the state legislature from the same district.
[2003 c 111 § 1434. Prior: 1965 c 9 § 29.74.050; prior: 1933 c 181 § 2; RRS § 5249-2. Formerly RCW 29.74.050.]
Qualifications of legislators: State Constitution Art. 2 § 7.
Subversive activities, disqualification from holding public office: RCW 9.81.040.

RCW 29A.56.460: Delegates—Declarations of candidacy.

Anyone desiring to file as a candidate for election as a delegate to the convention shall, not less than thirty nor more than sixty days before the date fixed for holding the election, file a declaration of candidacy with the secretary of state. Filing must be made on a form to be prescribed by the secretary of state and include a sworn statement of the candidate as being either for or against the amendment

that will be submitted to a vote of the convention and that the candidate will, if elected as a delegate, vote in accordance with the declaration. The form must be so worded that the candidate must give a plain unequivocal statement of his or her views as either for or against the proposal upon which he or she will, if elected, be called upon to vote. No candidate may in any such filing make any statement or declaration as to party politics or political faith or beliefs. The fee for filing as a candidate is ten dollars and must be transmitted to the secretary of state with the filing papers and be by the secretary of state transmitted to the state treasurer for the use of the general fund.

[2003 c 111 § 1435; 1965 c 9 § 29.74.060. Prior: 1933 c 181 § 3; RRS § 5249-3. Formerly RCW 29.74.060.]

RCW 29A.56.470: Election of delegates—Administration.

The election of delegates to the convention must as far as practicable, be administered, except as otherwise provided in this chapter, in the same manner as a general election under the election laws of this state.

[2003 c 111 § 1436; 1965 c 9 § 29.74.070. Prior: 1933 c 181 § 4, part; RRS § 5249-4, part. Formerly RCW 29.74.070.]

RCW 29A.56.480: Election of delegates—Ballots.

The issue shall be identified as, "Delegates to a convention for ratification or rejection of a proposed amendment to the United States Constitution, relating . . . . . (stating briefly the substance of amendment proposed for adoption or rejection)." The names of all candidates who have filed in a district shall be printed on the ballots for that district in two separate groups under the headings, "For the amendment" and "Against the amendment." The names of the candidates in each group shall be printed in alphabetical order.

[2003 c 111 § 1437. Prior: 1990 c 59 § 70; 1965 c 9 § 29.74.080; prior: 1933 c 181 § 4, part; RRS § 5249-4, part. Formerly RCW 29.74.080.]

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

Ballots: Chapter 29A.36 RCW.

RCW 29A.56.490: Election of delegates—Ascertaining result.

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

Where a district embraces precincts of more than one county, the secretary of state shall combine the votes from all the precincts included in each district. The delegates elected in each district will be the number of candidates corresponding to the number of state representatives from the district, who receive the highest number of votes in the group (either "for" or "against") that received an aggregate number of votes for all candidates in the group greater than the aggregate number of votes for all the candidates in the other group. The secretary of state shall issue certificates of election to the delegates so elected.

[2013 c 11 § 58; 2011 c 10 § 46; 2003 c 111 § 1438; 1965 c 9 § 29.74.100. Prior: 1933 c 181 § 6; RRS § 5249-6. Formerly RCW 29.74.100.]

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

RCW 29A.56.500: Meeting—Organization.

The convention shall meet at the time and place fixed in the governor's proclamation. The secretary of state shall call it to order, who shall then call the roll of the delegates and preside over the convention until its president is elected. The chief justice of the supreme court shall administer the oath of office to the delegates. As far as practicable, the convention shall proceed under the rules adopted by the last preceding session of the state senate. The convention shall elect a president and a secretary and shall thereafter and thereupon proceed with a publicly recorded voice vote upon the proposition submitted

by the Congress of the United States.
[2003 c 111 § 1439; 1965 c 9 § 29.74.110. Prior: 1933 c 181 § 7, part; RRS § 5249-7, part. Formerly RCW 29.74.110.]

RCW 29A.56.510: Quorum—Proceedings—Record.

Two-thirds of the elected members of said convention shall constitute a quorum to do business, and a majority of those elected shall be sufficient to adopt or reject any proposition coming before the convention. If such majority votes in favor of the ratification of the amendment submitted to the convention, the said amendment shall be deemed ratified by the state of Washington; and if a majority votes in favor of rejecting or not ratifying the amendment, the same shall be deemed rejected by the state of Washington.
[2003 c 111 § 1440. Prior: 1965 c 9 § 29.74.120; prior: 1933 c 181 § 8, part; RRS § 5249-8, part. Formerly RCW 29.74.120.]

RCW 29A.56.520: Certification and transmittal of result.

The vote of each member shall be recorded in the journal of the convention, which shall be preserved by the secretary of state as a public document. The action of the convention shall be enrolled, signed by its president and secretary and filed with the secretary of state and it shall be the duty of the secretary of state to properly certify the action of the convention to the Congress of the United States as provided by general law.
[2003 c 111 § 1441; 1965 c 9 § 29.74.130. Prior: (i) 1933 c 181 § 7, part; RRS § 5249-7, part. (ii) 1933 c 181 § 8, part; RRS § 5249-8, part. Formerly RCW 29.74.130.]

RCW 29A.56.530: Expenses—How paid—Delegates receive filing fee.

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

RCW 29A.56.540: Federal statutes controlling.

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

RCW 29A.56.600: Convention.

A "convention" for the purposes of this chapter , is an organized assemblage of registered voters representing an independent candidate or candidates or a new or minor political party, organization, or principle.
[2013 c 11 § 26; 2004 c 271 § 188. Formerly RCW 29A.20.111.]

RCW 29A.56.610: Nomination by convention—Dates.

Nominations of candidates for president and vice president of the United States, other than by a major political party, may be made at a convention conducted not earlier than the first Saturday in May and not later than the fourth Saturday in July in the year that president and vice president appear on the general election ballot. A minor political party may hold more than one convention but in no case shall any such party nominate more than one candidate for president or more than one candidate for vice president. To be valid, a convention must be attended by at least one hundred registered voters, but a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention in order to obtain and submit to the secretary of state the signatures of at least one thousand registered voters of the state of Washington.

[2013 c 11 § 27; 2006 c 344 § 4; 2004 c 271 § 110. Formerly RCW 29A.20.121.]
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.

RCW 29A.56.620: Convention—Notice.

Each minor party or independent candidate must publish a notice in a newspaper of general circulation within the county in which the party or the candidate intends to hold a convention. The notice must appear at least ten days before the convention is to be held, and shall state the date, time, and place of the convention. Additionally, it shall include the mailing address of the person or organization sponsoring the convention.
[2004 c 271 § 189. Formerly RCW 29A.20.131.]

RCW 29A.56.630: Nominating petition—Requirements.

A nominating petition submitted under this chapter shall clearly identify the name of the minor party or independent candidate convention as it appears on the certificate of nomination as required by *RCW 29A.20.161(3). The petition shall also contain a statement that the person signing the petition is a registered voter of the state of Washington and shall have a space for the voter to sign his or her name and to print his or her name and address. No person may sign more than one nominating petition under this chapter for an office for an election.
[2004 c 271 § 112. Formerly RCW 29A.20.151.]
*Reviser's note: RCW 29A.20.161 was recodified as RCW 29A.56.640 pursuant to 2013 c 11 § 93.

RCW 29A.56.640: Certificate of nomination—Requisites.

A certificate evidencing nominations made at a convention must:
(1) Be in writing;
(2) Contain the name of each person nominated, his or her residence, the office for which he or she is named, and a sworn statement from both nominees giving their consent to the nomination;
(3) Identify the minor political party or the independent candidate on whose behalf the convention was held;
(4) Be verified by the oath of the presiding officer and secretary;
(5) Be accompanied by a nominating petition or petitions bearing the signatures and addresses of at least one thousand registered voters of the state of Washington;
(6) Contain proof of publication of the notice of calling the convention; and
(7) Be submitted to the secretary of state not later than the first Friday of August.
[2013 c 11 § 28; 2004 c 271 § 154. Formerly RCW 29A.20.161.]

RCW 29A.56.650: Multiple certificates of nomination.

(1) If two or more valid certificates of nomination are filed purporting to nominate different candidates for the same position using the same party name, the filing officer must give effect to both certificates. If conflicting claims to the party name are not resolved either by mutual agreement or by a judicial determination of the right to the name, the candidates must be treated as independent candidates. Disputes over the right to the name must not be permitted to delay the printing of either ballots or a voters' pamphlet. Other candidates nominated by the same conventions may continue to use the partisan affiliation unless a court of competent jurisdiction directs otherwise.
(2) A person affected may petition the superior court of the county in which the filing officer is located for a judicial determination of the right to the name of a minor political party, either before or after documents are filed with the filing officer. The court shall resolve the conflict between competing claims to the use of the same party name according to the following principles: (a) The prior established public use of the name during previous elections by a party composed of or led by the same individuals or individuals in documented succession; (b) prior established public use of the name earlier in the same election cycle; (c) the nomination of a more complete slate of candidates for a number of offices or in a number of different regions of the state; (d) documented affiliation with a national or statewide party organization with an established use of the name; (e) the first date of filing of a certificate of nomination; and (f) such other indicia of an established right to use of the name as the court may deem

relevant. If more than one filing officer is involved, and one of them is the secretary of state, the petition must be filed in the superior court for Thurston county. Upon resolving the conflict between competing claims, the court may also address any ballot designation for the candidate who does not prevail.
[2004 c 271 § 155. Formerly RCW 29A.20.171.]

RCW 29A.56.660: Presidential electors—Selection at convention.

A minor political party or independent candidate convention nominating candidates for the offices of president and vice president of the United States shall, not later than ten days after the adjournment of the convention, submit a list of presidential electors to the office of the secretary of state. The list shall contain the names and the mailing addresses of the persons selected and shall be verified by the presiding officer of the convention.
[2004 c 271 § 156. Formerly RCW 29A.20.181.]

RCW 29A.56.670: Certificate of nomination—Checking signatures—Appeal of determination.

Upon the receipt of the certificate of nomination, the secretary of state shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of RCW 29A.56.640 have been met. Once the determination has been made, the secretary of state shall notify the presiding officer of the convention and any other persons requesting the notification , of his or her decision regarding the sufficiency of the certificate or the nominating petitions. Any appeal regarding the secretary's determination must be filed with the superior court of Thurston county not later than five days from the date the determination is made, and shall be heard and finally disposed of by the court within five days of the filing. Nominating petitions shall not be available for public inspection or copying.
[2013 c 11 § 29; 2004 c 271 § 157. Formerly RCW 29A.20.191.]

TITLE 29A.60 RCW: CANVASSING

Sections

RCW 29A.60.010: Conduct of elections—Canvass.
RCW 29A.60.021: Write-in voting—Declaration of candidacy—Counting of vote.
RCW 29A.60.040: Rejection of ballots or parts—Write-in voting.
RCW 29A.60.050: Questions on validity of ballot—Rejection—Preservation and return.
RCW 29A.60.060: Results after close of voting.
RCW 29A.60.070: Returns, precinct and cumulative—Delivery.
RCW 29A.60.090: Voting systems—Maintenance of documents.
RCW 29A.60.095: Electronic voting devices—Record maintenance.
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RCW 29A.60.110: Ballot containers, sealing, opening.
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RCW 29A.60.170: List of observers—Counting center, direction and observation of proceedings—Random check of counting equipment—Report.
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RCW 29A.60.240: Secretary of state—Primary returns—State offices, etc.
RCW 29A.60.250: Secretary of state—Final returns—Scope.
RCW 29A.60.260: Canvass on statewide measures.
RCW 29A.60.270: Local officers, beginning of terms—Organization of district boards of directors.
RCW 29A.60.280: Local elected officials, commencement of term of office—Purpose.
RCW 29A.60.290: Statewide election data and reporting standards—Secretary of state to develop, make rules.
RCW 29A.60.300: Statewide survey of voted ballot rejection rates and reasons for rejections—Secretary of state to conduct and publish.
RCW 29A.60.800: Uniform ballot envelope design work group.

RCW 29A.60.010: Conduct of elections—Canvass.

All elections, whether special or general, held under RCW 29A.04.321 and 29A.04.330 must be conducted by the county auditor as ex officio county supervisor of elections and, except as provided in RCW 29A.60.240, the returns canvassed by the county canvassing board.

[2013 c 11 § 59; 2003 c 111 § 1501; 1965 c 123 § 4; 1965 c 9 § 29.13.040. Prior: 1963 c 200 § 6; 1955 c 55 § 3; 1951 c 257 § 4; 1951 c 101 § 4; 1949 c 161 § 5; Rem. Supp. 1949 § 5153-1. Formerly RCW 29.13.040.]

RCW 29A.60.021: Write-in voting—Declaration of candidacy—Counting of vote.

(1) For any office, except precinct committee officer, at any election or primary, any voter may write in on the ballot the name of any person for an office. Votes must be individually tallied for a candidate who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 as long as the requirements of subsection (6), (7), or (8) of this section are met. No write-in vote for a declared write-in candidate may be rejected due to variation in the form of the name if the canvassing board can determine the person and office for which the voter intended to vote.

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

(3) A write-in vote for an individual candidate for an office whose name is printed on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if the voter also marked a vote for that candidate such as to otherwise register an overvote.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be individually tallied unless the candidate has filed a timely declaration of write-in candidacy.

(5) In the case of write-in candidates for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by the filing officer for that office that a candidate has filed a timely declaration of write-in candidacy. In all other cases, the county auditor determines, in accordance with this section, whether a candidate has filed a timely declaration of write-in candidacy and thus, write-in votes must be individually tallied. The county canvassing board must certify write-in votes including the vote total received by a candidate that has filed a timely declaration of write-in candidacy if the requirements of subsection (6), (7), or (8) of this section are met. Final results must consolidate the vote total associated

with each candidate after the canvassing board has reconciled any variation in the spelling of names for those candidates.
(6) In a primary, if the name of only a single candidate appears on the ballot for an office, and the total number of write-in votes cast for that office exceeds one percent of the total number of votes cast for that office, the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.
(7) In a primary, if two or more candidates appear on the ballot for an office and the total number of write-in votes cast for that office exceeds the number of votes cast for the candidate with the second highest number of votes, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.
(8) In a general election, if the total number of write-in votes cast for an office exceeds the number of votes cast for the candidate apparently elected to that office, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.
[2018 c 187 § 3; 2012 c 89 § 4; 2005 c 243 § 12; 2004 c 271 § 147.]
Intent—Finding—Effective date—2012 c 89: See notes following RCW 29A.24.311.

RCW 29A.60.040: Rejection of ballots or parts—Write-in votes.

A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.
Those parts of a ballot are invalid and no votes may be counted for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information required under RCW 29A.60.021; or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote.
[2011 c 10 § 47; 2009 c 414 § 2; 2003 c 111 § 1504. Prior: 1999 c 158 § 13; 1999 c 157 § 4; 1990 c 59 § 56; 1977 ex.s. c 361 § 88; 1973 1st ex.s. c 121 § 2; 1965 ex.s. c 101 § 11; 1965 c 9 § 29.54.050; prior: (i) Code 1881 § 3091; 1865 p 38 § 2; RRS § 5336. (ii) 1895 c 156 § 10; 1889 p 411 § 29; RRS § 5294. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part. (iv) 1895 c 156 § 11, part; 1886 p 128 § 1, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5323, part. Formerly RCW 29.54.050.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.050: Questions on validity of ballot—Rejection—Preservation and return.

Whenever the counting center personnel have a question about the validity of a ballot or the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise record of the facts in question or dispute. These ballots shall be delivered to the canvassing board for processing. A ballot is not considered rejected until the canvassing board has rejected the ballot individually, or the ballot was included in a batch or on a report of ballots that was rejected in its entirety by the canvassing board. All ballots shall be preserved in the same manner as valid ballots for that primary or election.
[2011 c 10 § 48; 2005 c 243 § 13; 2003 c 111 § 1505. Prior: 1990 c 59 § 57; 1977 ex.s. c 361 § 89; 1965 c 9 § 29.54.060; prior: Code 1881 § 3080, part; 1865 p 34 § 5, part; RRS § 5324, part. Formerly RCW 29.54.060.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.060: Results after close of voting.

After the close of voting at 8:00 p.m., the county auditor must directly load the results from any direct recording electronic memory pack into the central accumulator.
[2013 c 11 § 60; 2011 c 10 § 49; 2003 c 111 § 1506. Prior: 1999 c 158 § 12. Formerly RCW 29.54.097.]

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

RCW 29A.60.070: Returns, precinct and cumulative—Delivery.

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

Cumulative returns for state offices, judicial offices, the United States senate, and congress must be electronically transmitted to the secretary of state immediately.

[2005 c 274 § 249; 2005 c 243 § 14; 2003 c 111 § 1507. Prior: 1990 c 59 § 60. Formerly RCW 29.54.105.]

Reviser's note: This section was amended by 2005 c 243 § 14 and by 2005 c 274 § 249, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

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

RCW 29A.60.090: Voting systems—Maintenance of documents.

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

(1) Sample ballot formats together with a record of the format or formats assigned to each precinct;

(2) All programming material related to the control of the vote tallying system for that primary or election; and

(3) All test materials used to verify the accuracy of the tabulating equipment as required by RCW 29A.12.130.

[2003 c 111 § 1509. Prior: 1990 c 59 § 61; 1977 ex.s. c 361 § 94. Formerly RCW 29.54.170.]

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

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

RCW 29A.60.095: Electronic voting devices—Record maintenance.

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

(a) In the event of a manual recount;

(b) By order of the county canvassing board;

(c) By order of a court of competent jurisdiction; or

(d) For use in the random audit of results described in RCW 29A.60.185.

(2) When such paper record is used in any of the circumstances listed in subsection (1) of this section, it shall be the official record of the election.

[2005 c 242 § 3.]

Required: RCW 29A.12.085.

Unauthorized removal of paper record from voting center: RCW 29A.84.545.

RCW 29A.60.100: Votes by stickers, printed labels, rejected.

Votes cast by stickers or printed labels are not valid for any purpose and shall be rejected. Votes cast by sticker or label shall not affect the validity of other offices or issues on the voter's ballot.

[2003 c 111 § 1510. Prior: 1990 c 59 § 46; 1965 ex.s. c 101 § 16. Formerly RCW 29.51.175.]

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

RCW 29A.60.110: Ballot containers, sealing, opening.

(1) Immediately after their tabulation, all ballots counted at a ballot counting center must be sealed in containers that identify the primary or election and be retained for at least sixty days or according to federal law, whichever is longer.

(2) In the presence of major party observers who are available, ballots may be removed from the sealed containers at the elections department and consolidated into one sealed container for storage purposes. The containers may only be opened by the canvassing board as part of the canvass, to conduct recounts, to conduct a random check under RCW 29A.60.170, to conduct an audit under RCW 29A.60.185, or by order of the superior court in a contest or election dispute. If the canvassing board

opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record must be added to any other record of the canvassing process in that county.
[2018 c 218 § 4; 2013 c 11 § 61; 2011 c 10 § 50; 2003 c 111 § 1511; 1999 c 158 § 14; 1990 c 59 § 59. Formerly RCW 29.54.075.]
Intent—2018 c 218: See note following RCW 29A.60.185.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.60.120: Counting ballots—Official returns.

(1) All voted ballots must be manually inspected for damage, write-in votes, and incorrect or incomplete marks. If it is found that any ballot is damaged so that it cannot properly be counted by the vote tallying system, a true duplicate copy must be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All damaged ballots must be kept by the county auditor until sixty days after the primary or election or according to federal law, whichever is longer.
(2) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, and write-in votes, constitute the official returns of the primary or election in that county.
[2011 c 10 § 51; 2003 c 111 § 1512; 1999 c 158 § 15; 1990 c 59 § 33; 1977 ex.s. c 361 § 74. Formerly RCW 29.54.085, 29.34.167.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.60.125: Damaged ballots.

If inspection of the ballot reveals a physically damaged ballot or ballot that may be otherwise unreadable or uncountable by the tabulating system, the county auditor may refer the ballot to the county canvassing board or duplicate the ballot if so authorized by the county canvassing board. The voter's original ballot may not be altered. A ballot may be duplicated only if the intent of the voter's marks on the ballot is clear and the electronic voting equipment might not otherwise properly tally the ballot to reflect the intent of the voter. Ballots must be duplicated by teams of two or more people working together. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:
(1) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
(2) A log must be kept of the ballots duplicated, which must at least include:
(a) The control number of each original ballot and the corresponding duplicate ballot;
(b) The initials of at least two people who participated in the duplication of each ballot; and
(c) The total number of ballots duplicated.
Original and duplicate ballots must be sealed in secure storage at all times, except during duplication, inspection by the canvassing board, tabulation, or to conduct an audit under RCW 29A.60.185.
[2018 c 218 § 8; 2005 c 243 § 10.]
Intent—2018 c 218: See note following RCW 29A.60.185.

RCW 29A.60.130: Certificate not withheld for informality in returns.

No certificate shall be withheld on account of any defect or informality in the returns of any election, if it can with reasonable certainty be ascertained from such return what office is intended, and who is entitled to such certificate, nor shall any commission be withheld by the governor on account of any defect or informality of any return made to the office of the secretary of state.
[2003 c 111 § 1513. Prior: 1965 c 9 § 29.27.120; prior: Code 1881 § 3102; 1865 p 41 § 13; RRS § 5347. Formerly RCW 29.27.120.]

RCW 29A.60.140: Canvassing board—Membership—Authority—Delegation of authority—Rule making.

(1) Members of the county canvassing board are the county auditor, who is the chair, the county prosecuting attorney, and the chair of the county legislative body. If a member of the board is not available to carry out the duties of the board, then the auditor may designate a deputy auditor, the prosecutor may designate a deputy prosecuting attorney, and the chair of the county legislative body may designate another member of the county legislative body or, in a county with a population over one million, an employee of the legislative body who reports directly to the chair. An "employee of the legislative body" means an individual who serves in any of the following positions: Chief of staff; legal counsel; clerk of the council; policy staff director; and any successor positions to these positions should these original positions be changed. Any such designation may be made on an election-by-election basis or may be on a permanent basis until revoked by the designating authority. Any such designation must be in writing, and if for a specific election, must be filed with the county auditor not later than the day before the first day duties are to be undertaken by the canvassing board. If the designation is permanent until revoked by the designating authority, then the designation must be on file in the county auditor's office no later than the day before the first day the designee is to undertake the duties of the canvassing board. Members of the county canvassing board designated by the county auditor, county prosecuting attorney, or chair of the county legislative body shall complete training as provided in RCW 29A.04.540 and shall take an oath of office similar to that taken by county auditors and deputy auditors in the performance of their duties.

(2) The county canvassing board may adopt rules that delegate in writing to the county auditor or the county auditor's staff the performance of any task assigned by law to the canvassing board.

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

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

(5) Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. Meetings must be conducted at times and locations that are accessible to the public to ensure that the public is informed and able to attend or observe. The time and location of county canvassing board meetings must be published in accordance with chapter 42.30 RCW. All rules adopted by the county canvassing board must be adopted in a public meeting under chapter 42.30 RCW, and once adopted must be available to the public to review and copy under chapter 42.56 RCW.

[2024 c 269 § 9; 2008 c 308 § 1; 2005 c 274 § 250; 2003 c 111 § 1514.]

RCW 29A.60.150: Procedure when member a candidate.

The members of the county canvassing board may not include individuals who are candidates for an office to be voted upon at the primary or election. If no individual is available to serve on the canvassing board who is not a candidate at the primary or election the individual who is a candidate must not make decisions regarding the determination of a voter's intent with respect to a vote cast for that specific office; the decision must be made by the other two members of the board. If the two disagree, the vote must not be counted unless the number of those votes could affect the result of the primary or election, in which case the secretary of state or a designee shall make the decision on those votes. This section does not restrict participation in decisions as to the acceptance or rejection of entire ballots, unless the office in question is the only one for which the voter cast a vote.

[2003 c 111 § 1515; 1995 c 139 § 3; 1965 c 9 § 29.62.030. Prior: 1957 c 195 § 16; prior: (i) Code 1881 § 3098; 1865 p 39 § 8; RRS § 5345. (ii) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.030.]

RCW 29A.60.160: Ballots—Processing, canvassing.

(1) The county auditor, as delegated by the county canvassing board, shall process ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five

thousand, if the county auditor is in possession of more than five hundred ballots that have yet to be canvassed.
(2) Saturdays, Sundays, and legal holidays are not counted for purposes of this section.
(3) In order to protect the secrecy of a ballot, the county auditor may use discretion to decide when to process ballots and canvass the votes.
(4) Tabulation results must be made available to the public immediately upon completion of the canvass. Records of ballots counted must be made available to the public at the end of each day that the county auditor has processed ballots during and after an election.
[2016 c 134 § 2; 2013 c 11 § 62; 2011 c 10 § 53; (2011 c 10 § 52 expired July 1, 2013); 2007 c 373 § 2; (2007 c 373 § 1 expired July 1, 2013). Prior: 2005 c 243 § 15; (2005 c 153 § 11 expired July 1, 2013); 2003 c 111 § 1516; 1999 c 259 § 4; 1995 c 139 § 2; 1987 c 54 § 2; 1965 c 9 § 29.62.020; prior: 1957 c 195 § 15; prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.020.]
Effective date—2011 c 10 §§ 53 and 58: "Sections 53 and 58 of this act take effect July 1, 2013." [2011 c 10 § 88.]
Expiration date—2011 c 10 §§ 52 and 57: "Sections 52 and 57 of this act expire July 1, 2013." [2011 c 10 § 89.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—2007 c 373 § 2: "Section 2 of this act takes effect July 1, 2013." [2007 c 373 § 5.]
Expiration date—2007 c 373 § 1: "Section 1 of this act expires July 1, 2013." [2007 c 373 § 4.]
Expiration date—2005 c 153 §§ 11 and 12: "Sections 11 and 12 of this act expire July 1, 2013." [2005 c 153 § 14.]
Absentee ballots, canvassing: RCW 29A.40.110.

RCW 29A.60.165: Unsigned ballot declarations.

(1) If the voter neglects to sign the ballot declaration, the auditor shall notify the voter by first-class mail and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, and advise the voter both that their ballot is unsigned and of the correct procedures for completing the unsigned declaration. If the ballot is received within five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information.
(2)(a) If the handwriting of the signature on a ballot declaration is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first-class mail, and, if the auditor has a telephone number or email address on file for a voter, by telephone, text message, or email, enclosing a copy of the declaration if notified by first-class mail or email, and advise the voter both that the signature on the ballot declaration does not match the signature on file and of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within five business days of the final meeting of the canvassing board, or the voter has been notified by first-class mail and has not responded at least five business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, text message, or email, using the voter registration record information.
(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter's name has changed, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.
(c) If the signature on a ballot declaration is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.
(3) If the auditor calls a voter who neglected to sign the ballot declaration or whose signature on the ballot declaration does not match the signature in the registration file and the voter does not answer, but voice mail is available, the auditor shall leave a voice mail message.
(4) An auditor who provides electronic means for submission of a ballot declaration signature shall establish appropriate privacy and security protocols that ensure that the information transmitted is received directly and securely by the auditor and is only used for the stated purposes of verifying the signature on the voter's ballot.
(5) If a voter's ballot is rejected in two consecutive primary or general elections due to a mismatched signature, the auditor must contact the voter by telephone, text message, or email, if the auditor has a telephone number or email address on file for the voter, and request that the voter update their

signature for the voter's registration file.
(6) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.
(7) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as well as the date on which the voter submitted updated information. The record must be updated each day that ballots are processed under RCW 29A.60.160, each time a voter was contacted or the notice was mailed, and when the voter submitted updated information. The auditor shall send the record, and any updated records, to the secretary of state no later than forty-eight hours after the record is created or updated. The secretary of state shall make all records publicly available no later than twenty-four hours after receiving the record.
[2024 c 269 § 1; 2019 c 167 § 1; 2013 c 11 § 63; 2011 c 10 § 54. Prior: 2006 c 209 § 4; 2006 c 208 § 1; 2005 c 243 § 8.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.60.166: Voter signature verification—Standards.

(1) The secretary of state shall:
(a) Adopt and regularly review statewide standards for determining whether the voter's signature on the ballot declaration is the same as the signature of that voter in the county's registration files as required by RCW 29A.40.110(3);
(b) Adopt, publish, and regularly update a training manual, reviewed by appropriate experts, for the use of local election personnel in implementing the standards adopted under (a) of this subsection; and
(c) Design and implement tools intended to confirm compliance with these standards. These tools shall be available to county auditors for compliance, and may include comparisons, at random intervals, of whether rejections of signatures on ballot declarations for failure to match the voter's signature in the county's registration files comply with the standards adopted under (a) of this subsection.
(2) All training materials for canvassing review board members and election personnel on the statewide standards for signature verification established in this section must be open to the public for observation.
[2024 c 269 § 3]

RCW 29A.60.167: Voter signature verification—Forms.

The secretary of state shall design forms for voters to use in completing incomplete ballot declarations and forms to be used by voters in updating a voter's signature in the county's registration files in the various languages required of state agencies. The forms must include the oath and warning language used on voter registration forms. Each county auditor shall provide these forms on the auditor's website and in the auditor's office.
[2024 c 269 § 4.]

RCW 29A.60.168: Voter signature verification—Community outreach plan.

(1) Each county auditor shall develop a community outreach plan to educate voters about signature verification requirements and the importance of ballot signatures matching signatures in voter registration files. The outreach plan shall include materials for publication on the county auditor's website and distribution in communities throughout the county that clearly explain signature verification requirements and the process of updating signatures in voter registration files or curing challenged ballots under RCW 29A.60.165. Materials prepared under the outreach plan should be written clearly and in plain language. Materials must be produced in English, Spanish, and any other language required by the federal voting rights act. Materials prepared as part of the outreach plan should be informed by the data collected in the survey required by RCW 29A.60.300 and should target groups with higher rates of ballot rejection. The secretary of state may assist in preparation of materials for a county's outreach plan, including coordinating between multiple counties and providing information about statewide requirements.
(2) County auditors are encouraged to establish partnerships with trusted community organizations as part of the community outreach plan to maximize resources.

[2024 c 269 § 5.]

RCW 29A.60.170: List of observers—Counting center, direction and observation of proceedings—Random check of counting equipment—Report.

(1) At least twenty-eight days prior to any special election, general election, or primary, the county auditor shall request from the chair of the county central committee of each major political party a list of individuals who are willing to serve as observers. The county auditor has discretion to also request observers from any campaign or organization. The county auditor may delete from the lists names of those persons who indicate to the county auditor that they cannot or do not wish to serve as observers, and names of those persons who, in the judgment of the county auditor, lack the ability to properly serve as observers after training has been made available to them by the auditor.

(2) The counting center is under the direction of the county auditor and must be open to observation by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(3) A random check of the ballot counting equipment must be conducted upon mutual agreement of the political party observers or at the discretion of the county auditor. The random check procedures must be adopted by the county canvassing board, and consistent with rules adopted under RCW 29A.60.185(4), prior to the processing of ballots. The random check process shall involve a comparison of a manual count or electronic count if an audit under RCW 29A.60.185(1)(d) is conducted to the machine count from the original ballot counting equipment and may involve up to either three precincts or six batches depending on the ballot counting procedures in place in the county. The random check will be limited to one office or issue on the ballots in the precincts or batches that are selected for the check. The selection of the precincts or batches to be checked must be selected according to procedures established by the county canvassing board. The random check procedures must include a process, consistent with RCW 29A.60.185(3) and rules adopted under RCW 29A.60.185(4), for expanding the audit to include additional ballots when a random check conducted under this section results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots and the method to determine how many additional ballots will be selected. Procedures adopted under RCW 29A.60.185 pertaining to investigations of any discrepancy found during an audit must be followed. The check must be completed no later than forty-eight hours after election day.

(4)(a) By November 1, 2018, the secretary of state shall:

(i) For each county, survey all random check procedures adopted by the county canvassing board under subsection (3) of this section; and

(ii) Evaluate the procedures to identify the best practices and any discrepancies.

(b) By December 15, 2018, the secretary of state shall submit a report, in compliance with RCW 43.01.036, to the appropriate committees of the legislature that provides recommendations, based on the evaluation performed under (a) of this subsection, for adopting best practices and uniform procedures.

[2018 c 218 § 3; 2011 c 10 § 55; 2007 c 373 § 3; 2003 c 111 § 1517; 1999 c 158 § 9; 1990 c 59 § 30; 1977 ex.s. c 361 § 71. Formerly RCW 29.54.025, 29.34.153.]

Intent—2018 c 218: See note following RCW 29A.60.185.

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

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

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

RCW 29A.60.180: Credit for voting.

Each registered voter casting a valid ballot will be credited with voting on his or her voter registration record.

[2011 c 10 § 56; 2003 c 111 § 1518. Prior: 2001 c 241 § 12; 1988 c 181 § 3; 1987 c 346 § 16; 1983 c 136 § 1; 1965 c 9 §

29.36.075; prior: 1961 c 78 § 1. Formerly RCW 29.36.330, 29.36.075.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.

RCW 29A.60.185: Audit of results.

(1) Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of duplicated ballots in accordance with subsection (2) of this section, and an audit using at minimum one of the following methods:
(a) An audit of results of votes cast on the direct recording electronic voting devices, or other in-person ballot marking systems, used in the county if there are races or issues with more than ten votes cast on all direct recording electronic voting devices or other in-person ballot marking systems in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or other in-person ballot marking systems, or one direct recording electronic voting device or other in-person ballot marking system, whichever is greater, and, for each device or system, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices or systems selected for audit, the paper records must be tabulated manually; on the remaining devices or systems, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device or system. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. As used in this subsection, "in-person ballot marking system" or "system" means an in-person ballot marking system that retains or produces an electronic voting record of each vote cast using the system;
(b) A random check of the ballot counting equipment consistent with RCW 29A.60.170(3);
(c) A risk-limiting audit. A "risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit the risk of certifying an incorrect election outcome. The secretary of state shall:
(i) Set the risk limit. A "risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit;
(ii) Randomly select for audit at least one statewide contest, and for each county at least one ballot contest other than the selected statewide contest. The county auditor shall randomly select a ballot contest for audit if in any particular election there is no statewide contest; and
(iii) Establish procedures for implementation of risk-limiting audits, including random selection of the audit sample, determination of audit size, and procedures for a comparison risk-limiting audit and ballot polling risk-limiting audit as defined in (c)(iii)(A) and (B) of this subsection.
(A) In a comparison risk-limiting audit, the county auditor compares the voter markings on randomly selected ballots to the ballot-level cast vote record produced by the ballot counting equipment.
(B) In a ballot polling risk-limiting audit, the county auditor of a county using ballot counting equipment that does not produce ballot-level cast vote records reports the voter markings on randomly selected ballots until the prespecified risk limit is met; or
(d) An independent electronic audit of the original ballot counting equipment used in the county. The county auditor may either conduct an audit of all ballots cast, or limit the audit to three precincts or six batches pursuant to procedures adopted under RCW 29A.60.170(3). This audit must be conducted using an independent electronic audit system that is, at minimum:
(i) Approved by the secretary of state;
(ii) Completely independent from all voting systems, including ballot counting equipment, that is used in the county;
(iii) Distributed or manufactured by a vendor different from the vendor that distributed or manufactured the original ballot counting equipment; and
(iv) Capable of demonstrating that it can verify and confirm the accuracy of the original ballot counting equipment's reported results.
(2) Prior to certification of the election, the county auditor must conduct an audit of ballots duplicated

under RCW 29A.60.125. The audit of duplicated ballots must involve a comparison of the duplicated ballot to the original ballot. The county canvassing board must establish procedures for the auditing of duplicated ballots.

(3) For each audit method, the secretary of state must adopt procedures for expanding the audit to include additional ballots when an audit results in a discrepancy. The procedure must specify under what circumstances a discrepancy will lead to an audit of additional ballots, and the method to determine how many additional ballots will be selected. The secretary of state shall adopt procedures to investigate the cause of any discrepancy found during an audit.

(4) The secretary of state must establish rules by January 1, 2019, to implement and administer the auditing methods in this section, including facilitating public observation and reporting requirements.

[2018 c 218 § 2; 2005 c 242 § 5.]

Intent—2018 c 218: "It is the intent of the legislature to ensure our elections have the utmost confidence of the citizens of the state. In order to ensure the integrity of the elections in Washington, the legislature wants to maximize the security benefits of having locally run, decentralized counting systems in our state, based in thirty-nine different counties. The legislature wants to maximize this locally run benefit by adding options to the auditing process for local elections administrators. Multiple jurisdictions, with multiple options for ensuring election outcomes will increase the transparency, integrity, and trust of our elections process." [2018 c 218 § 1.]

RCW 29A.60.190: Certification of election results.

Ten days after a special election held in February or April, ten days after a presidential primary held pursuant to chapter 29A.56 RCW, fourteen days after a primary, or twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each ballot that was returned before 8:00 p.m. on the day of the special election, general election, primary, or presidential primary, and each ballot bearing a postmark on or before the date of the special election, general election, primary, or presidential primary and received no later than the day before certification, must be included in the canvass report.

[2019 c 7 § 5; 2015 c 146 § 4. Prior: 2011 c 349 § 21; (2011 c 349 § 20 expired July 1, 2013); 2011 c 10 § 58; (2011 c 10 § 57 expired July 1, 2013); 2006 c 344 § 17; (2006 c 344 § 16 expired July 1, 2013); prior: 2005 c 243 § 16; (2005 c 153 § 12 expired July 1, 2013); 2004 c 266 § 18; 2003 c 111 § 1519.]

Effective date—2011 c 349 § 21: "Section 21 of this act takes effect July 1, 2013." [2011 c 349 § 31.]
Expiration date—2011 c 349 § 20: "Section 20 of this act expires July 1, 2013." [2011 c 349 § 32.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—2011 c 10 §§ 53 and 58: See note following RCW 29A.60.160.
Expiration date—2011 c 10 §§ 52 and 57: See note following RCW 29A.60.160.
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—2006 c 344 § 17: "Section 17 of this act takes effect July 1, 2013." [2006 c 344 § 43.]
Expiration date—2006 c 344 § 16: "Section 16 of this act expires July 1, 2013." [2006 c 344 § 42.]
Effective date—2006 c 344 §§ 1-16 and 18-40: See note following RCW 29A.04.311.
Expiration date—2005 c 153 §§ 11 and 12: See note following RCW 29A.60.160.
Effective date—2004 c 266: See note following RCW 29A.04.575.

RCW 29A.60.195: Provisional ballots—Disposition.

Before certification of the primary or election, the county auditor must examine and investigate all received provisional ballots to determine whether the ballot can be counted. The auditor shall provide the disposition of the provisional ballot and, if the ballot was not counted, the reason why it was not counted, on a free access system such as a toll-free telephone number, website, mail, or other means. The auditor must notify the voter in accordance with RCW 29A.60.165 when the declaration is unsigned or when the signatures do not match.

[2011 c 10 § 59; 2005 c 243 § 9.]

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

RCW 29A.60.200: Canvassing board—Refusal to certify—Penalty.

(1) Before canvassing the returns of a primary or election, the chair of the county legislative authority or the chair's designee shall administer an oath to the county auditor or the auditor's designee attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor or designee and filed with the returns of the primary or election.

(2) The county canvassing board shall proceed to verify the results from the ballots received. The board

shall execute a certificate of the results of the primary or election signed by all members of the board or their designees. Failure to certify the returns, if they can be ascertained with reasonable certainty, is a crime under RCW 29A.84.720.

(3) If the county canvassing board refuses to certify the results of the election without cause, the secretary of state may examine the records, ballots, and results of the election and certify the results of the election. This must be completed within two business days after the certification deadline in RCW 29A.60.190 after the refusal of the county canvassing board to certify the results of the election.

[2024 c 28 § 5; 2011 c 10 § 60; 2003 c 111 § 1520; 1990 c 59 § 63; 1965 c 9 § 29.62.040. Prior: 1957 c 195 § 17; prior: (i) 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. (ii) 1893 c 112 § 2; RRS § 5342. (iii) 1903 c 85 § 1, part; Code 1881 § 3094, part; 1865 p 38 § 4, part; RRS § 5339, part. Formerly RCW 29.62.040.]

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

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

RCW 29A.60.210: Recanvass—Generally.

Whenever the canvassing board finds during the initial counting process, or during any subsequent recount thereof, that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, or that election staff has made an error regarding the treatment or disposition of a ballot, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall conduct any necessary recanvass activity on or before the last day to certify or recertify the results of the primary, election, or subsequent recount and correct any error and document the correction of any error that it finds.

[2005 c 243 § 17; 2003 c 111 § 1521; 1990 c 59 § 64; 1965 c 9 § 29.62.050. Prior: 1951 c 193 § 1; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part. Formerly RCW 29.62.050.]

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

Voting systems: Chapter 29A.12 RCW.

RCW 29A.60.221: Tie in primary or final election.

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

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

[2004 c 271 § 176.]

Tie vote for executive branch officer: State Constitution Art. III § 4.

RCW 29A.60.230: Abstract by election officer—Transmittal to secretary of state.

Immediately after the official results of a state primary or general election in a county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in the county at such state primary or general election for and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The cumulative report of the election and a copy of the certificate of the election must be transmitted to the secretary of state immediately. The county auditor or other election official may aggregate results from more than one precinct if the auditor, pursuant to rules adopted by the secretary of state, finds that reporting a single precinct's

ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which results are aggregated must be contiguous.

[2011 c 10 § 61; 2003 c 111 § 1523; 2001 c 225 § 2; 1999 c 298 § 21; 1990 c 262 § 1; 1977 ex.s. c 361 § 96; 1965 c 9 § 29.62.090. Prior: (i) 1895 c 156 § 12; Code 1881 § 3101; 1865 p 40 § 12; RRS § 5346. (ii) Code 1881 § 3103; 1865 p 41 § 14; RRS § 5348. Formerly RCW 29.62.090.]

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

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

RCW 29A.60.235: Reconciliation reports.

(1) The county auditor shall prepare at the time of certification an election reconciliation report that discloses the following information:

(a) The number of registered voters;

(b) The number of ballots issued;

(c) The number of ballots received;

(d) The number of ballots counted;

(e) The number of ballots rejected;

(f) The number of provisional ballots issued;

(g) The number of provisional ballots received;

(h) The number of provisional ballots counted;

(i) The number of provisional ballots rejected;

(j) The number of federal write-in ballots received;

(k) The number of federal write-in ballots counted;

(l) The number of federal write-in ballots rejected;

(m) The number of overseas and service ballots issued by mail, email, website link, or facsimile;

(n) The number of overseas and service ballots received by mail, email, or facsimile;

(o) The number of overseas and service ballots counted by mail, email, or facsimile;

(p) The number of overseas and service ballots rejected by mail, email, or facsimile;

(q) The number of nonoverseas and nonservice ballots sent by email, website link, or facsimile;

(r) The number of nonoverseas and nonservice ballots received by email or facsimile;

(s) The number of nonoverseas and nonservice ballots that were rejected for:

(i) Failing to send an original or hard copy of the ballot by the certification deadline; or

(ii) Any other reason, including the reason for rejection;

(t) The number of voters credited with voting;

(u) The number of replacement ballots requested;

(v) The number of replacement ballots issued;

(w) The number of replacement ballots received;

(x) The number of replacement ballots counted;

(y) The number of replacement ballots rejected; and

(z) Any other information the auditor or secretary of state deems necessary to reconcile the number of ballots counted with the number of voters credited with voting, and to maintain an audit trail.

(2) The county auditor must make the report available to the public at the auditor's office and must publish the report on the auditor's website at the time of certification. The county auditor must submit the report to the secretary of state at the time of certification in any form determined by the secretary of state.

(3)(a) The secretary of state must collect the reconciliation reports from each county auditor and prepare a statewide reconciliation report for each state primary and general election. The report may be produced in a form determined by the secretary that includes the information as described in this subsection (3). The report must be prepared and published on the secretary of state's website within two months after the last county's election results have been certified.

(b) The state report must include a comparison among counties on rates of votes received, counted, and rejected, including provisional, write-in, overseas ballots, and ballots transmitted electronically. The comparison information may be in the form of rankings, percentages, or other relevant quantifiable data that can be used to measure performance and trends.

(c) The state report must also include an analysis of the data that can be used to develop a better

understanding of election administration and policy. The analysis must combine data, as available, over multiple years to provide broader comparisons and trends regarding voter registration and turnout and ballot counting. The analysis must incorporate national election statistics to the extent such information is available.

[2018 c 218 § 9; 2017 c 300 § 1; 2011 c 10 § 62; 2009 c 369 § 41; 2005 c 243 § 11.]

Intent—2018 c 218: See note following RCW 29A.60.185.

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

RCW 29A.60.240: Secretary of state—Primary returns—State offices, etc.

The secretary of state shall, as soon as possible but in any event not later than seventeen days following the primary, canvass and certify the returns of all primary elections as to candidates for statewide offices, United States senators and representatives in Congress, and all legislative and judicial candidates whose district extends beyond the limits of a single county.

[2013 c 11 § 64; 2011 c 349 § 22; 2003 c 111 § 1524; 1977 ex.s. c 361 § 97; 1965 c 9 § 29.62.100. Prior: 1961 c 130 § 11; prior: 1907 c 209 § 24, part; RRS § 5201, part. Formerly RCW 29.62.100.]

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

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

RCW 29A.60.250: Secretary of state—Final returns—Scope.

As soon as the returns have been received from all the counties of the state, but not later than the thirtieth day after the election, the secretary of state shall canvass and certify the returns of the general election as to candidates for statewide offices, the United States senate, congress, and all legislative and judicial candidates whose districts extend beyond the limits of a single county. The secretary of state shall transmit a copy of the certification to the governor, president of the senate, and speaker of the house of representatives.

[2013 c 11 § 65; 2005 c 243 § 18; 2003 c 111 § 1525; 1965 c 9 § 29.62.120. Prior: Code 1881 § 3100, part; No RRS. Formerly RCW 29.62.120.]

RCW 29A.60.260: Canvass on statewide measures.

The votes on proposed amendments to the state Constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people must be counted, canvassed, and returned by each county canvassing board in the manner provided by law for counting, canvassing, and returning votes for candidates for state offices. The secretary of state shall, in the presence of the governor, within thirty days after the election, canvass the votes upon each question and certify to the governor the result. The governor shall forthwith issue a proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result. If the vote cast upon an initiative or referendum measure is equal to less than one-third of the total vote cast at the election, the governor shall proclaim the measure to have failed.

[2003 c 111 § 1526; 1965 c 9 § 29.62.130. Prior: (i) 1913 c 138 § 30; RRS § 5426. (ii) 1917 c 23 § 1; RRS § 5341. Formerly RCW 29.62.130.]

RCW 29A.60.270: Local officers, beginning of terms—Organization of district boards of directors.

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

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

[2003 c 111 § 503; 1979 ex.s. c 126 § 14; 1965 c 123 § 6; 1965 c 9 § 29.13.050. Prior: 1963 c 200 § 8; 1959 c 86 § 1; prior: 1951 c 257 § 6. (i) 1949 c 161 § 9; Rem. Supp. 1949 § 5146-1. (ii) 1949 c 163 § 1; 1921 c 61 § 4; Rem. Supp. 1949 § 5146. Formerly RCW 29A.20.030, 29.13.050.]

*Reviser's note: RCW 29A.20.040 was recodified as RCW 29A.60.280 pursuant to 2013 c 11 § 93.

Purpose—1979 ex.s. c 126: See RCW 29A.60.280(1).

CHANGE IN 2025: RCW 29A.60.280: Local elected officials, commencement of term of office—Purpose.

(1) The legislature finds that certain laws are in conflict governing the assumption of office of various local officials. The purpose of this section is to provide a common date for the assumption of office for all the elected officials of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting. A person elected to the office of school director begins his or her term of office at the first official meeting of the board of directors after certification of the election results. It is also the purpose of this section to remove these conflicts and delete old statutory language concerning such elections which is no longer necessary.
(2) For elective offices of counties, cities, towns, and special purpose districts other than school districts where the ownership of property is not a prerequisite of voting, the term of incumbents ends and the term of successors begins after the successor is elected and qualified, and the term commences immediately after December 31st following the election, except as follows:
(a) Where the term of office varies from this standard according to statute; and
(b) If the election results have not been certified prior to January 1st after the election, in which event the time of commencement for the new term occurs when the successor becomes qualified in accordance with RCW 29A.04.133.
(3) For elective offices governed by this section, the oath of office must be taken as the last step of qualification as defined in RCW 29A.04.133 and may be taken between the date of the final certification of the election and the day before the term of office begins.
[2025; 2003 c 111 § 504; 1999 c 298 § 3; 1980 c 35 § 7; 1979 ex.s. c 126 § 1. Formerly RCW 29A.20.040, 29.04.170.]
Severability—1980 c 35: See note following RCW 28A.343.300.

RCW 29A.60.300: Statewide survey of voted ballot rejection rates and reasons for rejections—Secretary of state to conduct and publish.

Every odd-numbered year, the secretary of state must conduct and publish a statewide survey of voted ballot rejection rates and the reasons for those rejections by county auditors and canvassing boards. The secretary of state must collect data from reconciliation reports and county auditors in order to compare county and statewide averages for rates of rejected ballots and reasons for those ballots being rejected. The data collected must include rejection rates and reasons for rejection of voted ballots for all elections. The survey must include an analysis of current practices by county auditors and canvassing boards in the acceptance and rejection of ballots, and include recommendations for improvements that minimize rejections in those practices, with a goal of statewide standardization where applicable. The results must also be analyzed and compared with available national data and recognized best practices. The secretary of state's recommendations and reports must be made available to the public.
[2016 c 134 § 3.]

RCW 29A.60.800 Uniform ballot envelope design work group. *(Expires January 1, 2027)*

(1) A work group is established to approve a uniform ballot envelope design to be used by all counties in each election beginning with the 2026 primary election.
(2) The work group must be chaired by the secretary of state, or the secretary's designee, and include at a minimum the following members, appointed by the secretary of state:
(a) Two county auditors or their designees, with one auditor residing in western Washington and one auditor residing in eastern Washington;
(b) A representative from the University of Washington Evans school of public policy and governance;
(c) A representative from a nonprofit educational research organization with expertise in designing voting materials; and
(d) Other recognized experts and staff as deemed necessary by the work group's chair.
(3) This section expires January 1, 2027.
[2024 c 269 § 12.]

TITLE 29A.64 RCW:
RECOUNTS

Sections

RCW 29A.64.011: Application—Requirements—Application of chapter.
RCW 29A.64.021: Mandatory.
RCW 29A.64.030: Deposit of fees—Notice—Public proceeding.
RCW 29A.64.041: Procedure—Request to stop—Observers.
RCW 29A.64.050: Partial recount requiring complete recount.
RCW 29A.64.061: Amended abstracts.
RCW 29A.64.070: Limitation
RCW 29A.64.081: Expenses—Charges—Reimbursement by state.
RCW 29A.64.090: Statewide measures—When mandatory—Cost at state expense.
RCW 29A.64.100: Statewide measures—Funds for additional expenses.

RCW 29A.64.011: Application—Requirements—Application of chapter.

An officer of a political party or any person for whom votes were cast in a primary who did not qualify for the general election may file a written application for a recount of the votes or a portion of the votes cast at that primary for all persons for whom votes were cast for that office.

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

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

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

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

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

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

[2011 c 349 § 23; 2004 c 271 § 177.]

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

RCW 29A.64.021: Mandatory.

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

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

(b)(i) For statewide elections, if the difference in the number of votes cast for the apparent winner and

the closest apparently defeated opponent is less than one thousand votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.
(ii) For elections not included in (b)(i) of this subsection, if the difference in the number of votes cast for the apparent winner and the closest apparently defeated opponent is less than one hundred fifty votes and also less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually or as provided in subsection (3) of this section.
(2) A mandatory recount shall be conducted in the manner provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of a mandatory recount may be charged to any candidate.
(3) The apparent winner and closest apparently defeated opponent for an office for which a manual recount is required under subsection (1)(b) of this section may select an alternative method of conducting the recount. To select such an alternative, the two candidates shall agree to the alternative in a signed, written statement filed with the election official for the office. The recount shall be conducted using the alternative method if: It is suited to the balloting system that was used for casting the votes for the office; it involves the use of a vote tallying system that is approved for use in this state by the secretary of state; and the vote tallying system is readily available in each county required to conduct the recount. If more than one balloting system was used in casting votes for the office, an alternative to a manual recount may be selected for each system.
[2013 c 11 § 66; 2005 c 243 § 19; 2004 c 271 § 178.]

RCW 29A.64.030: Deposit of fees—Notice—Public proceeding.

An application for a recount shall state the office or ballot measure for which a recount is requested, and whether the request is for all precincts or only a portion of the precincts in that jurisdiction. The person filing an application for a manual recount shall, at the same time, deposit with the county canvassing board or secretary of state, in cash or by certified check, a sum equal to twenty-five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of any costs of conducting the recount. If the application is for a machine recount, the deposit must be equal to fifteen cents for each ballot. These charges shall be determined by the county canvassing board or boards under RCW 29A.64.081. The county canvassing board shall determine the date, time, and place or places at which the recount will be conducted. Not less than one day before the date of the recount, the county auditor shall notify the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office of the date, time, and place of the recount. Each person entitled to receive notice of the recount may attend, witness the recount, and be accompanied by counsel.
Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness a recount.
[2013 c 11 § 67; 2011 c 349 § 24; 2005 c 243 § 20; 2003 c 111 § 1603. Prior: 2001 c 225 § 5; 1991 c 81 § 36; 1987 c 54 § 5; 1977 ex.s. c 361 § 99; 1965 c 9 § 29.64.020; prior: 1961 c 50 § 2; 1955 c 215 § 2. Formerly RCW 29.64.020.]
Effective date—2011 c 349: See note following RCW 29A.04.255.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.64.041: Procedure—Request to stop—Observers.

(1) At the time and place established for a recount, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board or their duly authorized representatives.
The canvassing board shall not permit the tabulation of votes for any nomination, election, or issue other than the ones for which a recount was applied for or required.
(2) At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount.
(3) The recount may be observed by persons representing the candidates affected by the recount or the

persons representing both sides of an issue that is being recounted. Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The observers may not make a record of the names, addresses, or other information on the ballots, declarations, or lists of voters unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.
[2011 c 10 § 63; 2004 c 271 § 179.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.64.050: Partial recount requiring complete recount.

When a partial recount of votes cast for an office or issue changes the result of the election, the canvassing board or the secretary of state, if the office or issue is being recounted at his or her direction, shall order a complete recount of all ballots cast for the office or issue for the jurisdiction in question.
This recount will be conducted in a manner consistent with RCW 29A.64.021.
[2013 c 11 § 68; 2003 c 111 § 1605. Prior: 2001 c 225 § 7. Formerly RCW 29.64.035.]

RCW 29A.64.061: Amended abstracts.

(1) Upon completion of the canvass of a recount, the canvassing board shall prepare and certify an amended abstract showing the votes cast in each precinct for which the recount was conducted. Copies of the amended abstracts must be transmitted to the same officers who received the abstract on which the recount was based.
(2) If the office or issue for which the recount was conducted was filed with the county auditor, the canvassing board shall file the amended abstract with the original results of that election or primary.
(3) If the office or issue for which a recount was conducted was filed with the secretary of state, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. The secretary of state may require that the amended abstracts be certified by each canvassing board on a uniform date.
(4) An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.
[2013 c 11 § 69; 2005 c 243 § 21; 2004 c 271 § 180.]

RCW 29A.64.070: Limitation.

After the original count, canvass, and certification of results, the votes cast in any single precinct may not be recounted and the results recertified more than twice.
[2003 c 111 § 1607. Prior: 2001 c 225 § 9; 1991 c 90 § 3. Formerly RCW 29.64.051.]
Finding, purpose—1991 c 90: "The legislature finds that it is in the public interest to determine the winner of close contests for elective offices as expeditiously and as accurately as possible. It is the purpose of this act to provide procedures which promote the prompt and accurate recounting of votes for elective offices and which provide closure to the recount process." [1991 c 90 § 1.]

RCW 29A.64.081: Expenses—Charges—Reimbursement by state.

The canvassing board shall determine the expenses for conducting a recount of votes.
(1) For a recount conducted under RCW 29A.64.011, the cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered.
(2) For a recount conducted under RCW 29A.64.021, for an office where the candidates filed the declarations of candidacy with the secretary of state, any legislative office, and any congressional office, the county auditor shall file an expenseclaim for such costs with the secretary of state. The secretary of state shall include a budget request to the legislature during the next legislative session for sufficient funds for reimbursement of all costs of the recount and shall pay all properly executed and

documented vouchers to the counties within thirty days of allotment of specifically appropriated funds for this purpose. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under this section.
(3) State and federal offices are to be considered one entity for purposes of election cost proration and reimbursement.
[2020 c 337 § 5; 2004 c 271 § 181.]
Effective date—2020 c 337: See note following RCW 29A.04.410.

RCW 29A.64.090: Statewide measures—When mandatory—Cost at state expense.
When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a statewide measure and the number of votes cast for the rejection of such measure is less than two thousand votes and also less than one-half of one percent of the total number of votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the manner provided by RCW 29A.64.041 and 29A.64.061, and the cost of such recount will be at state expense.
[2023 c 109 § 3; 2016 c 204 § 1; 2013 c 11 § 70; 2003 c 111 § 1609. Prior: 2001 c 225 § 11; 1973 c 82 § 1. Formerly RCW 29.64.080.]
Findings—2023 c 109: See note following RCW 29A.32.070.

RCW 29A.64.100: Statewide measures—Funds for additional expenses.
Each county auditor shall file with the secretary of state a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29A.64.090. The secretary of state shall include in his or her biennial budget request a provision for sufficient funds to carry out the provisions of this section. Payments hereunder shall be from appropriations specifically provided for such purpose by law.
[2003 c 111 § 1610; 1977 ex.s. c 144 § 5; 1973 c 82 § 2. Formerly RCW 29.64.090.]

TITLE 29A.68 RCW: CONTESTING AN ELECTION

Sections
RCW 29A.68.011: Prevention and correction of ballot frauds and errors.
RCW 29A.68.013: Prevention and correction of frauds and errors—Primary, election, challenge to certification of measure.
RCW 29A.68.020: Commencement by registered voter—Causes for.
RCW 29A.68.030: Affidavit of error or omission—Contents—Witnesses.
RCW 29A.68.040: Hearing date—Issuance of citation—Service.
RCW 29A.68.050: Witnesses to attend—Hearing of contest—Judgment.
RCW 29A.68.060: Costs, how awarded.
RCW 29A.68.070: Misconduct of board—Irregularity material to result.
RCW 29A.68.080: Misconduct of board—Number of votes affected—Enough to change result.
RCW 29A.68.090: Illegal votes—Allegation of.
RCW 29A.68.100: Illegal votes—List required for testimony.
RCW 29A.68.110: Illegal votes—Number of votes affected—Enough to change result.
RCW 29A.68.120: Election set aside—Appeal period.

RCW 29A.68.011: Prevention and correction of ballot frauds and errors.
Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to

forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:
(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or
(3) The name of any person has been or is about to be wrongfully placed upon the ballots.
An affidavit of an elector under this section when relating to a primary election must be filed with the appropriate court no later than two days following the closing of the filing period for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under 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, or official certification of candidates qualified to appear on the general election ballot, whichever is later, and shall be heard and finally disposed of by the court not later than five days after the filing thereof.
[2016 c 130 § 1; 2013 c 11 § 71; 2011 c 349 § 25; 2007 c 374 § 3; 2005 c 243 § 22; 2004 c 271 § 182.]
Effective date—2011 c 349: See note following RCW 29A.04.255.

RCW 29A.68.013: Prevention and correction of frauds and errors—Primary, election, challenge to certification of measure.

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:
(1) A wrongful act other than as provided for in RCW 29A.68.011 has been performed or is about to be performed by any election officer; or
(2) Any neglect of duty on the part of an election officer other than as provided for in RCW 29A.68.011 has occurred or is about to occur; or
(3) An error or omission has occurred or is about to occur in the official certification of any primary or election, including a challenge to the certification of any measure.
An affidavit of an elector under this subsection shall be filed with the appropriate court no later than ten days following the official certification of the primary or election as provided in RCW 29A.60.190, 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days after the official certification of the amended abstract as provided in RCW 29A.64.061.
[2016 c 130 § 2.]

RCW 29A.68.020: Commencement by registered voter—Causes for.

Any of the following causes may be asserted by a registered voter to challenge the right to assume office of a candidate declared elected to that office, to challenge the right of a candidate to appear on the general election ballot after a primary, or to challenge certification of the result of an election on any measure:
(1) For misconduct on the part of any election officer involved therein;
(2) Because the person whose right is being contested was not, at the time the person was declared elected, eligible to that office;
(3) Because the person whose right is being contested was, previous to the election, convicted of a felony by a court of competent jurisdiction, the conviction not having been reversed nor the person's civil rights restored after the conviction;
(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an election officer for the purpose of procuring the election, or offered to do so;

(5) On account of illegal votes.
(a) Illegal votes include but are not limited to the following:
(i) More than one vote cast by a single voter;
(ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.
(b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged under RCW 29A.08.810 and 29A.08.820.
All election contests must proceed under RCW 29A.68.011 or 29A.68.013.
[2016 c 130 § 3; 2013 c 11 § 72; 2011 c 10 § 64; 2007 c 374 § 4; 2003 c 111 § 1702; 1983 1st ex.s. c 30 § 6; 1977 ex.s. c 361 § 101; 1965 c 9 § 29.65.010. Prior: 1959 c 329 § 26; prior: (i) Code 1881 § 3105; 1865 p 42 § 1; RRS § 5366. (ii) Code 1881 § 3109; 1865 p 43 § 5; RRS § 5370. Formerly RCW 29.65.010.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.
Civil rights
loss of: State Constitution Art. 6 § 3, RCW 29A.08.520.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

RCW 29A.68.030: Affidavit of error or omission—Contents—Witnesses.

An affidavit of an elector filed pursuant to RCW 29A.68.013(3) must set forth specifically:
(1) The name of the contestant and that he or she is a registered voter in the county, district or precinct, as the case may be, in which the office or measure is to be exercised;
(2) The name of the person whose right is being contested or the name of the measure being contested;
(3) The office;
(4) The particular causes of the contest.
No statement of contest may be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty. The person charged with the error or omission must be given the opportunity to call any witness, including the candidate.
[2016 c 130 § 4; 2007 c 374 § 5; 2003 c 111 § 1703; 1977 ex.s. c 361 § 102; 1965 c 9 § 29.65.020. Prior: (i) Code 1881 § 3110; 1865 p 43 § 6; RRS § 5371. (ii) Code 1881 § 3112; 1865 p 44 § 8; RRS § 5373. Formerly RCW 29.65.020.]
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.68.040: Hearing date—Issuance of citation—Service.

Upon such affidavit being filed, the clerk shall inform the judge of the appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding the court, on some day to be named by the judge, not less than ten nor more than twenty days from the date of the notice, to hear and determine such contested election. If no session is called for the purpose, the contest must be determined at the first regular session of court after the statement is filed.
The clerk of the court shall also at the time issue a citation for the person charged with the error or omission, to appear at the time and place specified in the notice. The citation must be delivered to the sheriff and be served upon the party in person; or if the person cannot be found, by leaving a copy thereof at the house where the person last resided.
[2003 c 111 § 1704; 1977 ex.s. c 361 § 103; 1965 c 9 § 29.65.040. Prior: (i) Code 1881 § 3113; 1865 p 44 § 9; RRS § 5374. (ii) Code 1881 § 3114; 1865 p 45 § 10; RRS § 5375. Formerly RCW 29.65.040.]
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.68.050: Witnesses to attend—Hearing of contest—Judgment.

The clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the sheriff or constable, as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so.
The court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such

election, according to the law and right of the case.
If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected. If in any such case it shall appear that the results of a measure are reversed, said court shall declare the change in result.
[2016 c 130 § 5; 2003 c 111 § 1705. Prior: 1965 c 9 § 29.65.050; prior: (i) Code 1881 § 3115; 1865 p 45 § 11; RRS § 5376. (ii) Code 1881 § 3116; 1865 p 45 § 12; RRS § 5377. (iii) Code 1881 § 3117; 1865 p 45 § 13; RRS § 5378. FORMER PARTS OF SECTION: (i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379, now codified in RCW 29.65.055. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, now codified in RCW 29.65.055. Formerly RCW 29.65.050.]

RCW 29A.68.060: Costs, how awarded.

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party charged with error or omission.
If such election is annulled and set aside, judgment for costs shall be rendered against the party charged with the error or omission and in favor of the party alleging the same.
[2003 c 111 § 1706. Prior: 1977 ex.s. c 361 § 104; 1965 c 9 § 29.65.055; prior: (i) Code 1881 § 3119; 1865 p 45 § 15; RRS § 5379; formerly RCW 29.65.050, part. (ii) Code 1881 § 3120; 1865 p 45 § 16; RRS § 5380, formerly RCW 29.65.050, part. Formerly RCW 29.65.055.]
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.68.070: Misconduct of board—Irregularity material to result.

No irregularity or improper conduct in the proceedings of any county canvassing board or any member of the board amounts to such malconduct as to annul or set aside any election unless the irregularity or improper conduct was such as to either, reverse the outcome of an election measure or procure the person whose right to the office may be contested, to be declared duly elected although the person did not receive the highest number of legal votes.
[2016 c 130 § 6; 2011 c 10 § 65; 2003 c 111 § 1707; 1965 c 9 § 29.65.060. Prior: Code 1881 § 3106; 1865 p 43 § 2; RRS § 5367. Formerly RCW 29.65.060.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.68.080: Misconduct of board—Number of votes affected—Enough to change result.

When any election for an office exercised in and for a county is contested on account of any malconduct on the part of a county canvassing board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office or measure in the remaining vote of the county.
[2016 c 130 § 7; 2011 c 10 § 66; 2003 c 111 § 1708. Prior: 1965 c 9 § 29.65.070; prior: Code 1881 § 3107; 1865 p 43 § 3; RRS § 5368. Formerly RCW 29.65.070.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.68.090: Illegal votes—Allegation of.

When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were cast, that, if given to the person whose election is contested, or to the winning choice for a measure, in the specified precinct or precincts, will, if taken from that person, or winning choice for a measure, reduce the number of the person's legal votes below the number of legal votes given to some other person for the same office or reverse the outcome of the measure.
[2016 c 130 § 8; 2003 c 111 § 1709; 1965 c 9 § 29.65.080. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.080.]

RCW 29A.68.100: Illegal votes—List required for testimony.

No testimony may be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, that the contesting party intends to prove at the trial. No testimony may be received as to

any illegal votes, except as to such as are specified in the list.
[2003 c 111 § 1710; 1965 c 9 § 29.65.090. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part. Formerly RCW 29.65.090.]

RCW 29A.68.110: Illegal votes—Number of votes affected—Enough to change result.

(1) No election for an office may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, that, if taken from that person, would reduce the number of the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes that may be shown to have been given to the other person.
(2) No election for a measure may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the winning choice being contested, that, if taken from that winning choice, would reduce the number of legal votes for the winning choice below the number of votes given to the other choice, after deducting therefrom the illegal votes that may be shown to have been given to the other choice.
[2016 c 130 § 9; 2003 c 111 § 1711; 1965 c 9 § 29.65.100. Prior: Code 1881 § 3108; 1865 p 43 § 4; RRS § 5369. Formerly RCW 29.65.100.]

RCW 29A.68.120: Election set aside—Appeal period.

If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the election of the person challenged or the outcome of the measure challenged, shall be thereby rendered void.
[2016 c 130 § 10; 2007 c 374 § 6; 2003 c 111 § 1712; 1965 c 9 § 29.65.120. Prior: Code 1881 § 3123, part; 1865 p 46 § 19, part; RRS § 5382, part. Formerly RCW 29.65.120.]

TITLE 29A.72 RCW: STATE INITIATIVE AND REFERENDUM

Sections

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RCW 29A.72.290: Printing ballot titles and short descriptions on ballots—Separate headings.

RCW 29A.72.010: Filing proposed measures with secretary of state.

If any legal voter of the state, either individually or on behalf of an organization, desires to petition the legislature to enact a proposed measure, or submit a proposed initiative measure to the people, or order that a referendum of all or part of any act, bill, or law, passed by the legislature be submitted to the people, he or she shall file with the secretary of state:

(1) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;

(2) A signed affidavit, or electronic submission, that the sponsor is a registered voter; and

(3) A filing fee prescribed under RCW 43.07.120.

[2015 c 72 § 10; 2003 c 111 § 1802; 1982 c 116 § 1; 1965 c 9 § 29.79.010. Prior: 1913 c 138 § 1, part; RRS § 5397, part. Formerly RCW 29.79.010.]

RCW 29A.72.020: Review of proposed initiatives—Certificate required.

Upon receipt of a proposed initiative measure, and before giving it a serial number, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the sponsor of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the sponsor and shall within seven working days from its receipt, review the proposal and recommend to the sponsor such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the code reviser's office are advisory only, and the sponsor may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. The certificate must be issued whether or not the sponsor accepts such recommendations. Within fifteen working days after notification of submittal of the proposed measure to the code reviser's office, the sponsor, if he or she desires to proceed with sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of a serial number, and the secretary of state shall then submit to the code reviser's office a certified copy of the measure filed. Upon submission of the proposal to the secretary of state for assignment of a serial number, the secretary of state shall refuse to make such assignment unless the proposal is accompanied by a certificate of review.

[2003 c 111 § 1803; 1982 c 116 § 2; 1973 c 122 § 2. Formerly RCW 29.79.015.]

Legislative finding—1973 c 122: "The legislature finds that the initiative process reserving to the people the power to propose bills, laws and to enact or reject the same at the polls, independent of the legislature, is finding increased popularity with citizens of our state. The exercise of this power concomitant with the power of the legislature requires coordination to avoid the duplication and confusion of laws. This legislation is enacted especially to facilitate the operation of the initiative process." [1973 c 122 § 1.]

RCW 29A.72.025: Fiscal impact statements.

The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each of the following state ballot measures: (1) An initiative to the people that is certified to the ballot; (2) an

initiative to the legislature that will appear on the ballot; (3) an alternative measure appearing on the ballot that the legislature proposes to an initiative to the legislature; (4) a referendum bill referred to voters by the legislature; and (5) a referendum measure appearing on the ballot. The secretary of state shall notify the office of financial management and the attorney general when the sponsor of a ballot measure has made an appointment to submit petitions to the secretary of state for filing. The office of financial management and appropriate state agencies may begin work on a fiscal impact statement prior to the submission of petitions. Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than July 23rd if a public investment impact disclosure is required under RCW 29A.72.027, and no later than July 31st for all other measures. Fiscal impact statements may include easily understood graphics.

A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience if the ballot measure were approved by state voters. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include both a summary of not to exceed one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts. Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management.

[2022 c 114 § 5; 2009 c 415 § 7; 2004 c 266 § 4. Prior: 2002 c 139 § 1. Formerly RCW 29.79.075.]

Findings—2022 c 114: See note following RCW 29A.72.027.

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

RCW 29A.72.027: Public investment impact disclosures.

(1) The attorney general must prepare a public investment impact disclosure for any ballot measure that:

(a) Repeals, levies, or modifies any tax or fee, including changing the scope or application of an existing tax or fee; and

(b) Has a fiscal impact statement, as provided by RCW 29A.72.025, that shows that adoption of the measure would cause a net change in state revenue.

(2) The public investment impact disclosure must include a description of the investments that will be affected if the measure is adopted. The description must be sufficiently broad to reflect the subject of the investments that will be impacted by the change in revenue that will result from adoption of the measure, but also sufficiently precise to give notice of the subject matter of the investments that will be impacted by the change in revenue that will result from adoption of the measure. The description may not exceed 10 words, unless the fiscal impact is primarily to the state general fund, in which case the description must list the top three categories of state services funded by the general fund in the current state budget and may not exceed 15 words. The attorney general may consult with the office of financial management or any other state or local agencies as necessary to procure accurate information to draft the description.

(3) The format of the public investment impact disclosure, as it appears on the ballot, is:

"This measure would (increase or decrease) funding for (description of services)."

(4) In drafting the public investment impact disclosure, the attorney general must use neutral language that cannot reasonably be expected to create prejudice for or against the measure. The language of the disclosure is not subject to appeal, except as provided in chapter 114, Laws of 2022.

(5) The attorney general must file the public investment impact disclosure with the secretary of state no later than July 23rd.

(6) The secretary of state must certify the public investment impact disclosure and timely transmit it to each county auditor for its inclusion on the ballot.

(7) Public investment impact disclosures are not considered part of the ballot title under this chapter and are not subject to any of the legal requirements for ballot titles.

[2022 c 114 § 2.]

Findings—2022 c 114: "The legislature recognizes that the people have reserved for themselves the power to enact or reject

legislation through the initiative and referendum process, as provided in Article II, section 1 of the state Constitution. The legislature finds that when exercising this right, the people are entitled to know the fiscal impact that their vote will have on public investments at the time they cast their ballots. The legislature further finds that when a ballot measure will affect funding for public investments, a neutral, nonprejudicial disclosure of the public investments affected will provide greater transparency and necessary information for voters." [2022 c 114 § 1.]

RCW 29A.72.028: Public investment impact disclosures—Appeal to superior court.

Any persons, including either or both houses of the legislature, dissatisfied with the public investment impact disclosure for a state initiative or referendum may, within three days from the filing of the public investment impact disclosure in the office of the secretary of state, appeal to the superior court of Thurston county by petition setting forth the measure, the public investment impact disclosure, and their objections to the public investment impact disclosure and requesting amendment of the public investment impact disclosure by the court. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits contained in this section.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state, upon the attorney general, and upon the person proposing the measure if the appeal is initiated by someone other than that person. Upon the filing of the petition on appeal or at the time to which the hearing may be adjourned by consent of the appellant, the court shall accord first priority to examining the proposed measure, the public investment impact disclosure, and the objections to that public investment impact disclosure, may hear arguments, and shall, within five days, render its decision and file with the secretary of state a certified copy of such public investment impact disclosure as it determines will meet the requirements of RCW 29A.72.027. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party.

[2022 c 114 § 6.]

Findings—2022 c 114: See note following RCW 29A.72.027.

RCW 29A.72.030: Time for filing various types.

Initiative measures proposed to be submitted to the people must be filed with the secretary of state within ten months prior to the election at which they are to be submitted, and the signature petitions must be filed with the secretary of state not less than four months before the next general statewide election.

Initiative measures proposed to be submitted to the legislature must be filed with the secretary of state within ten months prior to the next regular session of the legislature at which they are to be submitted, and the signature petitions must be filed with the secretary of state not less than ten days before such regular session of the legislature.

A referendum measure petition ordering that any act or part of an act passed by the legislature be referred to the people must be filed with the secretary of state within ninety days after the final adjournment of the legislative session at which the act was passed. It may be submitted at the next general statewide election or at a special election ordered by the legislature.

A proposed initiative or referendum measure may be filed no earlier than the opening of the secretary of state's office for business pursuant to RCW 42.04.060 on the first day filings are permitted, and any initiative or referendum petition must be filed not later than the close of business on the last business day in the specified period for submission of signatures. If a filing deadline falls on a Saturday, the office of the secretary of state must be open for the transaction of business under this section from 8:00 a.m. to 5:00 p.m. on that Saturday.

[2003 c 111 § 1804; 1987 c 161 § 1; 1965 c 9 § 29.79.020. Prior: (i) 1913 c 138 § 1, part; RRS § 5397, part. (ii) 1913 c 138 § 6, part; RRS § 5402, part. (iii) 1913 c 138 § 5, part; RRS § 5401, part. (iv) 1913 c 138 § 7, part; RRS § 5403, part. Formerly RCW 29.79.020.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

Petitions—Time for filing: RCW 29A.72.160.

RCW 29A.72.040: Numbering—Transmittal to attorney general.

The secretary of state shall give a serial number to each initiative, referendum bill, or referendum measure, using a separate series for initiatives to the legislature, initiatives to the people, referendum bills, and referendum measures, and forthwith transmit one copy of the measure proposed bearing

its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots, and proceedings as "Initiative Measure No. . . . .," "Referendum Bill No. . . . .," or "Referendum Measure No. . . . .."

[2023 c 109 § 4; 2008 c 1 § 7 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 1805; 1982 c 116 § 3; 1965 c 9 § 29.79.030. Prior: 1913 c 138 § 1, part; RRS § 5397, part. Formerly RCW 29.79.030.]

Findings—2023 c 109: See note following RCW 29A.32.070.

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

RCW 29A.72.050: Ballot title—Formulation, ballot display.

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure.

(2) If a public investment impact disclosure is required under RCW 29A.72.027, the disclosure must appear in the middle of the ballot title, after the concise description and before the question. The disclosure is not, however, considered part of the ballot title and is not subject to any of the legal requirements for ballot titles under this chapter.

(3) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public investment impact disclosure, if applicable). Should this measure be enacted into law?

Yes . . . .□

No . . . .□"

(4) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public investment impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public investment impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes . . . .□

No . . . .□

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No. . . . .□

or

Measure No. . . . .□"

(5) For a referendum bill submitted to the people by the legislature, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:

Approved . . . .□

Rejected . . . .□"

(6) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public investment impact disclosure, if applicable, must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public investment impact disclosure, if applicable). Should this bill be:
Approved . . . .□
Rejected . . . .□"
(7) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.
The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.
[2022 c 114 § 3; 2003 c 111 § 1806. Prior: 2000 c 197 § 1. Formerly RCW 29.79.035.]
Findings—2022 c 114: See note following RCW 29A.72.027.
Part headings not law—2000 c 197: "Part headings used in this act are not part of the law." [2000 c 197 § 17.]

RCW 29A.72.060: Ballot title and summary by attorney general.

Within five days after the receipt of an initiative or referendum the attorney general shall formulate the ballot title, or portion of the ballot title that the legislature has not provided, required by RCW 29A.72.050 and a summary of the measure, not to exceed seventy-five words, and transmit the serial number for the measure, complete ballot title, and summary to the secretary of state. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this section.
[2003 c 111 § 1807. Prior: 2000 c 197 § 2; 1993 c 256 § 9; 1982 c 116 § 4; 1973 1st ex.s. c 118 § 2; 1965 c 9 § 29.79.040; prior: 1953 c 242 § 2; 1913 c 138 § 2; RRS § 5398. Formerly RCW 29.79.040.]
Part headings not law—2000 c 197: See note following RCW 29A.72.050.
Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.
Ballot titles to other state and local measures: RCW 29A.36.020 through 29A.36.090.

RCW 29A.72.070: Ballot title and summary—Notice.

Upon the filing of the ballot title and summary for a state initiative or referendum measure in the office of secretary of state, the secretary of state shall notify by telephone and by mail, and, if requested, by other electronic means, the person proposing the measure, the prime sponsor of a referendum bill or alternative to an initiative to the legislature, the chief clerk of the house of representatives, the secretary of the senate, and any other individuals who have made written request for such notification of the exact language of the ballot title and summary.
[2003 c 111 § 1808. Prior: 2000 c 197 § 3; 1982 c 116 § 5; 1973 1st ex.s. c 118 § 3; 1965 c 9 § 29.79.050; prior: 1913 c 138 § 3, part; RRS § 5399, part. Formerly RCW 29.79.050.]
Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.72.080: Ballot title and summary—Appeal to superior court.

Any persons, including the attorney general or either or both houses of the legislature, dissatisfied with the ballot title or summary for a state initiative or referendum may, within five days from the filing of the ballot title in the office of the secretary of state, appeal to the superior court of Thurston county by petition setting forth the measure, the ballot title or summary, and their objections to the ballot title or summary and requesting amendment of the ballot title or summary by the court. Saturdays, Sundays, and legal holidays are not counted in calculating the time limits contained in this section.
A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the secretary of state, upon the attorney general, and upon the person proposing the measure if the appeal is initiated by someone other than that person. Upon the filing of the petition on appeal or at the time to which the hearing may be adjourned by consent of the appellant, the court shall accord first priority to examining the proposed measure, the ballot title or summary, and the objections to that ballot title or summary, may hear arguments, and shall, within five days, render its decision and file with the secretary of state a certified copy of such ballot title or summary as it determines will meet the

requirements of RCW 29A.72.060. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party.
[2013 c 11 § 73; 2003 c 111 § 1809. Prior: 2000 c 197 § 4; 1982 c 116 § 6; 1965 c 9 § 29.79.060; prior: 1913 c 138 § 3, part; RRS § 5399, part. Formerly RCW 29.79.060.]
Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.72.090: Ballot title and summary—Mailed to proponents and other persons—Appearance on petitions.

When the ballot title and summary are finally established, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to the person proposing the measure, the chief clerk of the house of representatives, the secretary of the senate, and to any other individuals who have made written request for such notification. Thereafter such ballot title shall be the title of the measure in all petitions, ballots, and other proceedings in relation thereto. The summary shall appear on all petitions directly following the ballot title.
[2003 c 111 § 1810. Prior: 2000 c 197 § 5; 1982 c 116 § 7; 1965 c 9 § 29.79.070; prior: 1913 c 138 § 4, part; RRS § 5400, part. Formerly RCW 29.79.070.]
Part headings not law—2000 c 197: See note following RCW 29A.72.050.

RCW 29A.72.100: Petitions—Paper—Size—Contents.

The person proposing the measure shall print blank petitions upon single sheets of paper of good writing quality (including but not limited to newsprint) not less than eleven inches in width and not less than fourteen inches in length. Each petition at the time of circulating, signing, and filing with the secretary of state must consist of not more than one sheet with numbered lines for not more than twenty signatures, with the prescribed warning and title, be in the form required by RCW 29A.72.110, 29A.72.120, or 29A.72.130, and have a readable, full, true, and correct copy of the proposed measure printed on the reverse side of the petition.
[2003 c 111 § 1811; 1982 c 116 § 8; 1973 1st ex.s. c 118 § 4; 1965 c 9 § 29.79.080. Prior: (i) 1913 c 138 § 4, part; RRS § 5400, part. (ii) 1913 c 138 § 9; RRS § 5405. Formerly RCW 29.79.080.]

RCW 29A.72.110: Petitions to legislature—Form.

Petitions for proposing measures for submission to the legislature at its next regular session must be substantially in the following form:
The warning prescribed by RCW 29A.72.140; followed by:

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable . . . . . ., Secretary of State of the State of Washington:
We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. . . . . and entitled (here set forth the established ballot title of the measure), a full, true, and correct copy of which is printed on the reverse side of this petition, be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.
The following declaration must be printed on the reverse side of the petition:
I, ..., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.
RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

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

[2005 c 239 § 1; 2003 c 111 § 1812; 1982 c 116 § 9; 1965 c 9 § 29.79.090. Prior: 1913 c 138 § 5, part; RRS § 5401, part. Formerly RCW 29.79.090.]

Effective date—2005 c 239: "This act takes effect January 1, 2006." [2005 c 239 § 4.]

RCW 29A.72.120: Petitions to people—Form.

Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election must be substantially in the following form:

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

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable . . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No. . . . ., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the . . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The following declaration must be printed on the reverse side of the petition:

I, ..., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

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

[2005 c 239 § 2; 2003 c 111 § 1813; 1982 c 116 § 10; 1965 c 9 § 29.79.100. Prior: 1913 c 138 § 6, part; RRS § 5402, part. Formerly RCW 29.79.100.]

Effective date—2005 c 239: See note following RCW 29A.72.110.

RCW 29A.72.130: Referendum petitions—Form.

Petitions ordering that acts or parts of acts passed by the legislature be referred to the people at the next ensuing general election, or special election ordered by the legislature, must be substantially in the following form:

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

PETITION FOR REFERENDUM

To the Honorable . . . . . ., Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully order and direct that Referendum Measure No. . . . . ., filed to revoke a (or part or parts of a) bill that (concise statement required by RCW 29A.72.050) and that was passed by the . . . . . legislature of the State of Washington at the last regular (special) session of said legislature, shall be referred to the people of the state for their approval or rejection at the regular (special) election to be held on the . . . . day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The following declaration must be printed on the reverse side of the petition:

I, ..., swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

RCW 9A.46.020 applies to any conduct constituting harassment against a petition signature gatherer. This penalty does not preclude the victim from seeking any other remedy otherwise available under law.

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

[2013 c 11 § 74; 2005 c 239 § 3; 2003 c 111 § 1814; 1993 c 256 § 10; 1982 c 116 § 11; 1965 c 9 § 29.79.110. Prior: 1913 c 138 § 7, part; RRS § 5403, part. Formerly RCW 29.79.110.]

Effective date—2005 c 239: See note following RCW 29A.72.110.

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.72.140: Warning statement—Further requirements.

The word "warning" and the following warning statement regarding signing petitions must appear on petitions as prescribed by this title and must be printed on each petition sheet such that they occupy not less than four square inches of the front of the petition sheet.

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine or imprisonment or both.

[2003 c 111 § 1815; 1993 c 256 § 5. Formerly RCW 29.79.115.]

Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.72.150: Petitions—Signatures—Number necessary.

When the person proposing any initiative measure has obtained signatures of legal voters equal to or exceeding eight percent of the votes cast for the office of governor at the last regular gubernatorial election prior to the submission of the signatures for verification, or when the person or organization demanding any referendum of an act or part of an act of the legislature has obtained a number of signatures of legal voters equal to or exceeding four percent of the votes cast for the office of governor at the last regular gubernatorial election prior to the submission of the signatures for verification, the petition containing the signatures may be submitted to the secretary of state for filing.

[2003 c 111 § 1816; 1982 c 116 § 12; 1965 c 9 § 29.79.120. Prior: 1913 c 138 § 11, part; RRS § 5407, part. See also State Constitution Art. 2 § 1A (Amendment 30), (L. 1955, p. 1860, S.J.R. No. 4). Formerly RCW 29.79.120.]

RCW 29A.72.160: Petitions—Time for filing.

The time for submitting initiative or referendum petitions to the secretary of state for filing is as follows:

(1) A referendum petition ordering and directing that the whole or some part or parts of an act passed by the legislature be referred to the people for their approval or rejection at the next ensuing general election or a special election ordered by the legislature, must be submitted not more than ninety days after the final adjournment of the session of the legislature which passed the act;

(2) An initiative petition proposing a measure to be submitted to the people for their approval or rejection at the next ensuing general election, must be submitted not less than four months before the date of such election;

(3) An initiative petition proposing a measure to be submitted to the legislature at its next ensuing regular session must be submitted not less than ten days before the commencement of the session.

[2003 c 111 § 1817. Prior: 1965 c 9 § 29.79.140; prior: 1913 c 138 § 12, part; RRS § 5408, part. Formerly RCW 29.79.140.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

Measures, petitions, time for filing various types: RCW 29A.72.030.

RCW 29A.72.170: Petitions—Acceptance or rejection by secretary of state.

The secretary of state may refuse to file any initiative or referendum petition being submitted upon any of the following grounds:

(1) That the petition does not contain the information required by RCW 29A.72.110, 29A.72.120, or 29A.72.130.

(2) That the petition clearly bears insufficient signatures.

(3) That the time within which the petition may be filed has expired.

In case of such refusal, the secretary of state shall endorse on the petition the word "submitted" and the date, and retain the petition pending appeal.

If none of the grounds for refusal exists, the secretary of state must accept and file the petition.

[2003 c 111 § 1818; 1982 c 116 § 13; 1965 c 9 § 29.79.150. Prior: (i) 1913 c 138 § 11, part; RRS § 5407, part. (ii) 1913 c 138 § 12, part; RRS § 5408, part. Formerly RCW 29.79.150.]

RCW 29A.72.180: Petitions—Review of refusal to file.

If the secretary of state refuses to file an initiative or referendum petition when submitted for filing, the persons submitting it for filing may, within ten days after the refusal, apply to the superior court of Thurston county for an order requiring the secretary of state to bring the petitions before the court, and for a writ of mandate to compel the secretary of state to file it. The application takes precedence over other cases and matters and must be speedily heard and determined.

If the court issues the citation, and determines that the petition is legal in form and apparently contains the requisite number of signatures and was submitted for filing within the time prescribed in the Constitution, it shall issue its mandate requiring the secretary of state to file it as of the date of submission for filing.

The decision of the superior court granting a writ of mandate is final.

[2003 c 111 § 1819; 1965 c 9 § 29.79.160. Prior: 1913 c 138 § 13, part; RRS § 5409, part. Formerly RCW 29.79.160.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

RCW 29A.72.190: Petitions—Appellate review.

The decision of the superior court refusing to grant a writ of mandate may be reviewed by the supreme court within five days after the decision of the superior court. The review must be considered an emergency matter of public concern, and be heard and determined with all convenient speed. If the supreme court decides that the petitions are legal in form and apparently contain the requisite number of signatures of legal voters, and were filed within the time prescribed in the Constitution, it shall issue its mandate directing the secretary of state to file the petition as of the date of submission.

[2003 c 111 § 1820; 1988 c 202 § 28; 1965 c 9 § 29.79.170. Prior: 1913 c 138 § 13, part; RRS § 5409, part. Formerly RCW 29.79.170.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

RCW 29A.72.200: Petitions—Destruction on final refusal.

If no appeal is taken from the refusal of the secretary of state to file a petition within the time prescribed, or if an appeal is taken and the secretary of state is not required to file the petition by the mandate of either the superior or the supreme court, the secretary of state shall destroy it.

[2003 c 111 § 1821. Prior: 1965 c 9 § 29.79.180; prior: 1913 c 138 § 13, part; RRS § 5409, part. Formerly RCW 29.79.180.]

RCW 29A.72.210: Petitions—Consolidation into volumes.

If the secretary of state accepts and files an initiative or referendum petition upon its being submitted for filing or if he or she is required to file it by the court, he or she shall, in the presence of the person submitting such petition for filing if he or she desires to be present, arrange and assemble the sheets containing the signatures into such volumes as will be most convenient for verification and canvassing and shall consecutively number the volumes and stamp the date of filing on each volume.

[2003 c 111 § 1822. Prior: 1982 c 116 § 14; 1965 c 9 § 29.79.190; prior: 1913 c 138 § 14; RRS § 5410. Formerly RCW

29.79.190.]

RCW 29A.72.230: Petitions—Verification and canvass of signatures, observers—Statistical sampling—Initiatives to legislature, certification of.

Upon the filing of an initiative or referendum petition, the secretary of state shall proceed to verify and canvass the names of the legal voters on the petition. The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed measure so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the superior court of Thurston county. The secretary of state may limit the number of observers to not less than two on each side, if in his or her opinion, a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides. The secretary of state may use any statistical sampling techniques for this verification and canvass which have been adopted by rule as provided by chapter 34.05 RCW. No petition will be rejected on the basis of any statistical method employed, and no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains fewer than the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition, he or she shall reject all but the first such valid signature. For an initiative to the legislature, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session and, as soon as the signatures on the petition have been verified and canvassed, the secretary of state shall send to the legislature a certificate of the facts relating to the filing, verification, and canvass of the petition.

[2003 c 111 § 1823. Prior: 1993 c 368 § 1; 1982 c 116 § 15; 1977 ex.s. c 361 § 105; 1969 ex.s. c 107 § 1; 1965 c 9 § 29.79.200; prior: 1933 c 144 § 1; 1913 c 138 § 15; RRS § 5411. Formerly RCW 29.79.200.]

Effective date—1993 c 368: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 368 § 2.]

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

RCW 29A.72.240: Count of signatures—Review.

Any citizen dissatisfied with the determination of the secretary of state that an initiative or referendum petition contains or does not contain the requisite number of signatures of legal voters may, within five days after such determination, apply to the superior court of Thurston county for a citation requiring the secretary of state to submit the petition to said court for examination, and for a writ of mandate compelling the certification of the measure and petition, or for an injunction to prevent the certification thereof to the legislature, as the case may be. Such application and all proceedings had thereunder shall take precedence over other cases and shall be speedily heard and determined.

The decision of the superior court granting or refusing to grant the writ of mandate or injunction may be reviewed by the supreme court within five days after the decision of the superior court, and if the supreme court decides that a writ of mandate or injunction, as the case may be, should issue, it shall issue the writ directed to the secretary of state; otherwise, it shall dismiss the proceedings. The clerk of the supreme court shall forthwith notify the secretary of state of the decision of the supreme court.

[2003 c 111 § 1824. Prior: 1988 c 202 § 29; 1965 c 9 § 29.79.210; prior: 1913 c 138 § 17; RRS § 5413. Formerly RCW 29.79.210.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

RCW 29A.72.250: Initiatives and referenda to the people—Certificates of sufficiency.

If a referendum or initiative petition for submission of a measure to the people is found sufficient, the secretary of state shall at the time and in the manner that he or she certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures to be voted upon at the next ensuing general election or special election ordered by the legislature.

[2023 c 109 § 5; 2013 c 11 § 75; 2008 c 1 § 10 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 1825; 1965 c 9 § 29.79.230. Prior: 1913 c 138 § 19; RRS § 5415. Formerly RCW 29.79.230.]

Findings—2023 c 109: See note following RCW 29A.32.070.
Findings—Intent—Construction—Severability—Subheadings and part headings not law—Short title—Effective date—2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

RCW 29A.72.260: Rejected initiatives to legislature.

Whenever any measure proposed by initiative petition for submission to the legislature is rejected by the legislature or the legislature takes no action thereon before the end of the regular session at which it is submitted, the secretary of state shall certify the serial number and ballot title thereof to the county auditors for printing on the ballots at the next ensuing general election in like manner as initiative measures for submission to the people are certified.

[2003 c 111 § 1826. Prior: 1965 c 9 § 29.79.270; prior: 1913 c 138 § 21; RRS § 5417. Formerly RCW 29.79.270.]

RCW 29A.72.270: Alternatives to initiatives to the legislature.

If the legislature, having rejected a measure submitted to it by initiative petition, proposes a different measure dealing with the same subject, the secretary of state shall give that measure the same number as that borne by the initiative measure followed by the letter "B." Such measure so designated as "Alternative Measure No. . . . . B," together with the ballot title thereof, when ascertained, shall be certified by the secretary of state to the county auditors for printing on the ballots for submission to the voters for their approval or rejection in like manner as initiative measures for submission to the people are certified.

[2003 c 111 § 1827. Prior: 1965 c 9 § 29.79.280; prior: 1913 c 138 § 22, part; RRS § 5418, part. Formerly RCW 29.79.280.]

RCW 29A.72.280: Concise description for alternative to initiative to the legislature.

For a measure designated as "Alternative Measure No. . . . . B," the secretary of state shall obtain from the measure adopting the alternative, or otherwise the attorney general, a concise description of the alternative measure that differs from the concise description of the original initiative and indicates as clearly as possible the essential differences between the two measures.

[2003 c 111 § 1828. Prior: 2000 c 197 § 6; 1965 c 9 § 29.79.290; prior: 1913 c 138 § 22, part; RRS § 5418, part. Formerly RCW 29.79.290.]

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

RCW 29A.72.290: Printing ballot titles and short descriptions on ballots—Separate headings.

The county auditor of each county shall print the serial numbers, ballot titles, and public investment impact disclosures certified by the secretary of state on the official ballots for the election at which initiative and referendum measures are to be submitted to the people for their approval or rejection. They must appear under separate headings in the order of the serial numbers as follows:

(1) Initiatives to the people;
(2) Referendum measures;
(3) Referendum bills;
(4) Initiatives to the legislature;
(5) Initiatives to the legislature and legislative alternatives;
(6) Proposed constitutional amendments.

[2023 c 109 § 6; 2022 c 114 § 4; 2013 c 11 § 76; 2008 c 1 § 11 (Initiative Measure No. 960, approved November 6, 2007); 2003 c 111 § 1829; 1965 c 9 § 29.79.300. Prior: 1913 c 138 § 23; RRS § 5419. Formerly RCW 29.79.300.]

Findings—2023 c 109: See note following RCW 29A.32.070.
Findings—2022 c 114: See note following RCW 29A.72.027.
Findings—Intent—Construction—Severability—Subheadings and part headings not law—Short title—Effective date—2008 c 1 (Initiative Measure No. 960): See notes following RCW 43.135.031.

TITLE 29A.76 RCW:
REDISTRICTING

Sections

RCW 29A.76.010: Counties, municipal corporations, and special purpose districts.
RCW 29A.76.020: Boundary information.
RCW 29A.76.040: Maps and census correspondence lists—Apportionment—Duties of secretary of state.
RCW 29A.76.050: Voluntary change to electoral system—Use of population data regarding political parties.

RCW 29A.76.010: Counties, municipal corporations, and special purpose districts.

(1) It is the responsibility of each county, municipal corporation, and special purpose district with a governing body comprised of internal director, council, or commissioner districts not based on statutorily required land ownership criteria to periodically redistrict its governmental unit, based on population information from the most recent federal decennial census as adjusted by RCW 44.05.140.
(2) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each municipal corporation, county, and district charged with redistricting under this section.
(3) Except as otherwise provided in chapter 301, Laws of 2018, no later than November 15th of each year ending in one, the governing body of the municipal corporation, county, or district shall prepare a plan for redistricting its internal or director districts.
(4) The plan shall be consistent with the following criteria:
(a) Each internal director, council, or commissioner district shall be as nearly equal in population as possible to each and every other such district comprising the municipal corporation, county, or special purpose district.
(b) Each district shall be as compact as possible.
(c) Each district shall consist of geographically contiguous area.
(d) Population data may not be used for purposes of favoring or disfavoring any racial group or political party.
(e) To the extent feasible and if not inconsistent with the basic enabling legislation for the municipal corporation, county, or district, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.
(5) During the adoption of its plan, the municipal corporation, county, or district shall ensure that full and reasonable public notice of its actions is provided. Before adopting the plan, the municipal corporation, county, or district must:
(a) Publish the draft plan and hold a meeting, including notice and comment, within ten days of publishing the draft plan and at least one week before adopting the plan; and
(b) Amend the draft as necessary after receiving public comments and resubmit any amended draft plan for additional written public comment at least one week before adopting the plan.
(6)(a) Any registered voter residing in an area affected by the redistricting plan may request review of the adopted local plan by the superior court of the county in which he or she resides, within fifteen days of the plan's adoption. Any request for review must specify the reason or reasons alleged why the local plan is not consistent with the applicable redistricting criteria. The municipal corporation, county, or district may be joined as respondent. The superior court shall thereupon review the challenged plan for compliance with the applicable redistricting criteria set out in subsection (4) of this section.
(b) If the superior court finds the plan to be consistent with the requirements of this section, the plan shall take effect immediately.
(c) If the superior court determines the plan does not meet the requirements of this section, in whole or in part, it shall remand the plan for further or corrective action within a specified and reasonable time period.

(d) If the superior court finds that any request for review is frivolous or has been filed solely for purposes of harassment or delay, it may impose appropriate sanctions on the party requesting review, including payment of attorneys' fees and costs to the respondent municipal corporation, county, or district.

[2022 c 48 § 2; 2021 c 173 § 2; 2018 c 301 § 8; 2011 c 349 § 26; 2003 c 111 § 1901. Prior: 1984 c 13 § 4; 1983 c 16 § 15; 1982 c 2 § 27. Formerly RCW 29.70.100.]

Effective date—2022 c 48 § 2: "Section 2 of this act takes effect January 1, 2023." [2022 c 48 § 4.]

Expiration date—2022 c 48 § 1: "Section 1 of this act expires January 1, 2023." [2022 c 48 § 3.]

Effective date—2021 c 173 §§ 2 and 4: "Sections 2 and 4 of this act take effect January 1, 2023." [2021 c 173 § 6.]

Effective date—2021 c 173 §§ 1 and 3: "Sections 1 and 3 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately [May 3, 2021]." [2021 c 173 § 7.]

Expiration date—2021 c 173 §§ 1 and 3: "Sections 1 and 3 of this act expire January 1, 2023." [2021 c 173 § 5.]

Findings—Short title—2018 c 301: See notes following RCW 36.32.051.

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

Contingent effective date—1983 c 16: See RCW 44.05.900.

RCW 29A.76.020: Boundary information.

The legislative authority of each county and each city, town, and special purpose district which lies within the county shall provide the county auditor accurate information describing its geographical boundaries and the boundaries of its director, council, or commissioner districts and shall ensure that the information provided to the auditor is kept current.

[2013 c 11 § 77; 2003 c 111 § 1902. Prior: 1991 c 178 § 2. Formerly RCW 29.15.026, 29.04.220.]

RCW 29A.76.040: Maps and census correspondence lists—Apportionment—Duties of secretary of state.

(1) With regard to functions relating to census, apportionment, and the establishment of legislative and congressional districts, the secretary of state shall:

(a) Coordinate and monitor precinct mapping functions of the county auditors and county engineers;

(b) Maintain official state base maps and correspondence lists and maintain an index of all such maps and lists;

(c) Furnish to the United States bureau of the census as needed for the decennial census of population, current, accurate, and easily readable versions of maps of all counties, cities, towns, and other areas of this state, which indicate current precinct boundaries together with copies of the census correspondence lists.

(2) The secretary of state shall serve as the state liaison with the United States bureau of census on matters relating to the preparation of maps and the tabulation of population for apportionment purposes.

[2003 c 111 § 1904; 1989 c 278 § 2; 1977 ex.s. c 128 § 4; 1975-'76 2nd ex.s. c 129 § 2. Formerly RCW 29.04.140.]

Severability—1977 ex.s. c 128: See note following RCW 29A.16.040.

Effective date—1975-'76 2nd ex.s. c 129: "This 1976 amendatory act shall take effect on February 1, 1977." [1975-'76 2nd ex.s. c 129 § 5.]

Severability—1975-'76 2nd ex.s. c 129: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 129 § 6.]

RCW 29A.76.050: Voluntary change to electoral system—Use of population data regarding political parties.

In any change to its electoral system under RCW 29A.92.040 or preparation of a redistricting plan under RCW 29A.92.040, political subdivisions may use population data regarding political parties only to the extent necessary to ensure compliance with chapter 113, Laws of 2018 or federal law.

[2018 c 113 § 502.]

Findings—Intent—Short title—2018 c 113: See RCW 29A.92.005 and 29A.92.900.

TITLE 29A.76C RCW: CONGRESSIONAL DISTRICTS AND APPORTIONMENT

Sections

RCW 29A.76C: Congressional districts and apportionment.

Chapter 29A.76C: RCW CONGRESSIONAL DISTRICTS AND APPORTIONMENT

Reviser's note: The following material represents the congressional portion of the redistricting plan filed with the legislature by the Washington State Redistricting Commission on November 15, 2021, and as amended by House Concurrent Resolution 4407 under RCW 44.05.100. For state legislative districts, see chapter 44.07F RCW.

RESOLUTION OF REDISTRICTING
CONGRESSIONAL and LEGISLATIVE DISTRICTS
AS AMENDED BY HCR 4407

WHEREAS, Article II, section 43 of the Washington Constitution and RCW 44.05 require that a commission be established in January of each year ending in one to provide for the redistricting of state legislative and congressional districts as soon as possible following the federal decennial census, but no later than November 15 of each year ending in one; and

WHEREAS, the U.S. Census Bureau conducted a census of those residing in the United States as of April 1, 2020 and reported the results of the census to the state of Washington on August 12, 2021; and

WHEREAS, the Washington State Redistricting Commission was duly constituted in January 2021, and undertook its constitutional and statutory responsibilities for preparing a redistricting plan for the state of Washington; and

WHEREAS, the Washington State Redistricting Commission held numerous public hearings throughout the state and solicited public comment and third party plans in accordance with its rules, Chapter 417-06 WAC; and

WHEREAS, the Washington State Redistricting Commission has adopted a Final Plan and Resolution of the Redistricting Commission on this date November 15, 2021, in conformity with the constitutional requirement that it do so as soon as possible following the federal decennial census, but no later than November 15 of each year ending in one.

NOW THEREFORE BE IT RESOLVED THAT,

FIRST, it is the intent of the Commission to redistrict the congressional and legislative districts of the state of Washington in accordance with the Constitution and laws of the United States and the state of Washington; and

SECOND, the definitions set forth in RCW 44.05.020 apply throughout this plan, unless the context requires otherwise; and

THIRD, in every case the population of the congressional and legislative districts described by this plan has been ascertained on the basis of the total number of persons found inhabiting such areas as of April 1, 2020, in accordance with the 2020 federal decennial census data received pursuant to P.L. 94-171, and adjusted for individuals residing in state adult correctional facilities or juvenile justice facilities, and persons committed to receive involuntary behavioral health treatment as required under RCW 44.05.140; and

FOURTH, pursuant to the most recent certificate of entitlement from the Clerk of the U.S. House of Representatives as required by 2 U.S.C. Section 2a, the territory of the state shall be divided into ten congressional districts. The congressional districts described by this plan shall be those recorded as *FINAL_CD_111521.pdf, maintained in electronic files designated as *FINAL_CD_111521.zip, which are public records of the Commission. As soon as practicable after approval and submission of this plan to the Legislature, the Commission shall publish *FINAL_CD_111521.zip; and

FIFTH, the legislative districts described by this plan shall be those recorded as *FINAL_LD_111521.pdf, maintained in electronic files designated as *FINAL_LD_111521.zip, which are public records of the

Commission. As soon as practicable after approval and submission of this plan to the Legislature, the Commission shall publish *FINAL_LD_111521.zip; and
SIXTH, the Commission recognizes that existing state law shall continue to govern such matters as the terms and dates of election for members of the state Senate to be elected from each district, the status of "hold-over" senators, and the elections to fill vacancies, when required. Districts referred to in existing law and designated by number shall refer to districts of the same number described in this plan, beginning with the next elections in 2022; and
SEVENTH, this Commission intends that this plan supersede the district boundaries established by chapter 29A.76B RCW and chapter 44.07E RCW for congressional and legislative districts, respectively; and
EIGHTH, if any provision of this plan or its application to any person or circumstance is held invalid, the remainder of the plan or its application to other persons or circumstances is not affected; and
NINTH, for purposes of this plan, districts shall be described in terms of:
1) Official U.S. Census Bureau tracts, block groups, or blocks established by the U.S. Census Bureau in the 2020 federal decennial census or specifically delineated portions thereof;
2) Local political subdivisions, such as counties, municipalities, school districts, voting precincts, or other political subdivisions as they existed on January 1, 2020;
3) Any durable and significant natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on January 1, 2020; and
4) Roads, streets, or highways as they existed on January 1, 2020.
DATED this fifteenth day of November 2021 in Olympia, Washington.
*Reviser's note: The redistricting plan filed with the Legislature was amended by House Concurrent Resolution 4407. The Washington State Redistricting Commission has published updated electronic files, designated as CONG_AMEND_FINAL for the Congressional portion of the plan and LEG_AMEND_FINAL for the Legislative portion of the plan, incorporating the changes made by the Legislature. These files are maintained as public records of the Commission.

CONGRESSIONAL DISTRICTS

For the complete list of census tracts and blocks assigned to each district, visit https://app.leg.wa.gov/RCW/default.aspx?cite=29A.76C.

TITLE 29A.80 RCW: POLITICAL PARTIES

Sections

RCW 29A.80.010: Rule-making authority.
RCW 29A.80.010: Authority—Generally.
RCW 29A.80.020: State committee.
RCW 29A.80.030: County central committee—Organization meetings.
RCW 29A.80.031: Precinct committee officer.
RCW 29A.80.041: Precinct committee officer, eligibility.
RCW 29A.80.051: Precinct committee officer—Election—Term.
RCW 29A.80.061: Legislative district chair—Election—Term—Removal.
NOTES: No link between voter and ballot choice—Exception: RCW 29A.08.161.
Party affiliation not required: RCW 29A.08.166.

RCW 29A.80.010: Rule-making authority.

Each political party organization may adopt rules governing its own organization and the nonstatutory functions of that organization.

[2005 c 2 § 14 (Initiative Measure No. 872, approved November 2, 2004); 2003 c 111 § 2001; 1977 ex.s. c 329 § 16; 1965 c 9 § 29.42.010. Prior: 1961 c 130 § 2; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part. Formerly RCW 29.42.010.]

Reviser's note: RCW 29A.80.010 was amended by 2005 c 2 § 14 (Initiative Measure No. 872) without cognizance of its repeal by 2004

c 271 § 193. For rule of construction, see RCW 1.12.025.
Short title—Intent—Contingent effective date—2005 c 2 (Initiative Measure No. 872): See notes following RCW 29A.52.112.

RCW 29A.80.010: Authority—Generally.

[2003 c 111 § 2001; 1977 ex.s. c 329 § 16; 1965 c 9 § 29.42.010. Prior: 1961 c 130 § 2; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part. Formerly RCW 29.42.010.]

Repealed by 2004 c 271 § 193.

Reviser's note: RCW 29A.80.010 was amended by 2005 c 2 § 14 (Initiative Measure No. 872) without cognizance of its repeal by 2004 c 271 § 193. For rule of construction, see RCW 1.12.025.

RCW 29A.80.020: State committee.

The state committee of each major political party consists of one committeeman and one committeewoman from each county elected by the county central committee at its organization meeting. It must have a chair and vice chair of opposite sexes. This committee shall meet during January of each odd-numbered year for the purpose of organization at a time and place designated by a notice mailed at least one week before the date of the meeting to all new state committeemen and committeewomen by the authorized officers of the retiring committee. At its organizational meeting it shall elect its chair and vice chair, and such officers as its bylaws may provide, and adopt bylaws, rules, and regulations. It may:

(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention designates. The manner, number, and procedure for selection of state convention delegates is subject to the committee's rules and regulations duly adopted;

(2) Provide for the election of delegates to national conventions;

(3) Provide for the nomination of presidential electors; and

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

Notwithstanding any provision of this chapter, the committee may not adopt rules governing the conduct of the actual proceedings at a party state convention.

[2013 c 11 § 79; 2003 c 111 § 2002; 1987 c 295 § 11; 1972 ex.s. c 45 § 1; 1965 c 9 § 29.42.020. Prior: 1961 c 130 § 3; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part. Formerly RCW 29.42.020.]

RCW 29A.80.030: County central committee—Organization meetings.

The county central committee of each major political party consists of the precinct committee officers of the party from the several voting precincts of the county. Following each state general election held in even-numbered years, this committee shall meet for the purpose of organization at an easily accessible location within the county, subsequent to the certification of precinct committee officers by the county auditor and no later than the second Saturday of the following January. The authorized officers of the retiring committee shall cause notice of the time and place of the meeting to be mailed to each precinct committee officer at least seventy-two hours before the date of the meeting.

At its organization meeting, the county central committee shall elect a chair and vice chair of opposite sexes.

[2003 c 111 § 2003; 1987 c 295 § 12; 1973 c 85 § 1; 1973 c 4 § 5; 1965 c 9 § 29.42.030. Prior: 1961 c 130 § 4; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part. Formerly RCW 29.42.030.]

RCW 29A.80.031: Precinct committee officer.

If a vacancy occurs in the office of precinct committee officer by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chair of the county central committee shall fill the vacancy by appointment. However, in a legislative district having a majority of its precincts in a county with a population of one million or more, the appointment may be made only upon the recommendation of the legislative district chair. The person so appointed must have the same qualifications as candidates when filing for election to the office for that precinct. When a vacancy in the office of precinct committee officer exists because of failure to elect at a state primary,

the vacancy may not be filled until after the organization meeting of the county central committee and the new county chair has been selected as provided by RCW 29A.80.030.
[2004 c 271 § 120. Formerly RCW 29A.28.071.]

RCW 29A.80.041: Precinct committee officer, eligibility.

(1) Any member of a major political party who is a registered voter in the precinct and who will be at least eighteen years old by the date of the precinct committee officer election may file his or her declaration of candidacy as prescribed under RCW 29A.24.031 with the county auditor for the office of precinct committee officer of his or her party in that precinct.
(2) Disclosure of filing information for precinct committee officer candidates who have not reached the age of 18 is the same as all candidates for precinct committee officer.
(3) When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct.
[2023 c 361 § 11; 2020 c 208 § 19; 2009 c 106 § 3; 2004 c 271 § 148.]
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.

RCW 29A.80.051: Precinct committee officer—Election—Term.

The statutory requirements for filing as a candidate at the primaries apply to candidates for precinct committee officer. The office must be voted upon at the primaries, and the names of all candidates in contested races must appear under the proper party and office designations on the ballot for the primary for each even-numbered year. The candidate receiving the highest number of votes will be declared elected. The term of office of precinct committee officer is two years, commencing the first day of December following the primary.
[2012 c 89 § 5; 2004 c 271 § 149.]
Intent—Finding—Effective date—2012 c 89: See notes following RCW 29A.24.311.

RCW 29A.80.061: Legislative district chair—Election—Term—Removal.

Within 45 days after the statewide general election in even-numbered years, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district for the purpose of selecting a legislative district chair in such district. The district chair shall hold office until the next legislative district reorganizational meeting two years later, or until a successor is selected.
The legislative district chair may be removed only by the majority vote of the elected precinct committee officers in the chair's district.
[2024 c 232 § 4; 2004 c 271 § 150.]

TITLE 29A.84 RCW: CRIMES AND PENALTIES

GENERAL PROVISIONS

Sections

RCW 29A.84.010: Voting, registration irregularities.
RCW 29A.84.020: Violations by officers.
RCW 29A.84.030: Penalty.
RCW 29A.84.040: Political advertising, removing or defacing.
RCW 29A.84.050: Tampering with voter registration form or ballot declaration.
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RCW 29A.84.110: Officials' violations.
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RCW 29A.84.230: Violations by signers—Initiative, referendum petitions—Penalty.
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RCW 29A.84.250: Violations—Corrupt practices—Initiative, referendum petitions.
RCW 29A.84.261: Petitions—Improperly signing.
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RCW 29A.84.311: Candidacy declarations, nominating petitions.
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Sections

RCW 29A.84.410: Unlawful appropriation, printing, or distribution.
RCW 29A.84.420: Unauthorized examination of ballots, election materials—Revealing information.

VOTING CENTER

Sections

RCW 29A.84.510: Acts prohibited near voting centers, student engagement hubs, and ballot drop boxes.
RCW 29A.84.520: Electioneering at voting center or ballot drop location by election officers forbidden.
RCW 29A.54.530: Refusing to leave voting booth.
RCW 29A.54.540: Ballots—Removing from voting center or ballot drop location.
RCW 29A.54.545: Paper record from direct recording electronic voting device—Removing from voting center.
RCW 29A.54.550: Tampering with materials.
RCW 29A.54.555: Unauthorized access.
RCW 29A.54.560: Tampering with voting machines, devices—Unauthorized access.

VOTING

Sections

RCW 29A.84.610: Deceptive, incorrect vote recording—Misrepresentation as official ballot drop box.
RCW 29A.84.620: Hindering or bribing voter.
RCW 29A.84.630: Influencing voter to withhold vote.
RCW 29A.84.640: Solicitation of bribe by voter.
RCW 29A.84.650: Repeaters.
RCW 29A.84.655: Tabulation of invalid ballots.
RCW 29A.84.660: Unqualified persons voting.
RCW 29A.84.680: Ballots—Violation.

CANVASSING AND CERTIFYING

Sections

RCW 29A.84.711: Documents regarding nomination, election, candidacy—Frauds and falsehoods.
RCW 29A.84.720: Officers—Violations generally.
RCW 29A.84.730: Divulging ballot count.

RCW 29A.84.010: Voting, registration irregularities.

(1) A county auditor who suspects a person of fraudulent voter registration, vote tampering, or irregularities in voting shall transmit his or her suspicions and observations without delay to the canvassing board.
(2) The county auditor shall make a good faith effort to contact the person in question without delay. If the county auditor is unable to contact the person, or if, after contacting the person, the auditor still suspects fraudulent voter registration, vote tampering, or irregularities in voting, the auditor shall refer the issue to the county prosecuting attorney to determine if further action is warranted.
(3) When a complaint providing information concerning fraudulent voter registration, vote tampering, or irregularities in voting is presented to the office of the prosecuting attorney, that office shall file charges in all cases where warranted.
[2003 c 111 § 2101; 2001 c 41 § 12. Formerly RCW 29.85.245.]

RCW 29A.84.020: Violations by officers.

Every officer who willfully violates RCW 29A.56.110 through 29A.56.270, for the violation of which no penalty is prescribed in this title or who willfully fails to comply with the provisions of RCW 29A.56.110 through 29A.56.270 is guilty of a gross misdemeanor.
[2011 c 10 § 67; 2003 c 111 § 2102; 1965 c 9 § 29.82.210. Prior: 1953 c 113 § 1; prior: 1913 c 146 § 16, part; RRS § 5365, part. Formerly RCW 29.82.210.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.84.030: Penalty.

A person who willfully violates any provision of this title regarding the conduct of mail ballot primaries or elections is guilty of a class C felony punishable under RCW 9A.20.021.
[2003 c 111 § 2103; 2001 c 241 § 21. Formerly RCW 29.38.070.]

RCW 29A.84.040: Political advertising, removing or defacing.

A person who removes or defaces lawfully placed political advertising including yard signs or billboards without authorization is guilty of a misdemeanor punishable to the same extent as a misdemeanor that is punishable under RCW 9A.20.021. The defacement or removal of each item constitutes a separate violation.
[2003 c 111 § 2104. Prior: 1991 c 81 § 19; 1984 c 216 § 5. Formerly RCW 29.85.275.]
Effective date—1991 c 81: See note following RCW 29A.84.540.
Political advertising
generally: RCW 42.17A.320 through 42.17A.340.
rates for candidates: RCW 65.16.095.

RCW 29A.84.050: Tampering with registration form or ballot declaration.

(1) A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form, signed ballot declaration, or voted ballot is guilty of a gross misdemeanor. This section does not apply to (a) the voter who completed the form or declaration, or (b) a county auditor who acts as authorized by law.
(2) Any person who intentionally fails to return another person's completed voter registration form, signed ballot declaration, or voted ballot to the proper state or county elections office by the applicable deadline is guilty of a gross misdemeanor.
[2024 c 28 § 10; 2011 c 10 § 68; 2005 c 243 § 23.]

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

RCW 29A.84.060: Native American voting rights—Civil actions.

(1) The attorney general may bring a civil action for such declaratory or injunctive relief as is necessary to carry out the provisions of RCW 29A.40.170 (3) and (4) in the superior court of the county in which the violation is alleged to have occurred.
(2) A person or federally recognized tribal government may bring a civil action for declaratory or injunctive relief with respect to RCW 29A.08.112(3), 29.08.310(2), or 29A.40.170 (3) and (4), in the superior court of the county in which the violation is alleged to have occurred if:
(a) In the case of a violation that occurs more than one hundred twenty days before an election, that person or tribal government provides notice of the violation to the secretary of state, the violation remains, and ninety days or more have passed since the secretary of state has received the written notice;
(b) In the case of a violation that occurs one hundred twenty days or fewer before an election, that person or tribal government provides notice of the violation to the secretary of state, the violation remains and twenty days or more have passed since the secretary of state has received the written notice; or
(c) In the case of a violation that occurs thirty days or fewer before an election, without providing notice of the violation to the secretary of state.
[2019 c 6 § 7.]

RCW 29A.84.110: Officials' violations.

If any county auditor or registration assistant, including government agency employees providing voter registration services under the requirements of state law or the national voter registration act of 1993:
(1) Willfully neglects or refuses to perform any duty required by law in connection with the registration of voters; or
(2) Willfully neglects or refuses to perform such duty in the manner required by voter registration law; or
(3) Enters or causes or permits to be entered on the voter registration records the name of any person in any other manner or at any other time than as prescribed by voter registration law or enters or causes or permits to be entered on such records the name of any person not entitled to be thereon; or
(4) Destroys, mutilates, conceals, changes, or alters any registration record in connection therewith except as authorized by voter registration law, that person is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2023 c 466 § 33; 2003 c 111 § 2105. Prior: 1994 c 57 § 24; 1991 c 81 § 11; 1965 c 9 § 29.85.190; prior: 1933 c 1 § 26; RRS § 5114-26; prior: 1889 p 418 § 15; RRS § 5133. Formerly RCW 29.07.400, 29.85.190.]
Severability—1994 c 57: See note following RCW 29A.16.040.
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.120: Disenfranchisement or discrimination.

An election officer or a person who intentionally disenfranchises an eligible citizen or discriminates against a person eligible to vote by denying voter registration is guilty of a misdemeanor punishable under RCW 9A.20.021.
[2003 c 111 § 2106. Prior: 2001 c 41 § 2. Formerly RCW 29.07.405.]

RCW 29A.84.130: Voter violations.

Any person who:
(1) Knowingly provides false information on an application for voter registration under any provision of this title;
(2) Knowingly makes or attests to a false declaration as to his or her qualifications as a voter;
(3) Knowingly causes or permits himself or herself to be registered using the name of another person;
(4) Knowingly causes himself or herself to be registered under two or more different names;
(5) Knowingly causes himself or herself to be registered in two or more counties;

(6) Offers to pay another person to assist in registering voters, where payment is based on a fixed amount of money per voter registration;
(7) Accepts payment for assisting in registering voters, where payment is based on a fixed amount of money per voter registration; or
(8) Knowingly causes any person to be registered or causes any registration to be transferred or canceled except as authorized under this title, is guilty of a class C felony punishable under RCW 9A.20.021.
[2003 c 111 § 2107. Prior: 1994 c 57 § 25; 1991 c 81 § 12; 1990 c 143 § 12; 1977 ex.s. c 361 § 110; 1965 c 9 § 29.85.200; prior: 1933 c1 § 27; RRS § 5114-27; prior: 1893 c 45 § 5; 1889 p 418 § 16; RRS § 5136. Formerly RCW 29.07.410, 29.85.200.]
Severability—Effective date—1994 c 57: See notes following RCW 29A.16.040.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.

RCW 29A.84.140: Unqualified registration.

A person who knows that he or she does not possess the legal qualifications of a voter and who registers to vote is guilty of a class C felony. This section does not apply to persons age sixteen or seventeen signing up to register to vote as authorized under RCW 29A.08.170 or 29A.08.355(2).
[2020 c 208 § 20; 2018 c 109 § 13; 2005 c 246 § 22; 2003 c 111 § 2108. Prior: 2001 c 41 § 13. Formerly RCW 29.85.249.]
Effective date—2020 c 208 §§ 7, 8, 18, 20, and 21: See note following RCW 29A.08.355.
Short title—Findings—2020 c 208: See notes following RCW 29A.08.210.
Findings—Intent—Effective date—2018 c 109: See notes following RCW 29A.08.170.
Effective date—2005 c 246: See note following RCW 10.64.140.

RCW 29A.84.150: Misuse, alteration of registration database.

Any state or local election officer, or a designee, who has access to any county or statewide voter registration database who knowingly uses or alters information in the database inconsistent with the performance of his or her duties is guilty of a class C felony, punishable under RCW 9A.20.021.
[2004 c 267 § 138.]
Effective dates—2004 c 267: See note following RCW 29A.08.010.

RCW 29A.84.210: Violations by officers.

Every officer who willfully violates any of the provisions of chapter 29A.72 RCW or RCW 29A.32.010 through 29A.32.121, for the violation of which no penalty is herein prescribed, or who willfully fails to comply with the provisions of chapter 29A.72 RCW or RCW 29A.32.010 through 29A.32.121, is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2013 c 11 § 80; 2003 c 111 § 2109; 1993 c 256 § 3; 1965 c 9 § 29.79.480. Prior: 1913 c 138 § 32, part; RRS § 5428, part. Formerly RCW 29.79.480.]
Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.

RCW 29A.84.220: Violations—Corrupt practices—Recall petitions.

Every person is guilty of a gross misdemeanor, who:
(1) For any consideration, compensation, gratuity, reward, or thing of value or promise thereof, signs or declines to sign any recall petition; or
(2) Advertises in any newspaper, magazine or other periodical publication, or in any book, pamphlet, circular, or letter, or by means of any sign, signboard, bill, poster, handbill, or card, or in any manner whatsoever, that he or she will either for or without compensation or consideration circulate, solicit, procure, or obtain signatures upon, or influence or induce or attempt to influence or induce persons to sign or not to sign any recall petition or vote for or against any recall; or
(3) For pay or any consideration, compensation, gratuity, reward, or thing of value or promise thereof, circulates, or solicits, procures, or obtains or attempts to procure or obtain signatures upon any recall petition; or
(4) Pays or offers or promises to pay, or gives or offers or promises to give any consideration, compensation, gratuity, reward, or thing of value to any person to induce him or her to sign or not

to sign, or to circulate or solicit, procure, or attempt to procure or obtain signatures upon any recall petition, or to vote for or against any recall; or
(5) By any other corrupt means or practice or by threats or intimidation interferes with or attempts to interfere with the right of any legal voter to sign or not to sign any recall petition or to vote for or against any recall; or
(6) Receives, accepts, handles, distributes, pays out, or gives away, directly or indirectly, any money, consideration, compensation, gratuity, reward, or thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose stockholders are nonresidents of the state of Washington, for any service, work, or assistance of any kind done or rendered for the purpose of aiding in procuring signatures upon any recall petition or the adoption or rejection of any recall.
[2003 c 111 § 2110; 1984 c 170 § 12; 1965 c 9 § 29.82.220. Prior: 1953 c 113 § 2; prior: 1913 c 146 § 16, part; RRS § 5365, part. Formerly RCW 29.82.220.]
Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.230: Violations by signers—Initiative, referendum petitions—Penalty.

(1) Every person who signs an initiative or referendum petition with any other than his or her true name is guilty of a class C felony punishable under RCW 9A.20.021.
(2) Every person who knowingly signs more than one petition for the same initiative or referendum measure or who signs an initiative or referendum petition knowing that he or she is not a legal voter or who makes a false statement as to his or her residence on any initiative or referendum petition, is guilty of a gross misdemeanor.
[2003 c 111 § 2111; 2003 c 53 § 182; 1993 c 256 § 2; 1965 c 9 § 29.79.440. Prior: 1913 c 138 § 31; RRS § 5427. Formerly RCW 29.79.440, 29.79.450, 29.79.460, 29.79.470.]
Reviser's note: This section was amended by 2003 c 53 § 182 and by 2003 c 111 § 2111, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).
Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.
Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.
Misconduct in signing a petition: RCW 9.44.080.
Only registered voters may vote—Exception: RCW 29A.04.210.
Registration, information from voter as to qualifications: RCW 29A.08.210.
Residence
contingencies affecting: State Constitution Art. 6 § 4.
defined: RCW 29A.04.151.

RCW 29A.84.240: Violations by signers, officers—Recall petitions—Penalty.

(1) Every person who signs a recall petition with any other than his or her true name is guilty of a class B felony punishable according to chapter 9A.20 RCW.
(2) Every person who knowingly (a) signs more than one petition for the same recall, (b) signs a recall petition when he or she is not a legal voter, or (c) makes a false statement as to residence on any recall petition is guilty of a gross misdemeanor.
(3) Every registration officer who makes any false report or certificate on any recall petition is guilty of a gross misdemeanor.
[2004 c 266 § 19. Prior: 2003 c 111 § 2112; 2003 c 53 § 183; 1984 c 170 § 11; 1965 c 9 § 29.82.170; prior: 1913 c 146 § 15; RRS § 5364. Formerly RCW 29.82.170, 29.82.180, 29.82.190, 29.82.200.]
Effective date—2004 c 266: See note following RCW 29A.04.575.
Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.
Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.250: Violations—Corrupt practices—Initiative, referendum petitions.

(Effective until January 1, 2026)

Every person is guilty of a gross misdemeanor who:
(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or
(2) Provides or receives consideration for soliciting or procuring signatures on an initiative or

referendum petition if any part of the consideration is based upon the number of signatures solicited or procured, or offers to provide or agrees to receive such consideration any of which is based on the number of signatures solicited or procured; or
(3) Gives or offers any consideration or gratuity to any person to induce him or her to sign or not to sign or to vote for or against any initiative or referendum measure; or
(4) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; or
(5) Receives, handles, distributes, pays out, or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure. This subsection does not apply to or prohibit any activity that is properly reported in accordance with the applicable provisions of chapter 42.17A RCW.
A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2011 c 60 § 14; 2003 c 111 § 2113; 1993 c 256 § 4; 1975-'76 2nd ex.s. c 112 § 2; 1965 c 9 § 29.79.490. Prior: 1913 c 138 § 32, part; RRS § 5428, part. Formerly RCW 29.79.490.]
Effective date—2011 c 60: See RCW 42.17A.919.
Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.
Construction—1975-'76 2nd ex.s. c 112: See RCW 42.17A.907.

Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.250: Violations—Corrupt practices—Initiative, referendum petitions. *(Effective January 1, 2026)*

Every person is guilty of a gross misdemeanor who:
(1) For any consideration or gratuity or promise thereof, signs or declines to sign any initiative or referendum petition; or
(2) Provides or receives consideration for soliciting or procuring signatures on an initiative or referendum petition if any part of the consideration is based upon the number of signatures solicited or procured, or offers to provide or agrees to receive such consideration any of which is based on the number of signatures solicited or procured; or
(3) Gives or offers any consideration or gratuity to any person to induce him or her to sign or not to sign or to vote for or against any initiative or referendum measure; or
(4) Interferes with or attempts to interfere with the right of any voter to sign or not to sign an initiative or referendum petition or with the right to vote for or against an initiative or referendum measure by threats, intimidation, or any other corrupt means or practice; or
(5) Receives, handles, distributes, pays out, or gives away, directly or indirectly, money or any other thing of value contributed by or received from any person, firm, association, or corporation whose residence or principal office is, or the majority of whose members or stockholders have their residence outside, the state of Washington, for any service rendered for the purpose of aiding in procuring signatures upon any initiative or referendum petition or for the purpose of aiding in the adoption or rejection of any initiative or referendum measure. This subsection does not apply to or prohibit any activity that is properly reported in accordance with the applicable provisions of Title 29B RCW.
A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2024 c 164 § 508; 2011 c 60 § 14; 2003 c 111 § 2113; 1993 c 256 § 4; 1975-'76 2nd ex.s. c 112 § 2; 1965 c 9 § 29.79.490. Prior: 1913 c 138 § 32, part; RRS § 5428, part. Formerly RCW 29.79.490.]
Intent—Construction—Rules remain valid—Effective date—2024 c 164: See notes following RCW 29B.10.010.
Effective date—2011 c 60: See RCW 42.17A.919.
Severability—Effective date—1993 c 256: See notes following RCW 29A.84.280.
Construction—1975-'76 2nd ex.s. c 112: See RCW 42.17A.907.

Misconduct in signing a petition: RCW 9.44.080.

RCW 29A.84.261: Petitions—Improperly signing.

The following apply to persons signing filing fee petitions prescribed by RCW 29A.24.101:
(1) A person who signs a petition with any other than his or her name shall be guilty of a misdemeanor.
(2) A person shall be guilty of a misdemeanor if the person knowingly: Signs more than one petition for any single candidacy of any single candidate; signs the petition when he or she is not a legal voter; or makes a false statement as to his or her residence.
[2013 c 11 § 81; 2004 c 271 § 184.]

RCW 29A.84.270: Duplication of names—Conspiracy—Criminal and civil liability.

Any person who with intent to mislead or confuse the electors conspires with another person who has a surname similar to an incumbent seeking reelection to the same office, or to an opponent for the same office whose political reputation has been well established, by persuading such other person to file for such office with no intention of being elected, but to defeat the incumbent or the well known opponent, is guilty of a class B felony punishable according to chapter 9A.20 RCW. In addition, all conspirators are subject to a suit for civil damages, the amount of which may not exceed the salary that the injured person would have received had he or she been elected or reelected.
[2004 c 266 § 20. Prior: 2003 c 111 § 2115; 2003 c 53 § 178; 1965 c 9 § 29.18.080; prior: 1943 c 198 § 6; Rem. Supp. 1943 § 5213-15. Formerly RCW 29.15.110, 29.18.080.]
Effective date—2004 c 266: See note following RCW 29A.04.575.
Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 29A.84.280: Paid petition solicitors—Finding.

The legislature finds that paying a worker, whose task it is to secure the signatures of voters on initiative or referendum petitions, on the basis of the number of signatures the worker secures on the petitions encourages the introduction of fraud in the signature gathering process. Such a form of payment may act as an incentive for the worker to encourage a person to sign a petition which the person is not qualified to sign or to sign a petition for a ballot measure even if the person has already signed a petition for the measure. Such payments also threaten the integrity of the initiative and referendum process by providing an incentive for misrepresenting the nature or effect of a ballot measure in securing petition signatures for the measure.
[2003 c 111 § 2116. Prior: 1993 c 256 § 1. Formerly RCW 29.79.500.]
Severability—1993 c 256: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 256 § 15.]
Effective date—1993 c 256: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 7, 1993]." [1993 c 256 § 16.]

RCW 29A.84.311: Candidacy declarations, nominating petitions.

Every person who:
(1) Knowingly provides false information on his or her declaration of candidacy or petition of nomination; or
(2) Conceals or fraudulently defaces or destroys a certificate that has been filed with an elections officer under chapter 29A.20 RCW or a declaration of candidacy or petition of nomination that has been filed with an elections officer, or any part of such a certificate, declaration, or petition, is guilty of a class C felony punishable under RCW 9A.20.021.
[2004 c 271 § 185.]

RCW 29A.84.320: Duplicate, nonexistent, untrue names—Penalty.

A person is guilty of a class B felony punishable according to chapter 9A.20 RCW who files a declaration of candidacy for any public office of:
(1) A nonexistent or fictitious person; or
(2) The name of any person not his or her true name; or
(3) A name similar to that of an incumbent seeking reelection to the same office with intent to confuse

and mislead the electors by taking advantage of the public reputation of the incumbent; or
(4) A surname similar to one who has already filed for the same office, and whose political reputation is widely known, with intent to confuse and mislead the electors by capitalizing on the public reputation of the candidate who had previously filed.
[2003 c 111 § 2118; 2003 c 53 § 177; 1965 c 9 § 29.18.070. Prior: (i) 1943 c 198 § 2; Rem. Supp. 1943 § 5213-11. (ii) 1943 c 198 § 3; Rem. Supp. 1943 § 5213-12. Formerly RCW 29.15.100, 29.18.070.]
Reviser's note: This section was amended by 2003 c 53 § 177 and by 2003 c 111 § 2118, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).
Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 29A.84.410: Unlawful appropriation, printing, or distribution.

Any person who is retained or employed by any officer authorized by the laws of this state to procure the printing of any official ballot or who is engaged in printing official ballots is guilty of a gross misdemeanor if the person knowingly:
(1) Appropriates any official ballot to himself or herself; or
(2) Gives or delivers any official ballot to or permits any official ballot to be taken by any person other than the officer authorized by law to receive it; or
(3) Prints or causes to be printed any official ballot: (a) In any other form than that prescribed by law or as directed by the officer authorized to procure the printing thereof; or (b) with any other names thereon or with the names spelled otherwise than as directed by such officer, or the names or printing thereon arranged in any other way than that authorized and directed by law.
A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2003 c 111 § 2119. Prior: 1991 c 81 § 3; 1965 c 9 § 29.85.040; prior: 1893 c 115 § 1; RRS § 5395. Formerly RCW 29.85.040.]
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.420: Unauthorized examination of ballots, election materials—Revealing information.

(1) It is a gross misdemeanor for a person to examine, or assist another to examine, any voter record, ballot, or any other state or local government official election material if the person, without lawful authority, conducts the examination:
(a) For the purpose of identifying the name of a voter and how the voter voted; or
(b) For the purpose of determining how a voter, whose name is known to the person, voted; or
(c) For the purpose of identifying the name of the voter who voted in a manner known to the person.
(2) Any person who reveals to another information which the person ascertained in violation of subsection (1) of this section is guilty of a gross misdemeanor.
(3) A gross misdemeanor under this section is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2003 c 111 § 2120. Prior: 1991 c 81 § 2; 1965 c 9 § 29.85.020; prior: 1911 c 89 § 1, part; Code 1881 § 906; 1873 p 205 § 105; 1854 p 93 § 96; RRS § 5387. Formerly RCW 29.85.020.]
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.510: Acts prohibited near voting centers, student engagement hubs, and ballot drop boxes.

(1) During the voting period that begins eighteen days before and ends the day of a special election, general election, or primary, no person may:
(a) Within a voting center or student engagement hub or in any public street or room in any public manner within 100 feet measured radially from the entrance to a voting center or student engagement hub or 25 feet measured radially from a ballot drop box as described in RCW 29A.40.170:
(i) Suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;
(ii) Circulate cards or handbills of any kind;

(iii) Solicit signatures to any kind of petition; or
(iv) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the voting center;
(b) Engage in any activities restricted under (a) of this subsection through electronic amplification located more than 100 feet from an entrance to a voting center or student engagement hub or 25 feet from an entrance to a ballot drop box if the person is capable of being understood within 100 feet of the voting center or student engagement hub or 25 feet of the ballot drop box;
(c) Obstruct the doors or entries to a building in which a voting center or ballot drop location is located or prevent free access to and from any voting center or ballot drop location.
(2) The auditor shall post a sign at the point or points specified at each voting center as required by RCW 29A.40.160 during the voting period providing notice of the prohibition in subsection (1)(a) of this section.
(3) Any sheriff, deputy sheriff, or municipal law enforcement officer shall stop the prohibited activity, and may arrest any person engaging in the prohibited activity.
(4) Any violation of this section is a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, and the person convicted may be ordered to pay the costs of prosecution.
(5) Nothing in this section may be construed to limit or otherwise restrict the access of an authorized political party observer to a voting center, student engagement hub, or ballot drop box for the purpose of observing the election process.
[2022 c 69 § 3; 2013 c 11 § 82; 2011 c 10 § 69; 2003 c 111 § 2121. Prior: 1991 c 81 § 20; 1990 c 59 § 75; 1984 c 35 § 1; 1983 1st ex.s. c 33 § 1; 1965 c 9 § 29.51.020; prior: (i) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. (ii) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. Formerly RCW 29.51.020.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.84.520: Electioneering at voting center or ballot drop location by election officers forbidden.

Any election officer who does any electioneering at a voting center or ballot drop location during the voting period that begins eighteen days before and ends the day of a special election, general election, or primary is guilty of a misdemeanor, and upon conviction must be fined in any sum not exceeding one hundred dollars and pay the costs of prosecution.
[2013 c 11 § 83; 2011 c 10 § 70; 2003 c 111 § 2122; 1965 c 9 § 29.51.030. Prior: 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. Formerly RCW 29.51.030.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

RCW 29A.84.530: Refusing to leave voting booth.

Deliberately impeding other voters from casting their votes by refusing to leave a voting booth or voting device is a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW. Election officers may provide assistance in the manner provided by RCW 29A.40.160 to any voter who requests it.
[2011 c 10 § 71; 2003 c 111 § 2123. Prior: 1990 c 59 § 49. Formerly RCW 29.51.221.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.

RCW 29A.84.540: Ballots—Removing from voting center or ballot drop location.

Any person who, without lawful authority, removes a ballot from a voting center or ballot drop location is guilty of a class C felony punishable to the same extent as a class C felony that is punishable under RCW 9A.20.021.
[2017 c 283 § 3; 2011 c 10 § 72; 2003 c 111 § 2124. Prior: 1991 c 81 § 1; 1965 c 9 § 29.85.010; prior: 1893 c 115 § 2; RRS § 5396. Formerly RCW 29.85.010.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.

Effective date—1991 c 81: "This act shall take effect July 1, 1992." [1991 c 81 § 42.]

RCW 29A.84.545: Paper record from direct recording electronic voting device—Removing from voting center.

Anyone who, without authorization, removes from a voting center a paper record produced by a direct recording electronic voting device is guilty of a class C felony punishable under RCW 9A.20.021.

[2011 c 10 § 73; 2005 c 242 § 6.]

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

Paper records: RCW 29A.12.085, 29A.60.095.

RCW 29A.84.550: Tampering with materials.

Any person who willfully defaces, removes, or destroys any of the supplies or materials that the person knows are intended both for use in a voting center, election office, ballot counting area, ballot storage area, or election system including materials and systems meant for enabling a voter to prepare the voter's ballot is guilty of a class C felony punishable under RCW 9A.20.021.

[2024 c 28 § 6; 2011 c 10 § 74; 2003 c 111 § 2125; 1991 c 81 § 9; 1965 c 9 § 29.85.110. Prior: 1889 p 412 § 31; RRS § 5296. FORMER PART OF SECTION: 1935 c 108 § 3, part; RRS § 5339-3, part, now codified, as reenacted, in RCW 29.85.230. Formerly RCW 29.85.110.]

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

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

RCW 29A.84.555: Unauthorized access.

Any person who willfully and without authority accesses or assists another person or entity with unauthorized access to a voting center, election office, ballot counting area, ballot storage area, or any election system, or provides unauthorized access to another person or entity to a voting center, election office, ballot counting area, ballot storage area, or any election system, whether electronic or physical access, is guilty of a class C felony punishable under RCW 9A.20.021.

[2024 c 28 § 7]

RCW 29A.84.560: Tampering with voting machines, devices—Unauthorized access.

Any person who tampers with or damages or attempts to damage any voting machine or device to be used or being used in a primary or special or general election, or who prevents or attempts to prevent the correct operation of such machine or device, or any unauthorized person who accesses or assists another person or entity with unauthorized access to a voting center, election office, ballot counting area, ballot storage area, or election system, voting machine, or device to be used or being used in a primary or special or general election, is guilty of a class C felony punishable under RCW 9A.20.021.

[2024 c 28 § 8; 2003 c 111 § 2126; 1991 c 81 § 18; 1965 c 9 § 29.85.260. Prior: 1913 c 58 § 16; RRS § 5316. Formerly RCW 29.85.260.]

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

RCW 29A.84.610: Deceptive, incorrect vote recording—Misrepresentation as official ballot drop box.

A person is guilty of a gross misdemeanor who knowingly:

(1) Deceives any voter in recording his or her vote by providing incorrect or misleading recording information or by providing faulty election equipment or records;

(2) Records the vote of any voter in a manner other than as designated by the voter; or

(3) Misrepresents an unofficial ballot collection site or device as an official ballot drop box that has been established by the county auditor.

Such a gross misdemeanor is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

[2021 c 85 § 1; 2003 c 111 § 2127. Prior: 1991 c 81 § 4. Formerly RCW 29.85.051.]

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

RCW 29A.84.620: Hindering or bribing voter.

Any person who uses menace, force, threat, or any unlawful means towards any voter to hinder or deter such a voter from voting, or directly or indirectly offers any bribe, reward, or any thing of value to a voter in exchange for the voter's vote for or against any person or ballot measure, or authorizes any person to do so, is guilty of a class C felony punishable under RCW 9A.20.021.

[2003 c 111 § 2128. Prior: 1991 c 81 § 5; 1965 c 9 § 29.85.060; prior: (i) 1911 c 89 § 1, part; Code 1881 § 904; 1873 p 204 § 103; 1854 p 93 § 94; RRS § 5386. (ii) 1911 c 89 § 1, part; 1901 c 142 § 1; Code 1881 § 909; 1873 p 205 § 106; 1865 p 50 § 1; 1854 p 93 § 97; RRS § 5388. Formerly RCW 29.85.060.]

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

RCW 29A.84.630: Influencing voter to withhold vote.

Any person who in any way, directly or indirectly, by menace or unlawful means, attempts to influence any person in refusing to give his or her vote in any primary or special or general election is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

[2003 c 111 § 2129. Prior: 1991 c 81 § 6; 1965 c 9 § 29.85.070; prior: Code 1881 § 3140; RRS § 5389. Formerly RCW 29.85.070.]

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

RCW 29A.84.640: Solicitation of bribe by voter.

Any person who solicits, requests, or demands, directly or indirectly, any reward or thing of value or the promise thereof in exchange for his or her vote or in exchange for the vote of any other person for or against any candidate or for or against any ballot measure to be voted upon at a primary or special or general election is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.

[2003 c 111 § 2130. Prior: 1991 c 81 § 7; 1965 c 9 § 29.85.090; prior: 1907 c 209 § 32; RRS § 5207. Formerly RCW 29.85.090.]

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

RCW 29A.84.650: Repeaters.

(1) Any person who intentionally votes or attempts to vote in this state more than once at any election, or who intentionally votes or attempts to vote in both this state and another state at any election, is guilty of a class C felony.

(2) Any person who recklessly or negligently violates this section commits a class 1 civil infraction as provided in RCW 7.80.120.

[2005 c 243 § 24; 2003 c 111 § 2131. Prior: 1991 c 81 § 13; 1965 c 9 § 29.85.210; prior: 1911 c 89 § 1, part; Code 1881 § 903; 1873 p 204 § 102; 1865 p 51 § 5; 1854 p 93 § 93; RRS § 5383. Formerly RCW 29.85.210.]

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

RCW 29A.84.655: Tabulation of invalid ballots.

Any election officer who intentionally tabulates or causes to be tabulated, through any act or omission, an invalid ballot when the person has actual knowledge that the ballot is invalid, is guilty of a class C felony punishable under RCW 9A.20.021.

[2011 c 10 § 75; 2003 c 111 § 2132. Prior: 1991 c 81 § 14; 1965 c 9 § 29.85.220; prior: 1911 c 89 § 1, part; Code 1881 § 911; 1873 p 205 § 108; RRS § 5385. Formerly RCW 29.85.220.]

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

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

RCW 29A.84.660 Unqualified persons: voting.

Any person who knows that he or she does not possess the legal qualifications of a voter and who votes at any primary or special or general election authorized by law to be held in this state for any office whatever is guilty of a class C felony punishable under RCW 9A.20.021.

[2003 c 111 § 2133; 1991 c 81 § 17; 1965 c 9 § 29.85.240. Prior: 1911 c 89 § 1, part; Code 1881 § 905; 1873 p 204 § 104;

1865 p 51 § 4; 1854 p 93 § 95; RRS § 5384. Formerly RCW 29.85.240.]
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.680: Ballots—Violation.

(1) A person who willfully violates any provision of chapter 29A.40 RCW regarding the assertion or declaration of qualifications to receive or cast a ballot or unlawfully casts a ballot is guilty of a class C felony punishable under RCW 9A.20.021.
(2) Except as provided in this chapter, a person who willfully violates any other provision of chapter 29A.40 RCW is guilty of a misdemeanor.
[2011 c 10 § 76. Prior: 2003 c 111 § 2136; 2003 c 53 § 179; 2001 c 241 § 14; 1994 c 269 § 2; 1991 c 81 § 34; 1987 c 346 § 20; 1983 1st ex.s. c 71 § 9. Formerly RCW 29.36.370, 29.36.160.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Legislative intent—Effective date—1987 c 346: See notes following RCW 29A.40.010.
Tampering with registration form, ballot declaration: RCW 29A.84.050.

RCW 29A.84.711: Documents regarding nomination, election, candidacy—Frauds and falsehoods.

Every person who:
(1) Knowingly and falsely issues a certificate of nomination or election; or
(2) Knowingly provides false information on a minor party or independent candidate certificate of nomination is guilty of a class C felony punishable under RCW 9A.20.021.
[2013 c 11 § 84; 2004 c 271 § 186.]

RCW 29A.84.720: Officers—Violations generally.

Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, including primaries, or the provisions of any charter or ordinance of any city or town of this state relating to elections who willfully neglects or refuses to perform such duty, or provides unauthorized access to a person or entity to physical locations or electronic or physical access to election software or hardware used in any element of conduct of an election, or who, in the performance of such duty, or in the person's official capacity, knowingly or fraudulently violates any of the provisions of law relating to such duty, is guilty of a class C felony punishable under RCW 9A.20.021 and shall forfeit the person's office.
[2024 c 28 § 9; 2003 c 111 § 2138. Prior: 1991 c 81 § 10; 1965 c 9 § 29.85.170; prior: (i) 1889 p 412 § 32; RRS § 5297. (ii) 1911 c 89 § 1, part; Code 1881 § 912; 1877 p 205 § 2; RRS § 5392. Formerly RCW 29.85.170.]
Effective date—1991 c 81: See note following RCW 29A.84.540.

RCW 29A.84.730: Divulging ballot count.

(1) In any location in which ballots are counted, no person authorized by law to be present while votes are being counted may divulge any results of the count of the ballots at any time prior to 8:00 p.m. on the day of the primary or special or general election.
(2) A violation of this section is a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021.
[2011 c 10 § 77; 2003 c 111 § 2139. Prior: 1991 c 81 § 15; 1990 c 59 § 55; 1977 ex.s. c 361 § 85; 1965 c 9 § 29.54.035; prior: 1955 c 148 § 6. Formerly RCW 29.85.225, 29.54.035.]
Notice to registered poll voters—Elections by mail—2011 c 10: See note following RCW 29A.04.008.
Effective date—1991 c 81: See note following RCW 29A.84.540.
Intent—Effective date—1990 c 59: See notes following RCW 29A.04.013.
Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29A.16.040.
Divulging returns in voting device precincts: RCW 29A.60.120.

TITLE 29A.88 RCW:
NUCLEAR WASTE SITE - ELECTION FOR DISAPPROVAL

Sections

RCW 29A.88.010: Findings.
RCW 29A.88.020: High-level repository—Selection of site in state—Special election for disapproval.
RCW 29A.88.030: Costs of election.
RCW 29A.88.040: Special election—Notification of auditors—Application of election laws.
RCW 29A.88.050: Ballot title.
RCW 29A.88.060: Effect of vote.

RCW 29A.88.010: Findings.

(1) The legislature and the people find that the federal Nuclear Waste Policy Act provides that within sixty days of the president's recommendation of a site for a high-level nuclear waste repository, a state may disapprove the selection of such site in that state.
(2) The legislature and the people desire, if the governor and legislature do not issue a notice of disapproval within twenty-one days of the president's recommendation, that the people of this state have the opportunity to vote upon disapproval.
[2003 c 111 § 2201. Prior: 1986 ex.s. c 1 § 3. Formerly RCW 29.91.010.]

RCW 29A.88.020: High-level repository—Selection of site in state—Special election for disapproval.

(1) Within seven days after any recommendation by the president of the United States of a site in the state of Washington to be a high-level nuclear waste repository under 42 U.S.C. Sec. 10136, the governor shall set the date for a special statewide election to vote on disapproval of the selection of such site. The special election shall be held not less than forty-five nor more than ninety days after the date of the recommendation of the president of the United States.
(2) If either the governor or the legislature submits a notice of disapproval to the United States Congress within twenty-one days of the date of the recommendation by the president of the United States, then the governor is authorized to cancel the special election pursuant to subsection (1) of this section.
[2013 c 11 § 85; 2003 c 111 § 2202; 1986 ex.s. c 1 § 4. Formerly RCW 29.91.020.]

RCW 29A.88.030: Costs of election.

The state of Washington shall assume the costs of any special election called under RCW 29A.88.020 in the same manner as provided in RCW 29A.04.420 and 29A.04.430.
[2003 c 111 § 2203. Prior: 1986 ex.s. c 1 § 5. Formerly RCW 29.91.030.]

RCW 29A.88.040: Special election—Notification of auditors—Application of election laws.

The secretary of state shall promptly notify the county auditors of the date of the special election and certify to them the text of the ballot title for this special election. The general election laws shall apply to the election required by RCW 29A.88.020 to the extent that they are not inconsistent with this chapter. Statutory deadlines relating to certification, canvassing, and the voters' pamphlet may be modified for the election held pursuant to RCW 29A.88.020 by the secretary of state through emergency rules adopted under RCW 29A.04.611.
[2013 c 11 § 86; 2003 c 111 § 2204. Prior: 1986 ex.s. c 1 § 6. Formerly RCW 29.91.040.]

RCW 29A.88.050: Ballot title.

The ballot title for the special election called under RCW 29A.88.020 shall be "Shall the Governor be

required to notify Congress of Washington's disapproval of the President's recommendation of [name of site] as a national high-level nuclear waste repository?"
[2003 c 111 § 2205. Prior: 1986 ex.s. c 1 § 7. Formerly RCW 29.91.050.]

RCW 29A.88.060: Effect of vote.

If the governor or the legislature fails to prepare and submit a notice of disapproval to the United States Congress within fifty-five days of the president's recommendation and a majority of the voters in the special election held pursuant to RCW 29A.88.020 favored such notice of disapproval, then the vote of the people shall be binding on the governor. The governor shall prepare and submit the notice of disapproval to the United States Congress pursuant to 42 U.S.C. Sec. 10136.
[2003 c 111 § 2206; 1986 ex.s. c 1 § 8. Formerly RCW 29.91.060.]

TITLE 29A.92 RCW: VOTING RIGHTS ACT

Sections

RCW 29A.92.005: Findings—Intent.
RCW 29A.92.010: Definitions.
RCW 29A.92.020: Method of election—Equal opportunity for protected class.
RCW 29A.92.030: Violations—Factors.
RCW 29A.92.040: Voluntary change to electoral system—Authorized.
RCW 29A.92.050: Voluntary change to electoral system—Notice—New elections—Districting.
RCW 29A.92.060: Voter challenge of electoral system—Notice.
RCW 29A.92.070: Voter challenge of electoral system—Good faith effort to remedy—Court approval—Safe harbor.
RCW 29A.92.080: Voter challenge of electoral system—Filing of action—Multiple challenges.
RCW 29A.92.090: Action in superior court—Venue—Joint action.
RCW 29A.92.100: Trial schedule—Statute of limitations—Secrecy of vote—Plaintiff bond.
RCW 29A.92.110: Court-ordered remedies—District-based remedies—New elections.
RCW 29A.92.115: Increase in number of elected county commissioners—Remedy for vote dilution concerning Indian tribal status.
RCW 29A.92.120: Safe harbor--Limitation of actions.
RCW 29A.92.130: Award of fees.
RCW 29A.92.700: Not applicable to certain political subdivisions.
RCW 29A.92.710: Other laws superseded.
RCW 29A.92.720: Construction of laws concerning right to vote.
RCW 29A.92.900: Short title.

RCW 29A.92.005: Findings—Intent.

The legislature finds that electoral systems that deny race, color, or language minority groups an equal opportunity to elect candidates of their choice are inconsistent with the right to free and equal elections as provided by Article I, section 19 and Article VI, section 1 of the Washington state Constitution as well as protections found in the Fourteenth and Fifteenth amendments to the United States Constitution. The well-established principle of "one person, one vote" and the prohibition on vote dilution have been consistently upheld in federal and state courts for more than fifty years.

The legislature also finds that local government subdivisions are often prohibited from addressing these challenges because of Washington laws that narrowly prescribe the methods by which they may elect members of their legislative bodies. The legislature finds that in some cases, this has resulted in an improper dilution of voting power for these minority groups. The legislature intends to modify existing prohibitions in state laws so that these jurisdictions may voluntarily adopt changes on their

own, in collaboration with affected community members, to remedy potential electoral issues so that minority groups have an equal opportunity to elect candidates of their choice or influence the outcome of an election.
The legislature intends for this chapter to be consistent with federal protections that may provide a similar remedy for minority groups. Remedies shall also be available where the drawing of crossover and coalition districts is able to address both vote dilution and racial polarization.
The legislature also intends for this chapter to be consistent with legal precedent from Mt. Spokane Skiing Corp. v. Spokane Co. (86 Wn. App. 165, 1997) that found that noncharter counties need not adhere to a single uniform county system of government, but that each county have the same "authority available" in order to be deemed uniform.
[2019 c 64 § 6; 2018 c 113 § 102.]
Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.010: Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. In applying these definitions and other terms in this chapter, courts may rely on relevant federal case law for guidance.
(1) "At large election" means any of the following methods of electing members of the governing body of a political subdivision:
(a) One in which the voters of the entire jurisdiction elect the members to the governing body;
(b) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body; or
(c) One that combines the criteria in (a) and (b) of this subsection or one that combines at large with district-based elections.
(2) "Cohesive" means that members of a group tend to prefer the same candidates or other electoral choices.
(3) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.
(4) "Polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class or a coalition of protected classes, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.
(5) "Political subdivision" means any county, city, town, school district, fire protection district, port district, or public utility district, but does not include the state.
(6) "Protected class" means a class of voters who are members of a race, color, or language minority group in the state of Washington, as this class is referenced and defined in the federal voting rights act, 52 U.S.C. 10301 et seq.
[2023 c 56 § 2; 2018 c 113 § 103.]
Effective date—2023 c 56: See note following RCW 29A.92.720.

RCW 29A.92.020: Method of election—Equal opportunity for protected class.

As provided in RCW 29A.92.030, no method of electing the governing body of a political subdivision may be imposed or applied in a manner that impairs the ability of members of a protected class or classes to have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of voters who are members of a protected class or classes.
[2018 c 113 § 104.]

RCW 29A.92.030: Violations—Factors.

(1) A political subdivision is in violation of this chapter when it is shown that:
(a) Elections in the political subdivision exhibit polarized voting; and
(b) Members of a protected class or classes do not have an equal opportunity to elect candidates of their choice as a result of the dilution or abridgment of the rights of members of that protected class or

classes.
(2) In determining whether there is polarized voting under this chapter, the court shall analyze election results including, but not limited to, elections of the governing body of the political subdivision, ballot measure elections, elections in which at least one candidate is a member of a protected class, and other electoral choices that affect the rights and privileges of members of a protected class. The court is not required to consider explanations, including partisanship, for why polarized voting under this chapter exists in the political subdivision to determine whether polarized voting under this chapter exists in the political subdivision. Elections conducted prior to the filing of an action pursuant to this chapter are more probative to establish the existence of polarized voting than elections conducted after the filing of an action.
(3) The election of candidates who are members of a protected class and who were elected prior to the filing of an action pursuant to this chapter shall not preclude a finding of polarized voting that results in an unequal opportunity for a protected class to elect candidates of their choice.
(4) The equal opportunity to elect shall be assessed pragmatically, based on local election conditions, and may include crossover districts. No single factor is dispositive or necessary to establish a violation of this section.
(5) The fact that members of a protected class are not geographically compact or concentrated to constitute a majority in a proposed or existing district-based election district shall not preclude a finding of a violation under this chapter, but may be a factor in determining a remedy.
(6) Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required for a cause of action to be sustained.
(7) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors, to establish a violation of this chapter.
(8) A class of people protected by this section may include a coalition of members of different racial, color, or language minority groups. A coalition of members of different protected classes is not required to demonstrate that each individual racial, color, or language minority group which comprises the coalition is cohesive, only that the coalition as a whole is cohesive.
[2023 c 56 § 3; 2019 c 64 § 7; 2018 c 113 § 302.]
Effective date—2023 c 56: See note following RCW 29A.92.720.

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.040: Voluntary change to electoral system—Authorized.

(1) A political subdivision that conducts an election pursuant to state, county, or local law, is authorized to change its electoral system, including, but not limited to, implementing a district-based election system, or increasing the number of elected officials on a county commission as authorized by RCW 29A.92.115, to remedy a potential violation of RCW 29A.92.020.
(2) If a political subdivision invokes its authority under this section to implement a district-based election system, the districts shall be drawn in a manner consistent with RCW 29A.92.050.
[2023 c 56 § 4; 2018 c 113 § 201.]
Effective date—2023 c 56: See note following RCW 29A.92.720.

RCW 29A.92.050: Voluntary change to electoral system—Notice—New elections—Districting.

(1)(a) Prior to the adoption of its proposed plan, the political subdivision must provide public notice to residents of the subdivision about the proposed remedy to a potential violation of RCW 29A.92.020. If a significant segment of the residents of the subdivision have limited English proficiency and speaks a language other than English, the political subdivision must:
(i) Provide accurate written and verbal notice of the proposed remedy in languages that diverse

residents of the political subdivision can understand, as indicated by demographic data; and
(ii) Air radio or television public service announcements describing the proposed remedy broadcast in the languages that diverse residents of the political subdivision can understand, as indicated by demographic data.
(b) The political subdivision shall hold at least one public hearing on the proposed plan at least one week before adoption.
(c) For purposes of this section, "significant segment of the community" means five percent or more of residents, or five hundred or more residents, whichever is fewer, residing in the political subdivision.
(2)(a) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the political subdivision shall order new elections to occur at the next succeeding general election.
(b) If the political subdivision invokes its authority under RCW 29A.92.040 and the plan is adopted during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the political subdivision shall order new elections to occur pursuant to the remedy at the general election the following calendar year.
(3) If a political subdivision implements a district-based election system under RCW 29A.92.040(2), the plan shall be consistent with the following criteria:
(a) Each district shall be as reasonably equal in population as possible to each and every other such district comprising the political subdivision.
(b) Each district shall be reasonably compact.
(c) Each district shall consist of geographically contiguous area.
(d) To the extent feasible, the district boundaries shall coincide with existing recognized natural boundaries and shall, to the extent possible, preserve existing communities of related and mutual interest.
(e) District boundaries may not be drawn or maintained in a manner that creates or perpetuates the dilution of the votes of the members of a protected class or classes.
(f) All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to subsection (2) of this section. The governing body may subsequently choose to stagger the terms of its positions.
(4) Within forty-five days after receipt of federal decennial census information applicable to a specific local area, the commission established in RCW 44.05.030 shall forward the census information to each political subdivision.
(5) No later than November 15th of each year ending in one, the governing body of the political subdivision that had previously invoked its authority under RCW 29A.92.040 to implement a district-based election system, or that was previously charged with redistricting under RCW 29A.92.110, shall prepare a plan for redistricting its districts, pursuant to RCW 29A.76.010, and in a manner consistent with this chapter.

[2021 c 173 § 4. Prior: 2019 c 454 § 1; 2019 c 64 § 8; 2018 c 113 § 202.]

Effective date—2021 c 173 §§ 2 and 4: See note following RCW 29A.76.010.

Effective date—Expiration date—2021 c 173 §§ 1 and 3: See notes following RCW 29A.76.010.

Retroactive application—2019 c 454: "This act applies retroactively to January 16, 2019." [2019 c 454 § 11.]

Effective date—2019 c 454: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 21, 2019]." [2019 c 454 § 13.]

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.060: Voter challenge of electoral system—Notice.

(1) A voter who resides in the political subdivision, an organization whose roster of members and volunteers includes a voter who resides in the political subdivision, or a tribe located at least in part in the political subdivision who intends to challenge a political subdivision's electoral system under this chapter shall first notify the political subdivision. The political subdivision shall promptly make such notice public.
(2) The notice provided shall identify and provide contact information for the person or persons who

intend to file an action, and shall identify the protected class or classes whose members do not have an equal opportunity to elect candidates of their choice or an equal opportunity to influence the outcome of an election because of alleged vote dilution and polarized voting. The notice shall also include a type of remedy the person believes may address the alleged violation of RCW 29A.92.030.

[2023 c 56 § 5; 2019 c 64 § 9; 2018 c 113 § 301.]

Effective date—2023 c 56: See note following RCW 29A.92.720.

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.070: Voter challenge of electoral system—Good faith effort to remedy—Court approval—Safe harbor.

(1) The political subdivision shall work in good faith with the person, organization, or tribe providing the notice to implement a remedy that provides the protected class or classes identified in the notice an equal opportunity to elect candidates of their choice. Such work in good faith to implement a remedy may include, but is not limited to consideration of: (a) Relevant electoral data; (b) relevant demographic data, including the most recent census data available; and (c) any other information that would be relevant to implementing a remedy.

(2) If the political subdivision adopts a remedy that takes the notice into account, or adopts the notice's proposed remedy, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy complies with RCW 29A.92.020 and was prompted by a plausible violation. The person who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4) In agreeing to adopt the person's, organization's, or tribe's proposed remedy, the political subdivision may do so by stipulation, which shall become a public document.

(5)(a) If the court issues an order under subsection (2) of this section, the person, organization, or tribe who sent the notice may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notice. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that supports the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the person, organization, or tribe who sent the notice, not to exceed $50,000.

[2023 c 56 § 8; 2019 c 64 § 10; 2018 c 113 § 303.]

Effective date—2023 c 56: See note following RCW 29A.92.720.

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.080: Voter challenge of electoral system—Filing of action—Multiple challenges.

(1) Any voter who resides in the political subdivision, organization whose roster of members and volunteers includes a voter who resides in the political subdivision, or tribe located at least in part in the political subdivision may file an action under this chapter if, 90 days after a political subdivision

receives notice of a challenge to its electoral system under RCW 29A.92.060, the political subdivision has not obtained a court order stating that it has adopted a remedy in compliance with RCW 29A.92.020.

(2) If a political subdivision has received two or more notices containing materially different proposed remedies, the political subdivision shall work in good faith with the persons to implement a remedy that provides the protected class or classes identified in the notices an equal opportunity to elect candidates of their choice. If the political subdivision adopts one of the remedies offered, or a different remedy that takes multiple notices into account, the political subdivision shall seek a court order acknowledging that the political subdivision's remedy is reasonably necessary to avoid a violation of RCW 29A.92.020. The persons, organizations, or tribes who submitted the notice may support or oppose such an order, and may obtain public records to do so. The political subdivision must provide all political, census, and demographic data and any analysis of that data used to develop the remedy in its filings seeking the court order and with any documents made public. All facts and reasonable inferences shall be viewed in the light most favorable to those opposing the political subdivision's proposed remedy at this stage. There shall be a rebuttable presumption that the court will decline to approve the political subdivision's proposed remedy at this stage.

(3) If the court concludes that the political subdivision's remedy complies with RCW 29A.92.020, an action under this chapter may not be brought against that political subdivision for four years by any party so long as the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.

(4)(a) If the court issues an order under subsection (2) of this section, the persons, organizations, or tribes who sent notices may make a demand to the political subdivision for reimbursement of the costs incurred in conducting the research necessary to send the notices. A demand made under this subsection must:

(i) Be in writing;

(ii) Be received by the political subdivision within 30 days of the adoption of the new electoral system; and

(iii) Include financial documentation, such as a detailed invoice for demographic services, that supports the demand. The political subdivision may request additional documentation if the documentation provided is insufficient for the political subdivision to corroborate the claimed costs.

(b) The political subdivision shall, within 60 days of receiving the demand, reimburse the reasonable costs of the persons, organizations, or tribes who sent the notices, not to exceed $50,000.

[2023 c 56 § 9; 2019 c 64 § 11; 2018 c 113 § 304.]

Effective date—2023 c 56: See note following RCW 29A.92.720.

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.090: Action in superior court—Venue—Joint action.

(1) After exhaustion of the time period in RCW 29A.92.080, any voter who resides in a political subdivision, organization whose roster of members and volunteers includes a voter who resides in the political subdivision, or tribe located at least in part in the political subdivision where a violation of RCW 29A.92.020 is alleged may file an action in the superior court of the county in which the political subdivision is located. If the action is against a county, the action may be filed in the superior court of such county, or in the superior court of either of the two nearest judicial districts as determined pursuant to RCW 36.01.050(2). An action filed pursuant to this chapter does not need to be filed as a class action.

(2) A coalition of members of different protected classes may file an action jointly pursuant to this chapter if they demonstrate that the combined voting preferences of the multiple protected classes are polarized against the rest of the electorate. A coalition of members of different protected classes is not required to demonstrate that each individual racial, color, or language minority group which comprises the coalition is cohesive.

(3) Nothing in this section shall be interpreted to relieve a party of the requirement to establish standing as provided in Washington case law when commencing an action under this title.

[2023 c 56 § 6; 2019 c 64 § 12; 2018 c 113 § 401.]

Effective date—2023 c 56: See note following RCW 29A.92.720.
Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.100: Trial schedule—Statute of limitations—Secrecy of vote—Plaintiff bond.

(1) In an action filed pursuant to this chapter, the trial court shall set a trial to be held no later than one year after the filing of a complaint, and shall set a discovery and motions calendar accordingly.
(2) For purposes of any applicable statute of limitations, a cause of action under this chapter arises every time there is an election for any members of the governing body of the political subdivision.
(3) The plaintiff's constitutional right to the secrecy of the plaintiff's vote is preserved and is not waived by the filing of an action pursuant to this chapter, and the filing is not subject to discovery or disclosure.
(4) In seeking a temporary restraining order or a preliminary injunction, a plaintiff shall not be required to post a bond or any other security in order to secure such equitable relief.
(5) No notice may be submitted to any political subdivision pursuant to this chapter before July 19, 2018.
[2019 c 64 § 13; 2018 c 113 § 402.]
Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.110: Court-ordered remedies—District-based remedies—New elections.

(1) After finding a violation of RCW 29A.92.020 or upon stipulation of the parties, the court may order appropriate remedies including, but not limited to, the imposition of a district-based election system or expansion of the number of elected county commissioners if authorized by RCW 29A.92.115. In tailoring a remedy, the court shall consider proposed remedies by the parties and may not give deference to a proposed remedy only because it is proposed by the political subdivision. The court may not approve a remedy that violates this chapter.
(2) If the court orders a district-based remedy, the court must approve proposed district boundaries prior to their implementation. The court must determine that the proposed district boundaries will not violate this chapter.
(3) Implementation of a district-based remedy is not precluded by the fact that members of a protected class do not constitute a numerical majority within a proposed district-based election district. If, in tailoring a remedy, the court orders the implementation of a district-based election district where the members of the protected class are not a numerical majority, the court shall do so in a manner that provides the protected class an equal opportunity to elect candidates of their choice. The court may also approve a district-based election system that provides the protected class the opportunity to join in a coalition of two or more protected classes to elect candidates of their choice if there is demonstrated political cohesion among the protected classes.
(4) In tailoring a remedy after a finding of a violation of RCW 29A.92.020 or upon stipulation of the parties:
(a) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between the first Tuesday after the first Monday of November and on or before January 15th of the following year, the court shall order new elections, conducted pursuant to the remedy, to occur at the next succeeding general election. If a special filing period is required, filings for that office shall be reopened for a period of three business days, such three-day period to be fixed by the filing officer.
(b) If the court's order providing a remedy or approving proposed districts, whichever is later, is issued during the period of time between January 16th and on or before the first Monday of November, the next election will occur as scheduled and organized under the current electoral system, but the court shall order new elections to occur pursuant to the remedy at the general election the following calendar year.
(c) The remedy may provide for the political subdivision to hold elections for the members of its governing body at the same time as regularly scheduled elections for statewide or federal offices. All positions on the governing body must stand for election at the next election for the governing body, scheduled pursuant to this subsection (4). The governing body may subsequently choose to stagger the

terms of its positions.
(5) Within thirty days of the conclusion of any action filed under RCW 29A.92.100, the political subdivision must publish on the subdivision's website, the outcome and summary of the action, as well as the legal costs incurred by the subdivision. If the political subdivision does not have its own website, then it may publish on the county website.
[2023 c 56 § 7; 2019 c 454 § 2; 2018 c 113 § 403.]
Effective date—2023 c 56: See note following RCW 29A.92.720.
Retroactive application—Effective date—2019 c 454: See notes following RCW 29A.92.050.

RCW 29A.92.115: Increase in number of elected county commissioners—Remedy for vote dilution concerning Indian tribal status.

(1) A county may reasonably increase the number of elected commissioners to remedy a potential violation of RCW 29A.92.020 if the protected class or one of the protected classes subject to alleged vote dilution is Indian tribal status.
(2) After finding a violation of RCW 29A.92.020 or upon stipulation of the parties, the court may order a reasonable increase in the number of elected officials on a county commission if the defendant political subdivision is a county and the protected class or one of the protected classes subject to alleged vote dilution is Indian tribal status.
[2023 c 56 § 12]
Effective date—2023 c 56: See note following RCW 29A.92.720.

RCW 29A.92.120: Safe harbor—Limitation of actions.

(1) No action under this chapter may be brought by any person against a political subdivision that has adopted a remedy to its electoral system after an action is filed that is approved by a court pursuant to RCW 29A.92.070 or implemented a court-ordered remedy pursuant to RCW 29A.92.110 for four years after adoption of the remedy if the political subdivision does not enact a change to or deviation from the remedy during this four-year period that would otherwise give rise to an action under this chapter.
(2) No action under this chapter may be brought by any person against a political subdivision that has adopted a remedy to its electoral system in the previous decade before June 7, 2018, as a result of a claim under the federal voting rights act until after the political subdivision completes redistricting pursuant to RCW 29A.76.010 for the 2020 decennial census.
[2019 c 64 § 14; 2018 c 113 § 404.]
Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.130: Award of fees.

(1) In any action to enforce this chapter, the court may allow the prevailing plaintiff or plaintiffs, other than the state or political subdivision thereof, reasonable attorneys' fees, all nonattorney fee costs as defined by RCW 4.84.010, and all reasonable expert witness fees, including all such reasonable fees and costs incurred before filing the action.
(2)(a) A prevailing plaintiff does not need to achieve relief or favorable judgment if the plaintiff demonstrates that they succeeded in altering the political subdivision's behavior to correct a claimed harm.
(b) For purposes of this section, "altering the political subdivision's behavior" includes, but is not limited to, adopting a new method of electing a governing body, modifying district boundaries, or amending a voting rule or qualification.
(3) Prevailing defendants may recover an award of fees or costs pursuant to RCW 4.84.185.
[2023 c 56 § 10; 2018 c 113 § 405.]
Effective date—2023 c 56: See note following RCW 29A.92.720.

RCW 29A.92.700: Not applicable to certain political subdivisions.

The provisions of RCW 29A.92.005 through 29A.92.030, 29A.92.060 through 29A.92.130, and 29A.92.900 are not applicable to cities and towns with populations under one thousand or to school districts with K-12 full-time equivalent enrollments of less than two hundred fifty.

[2018 c 113 § 501.]

RCW 29A.92.710: Other laws superseded.

This chapter supersedes other state laws and local ordinances to the extent that those state laws or ordinances would otherwise restrict a jurisdiction's ability to comply with this chapter.

[2019 c 64 § 15; 2018 c 113 § 503.]

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

RCW 29A.92.720: Construction of laws concerning right to vote.

In further recognition of the protections for the right to vote provided by the Constitution of the state of Washington, statutes, rules and regulations, and local laws, town charters, and ordinances related to the right to vote shall be construed liberally in favor of:

(1) Protecting the right to cast an effective ballot;

(2) Ensuring that eligible voters are not impaired in registering to vote or voting including having their votes counted; and

(3) Ensuring that voters of race, color, and language minority groups have equitable access to fully participate in the electoral process in registering to vote and voting free from improper dilution or abridgement of voting power.

[2023 c 56 § 1.]

Effective date—2023 c 56: "This act takes effect January 1, 2024." [2023 c 56 § 14.]

RCW 29A.92.900: Short title.

This chapter may be known and cited as the Washington voting rights act of 2018.

[2019 c 64 § 16; 2018 c 113 § 101.]

Explanatory statement—2019 c 64: See note following RCW 1.20.110.

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Title 434 WAC

Washington Administrative Code

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CHAPTER 434-208 WAC: ELECTIONS

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WAC 434-208-060: Electronic filings.

(1) In addition to those documents specified by RCW 29A.04.255, the secretary of state or the county auditor shall accept and file electronic transmissions of the following documents:
(a) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;
(b) Any minor party or independent candidate filing material for president and vice president, except nominating petitions;
(c) Lists of presidential electors selected by political parties or independent candidates;
(d) Voted ballots and signed ballot declarations from service or overseas voters received no later than 8:00 p.m. on election day;
(e) Resolutions from cities, towns, and other districts calling for a special election;
(f) Voter registration forms and cancellation material(s), unless the form or material(s) is illegible or the signature image is poor quality, requiring the county auditor to reject the form or material(s);
(g) Signed ballot declarations, and any accompanying materials, submitted pursuant to RCW 29A.60.165 and WAC 434-261-053; and
(h) Requests to withdraw a declaration of candidacy.
(2) If payment of a fee is required, the electronic filing is not complete until the fee is received.
(3) No initiative, nominating petition, referendum, recall, or other signature petitions may be filed electronically.
(4) County auditors must use best practices provided by the secretary of state for securely handling documents received by fax and email.

[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-208-060, filed 6/5/24, effective 7/6/24; WSR 24-03-053, § 434-208-060, filed 1/10/24, effective 2/10/24; WSR 19-05-041, § 434-208-060, filed 2/14/19, effective 3/17/19; WSR 14-06-040, § 434-208-060, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-208-060, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-060, filed 7/11/08, effective 8/11/08; WSR 06-23-094, § 434-208-060, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-208-060, filed 7/16/04, effective 8/16/04. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-208-060, filed 7/23/02, effective 8/23/02. WSR 98-08-010, recodified as § 434-208-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.230. WSR 92-18-087, § 434-08-060, filed 9/2/92, effective 10/3/92.]

WAC 434-208-110: References to time.

References to times of day (i.e., 8:00 p.m.) are according to Pacific Time.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-208-110, filed 7/11/08, effective 8/11/08.]

WAC 434-208-120: Emergencies.

As chief election officer, the secretary of state shall make reasonable rules consistent with federal and state election laws to effectuate any provision of Title 29A RCW and to facilitate the execution of its provisions in an orderly, timely, and uniform manner relating to any federal, state, county, city, town, and district election. In the event of a natural or manmade disaster or catastrophe, the secretary of

state will consult with county auditors of impacted counties to determine the impact of the disaster or catastrophe on the administration of the election, and how best to mitigate that impact. The secretary of state may adopt emergency rules and procedures necessary to facilitate administration of the election in the impacted counties. The emergency rules and procedures must be limited in duration and scope to that necessary to administer the election. A natural or manmade disaster or catastrophe may include, but is not limited to, fire, flood, mudslide, landslide, tsunami, extreme snow or wind, pandemic, technological failure, or broad scale violence or terrorism.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-208-120, filed 1/18/10, effective 2/18/10.]

WAC 434-208-130: Political parties.

(1) For purposes of RCW 42.17A.005, the secretary of state recognizes as a minor political party a political party whose nominees for president and vice president qualified to appear on the ballot in the last preceding presidential election according to the minor party nomination process provided in chapter 29A.56 RCW. A political party that qualifies as a minor political party retains such status until certification of the next presidential election. This definition is for purposes of chapter 42.17A RCW only.
(2) As allowed by WAC 434-215-012, 434-215-120, and 434-215-130, candidates for partisan office may state a preference for any political party and are not restricted to stating a preference for a political party that meets the definition of major or minor political party. A candidate's party preference does not imply that the candidate is nominated or endorsed by that party, or that the party approves of or associates with that candidate. With the exception of elections for president and vice president, a party's status as a major or minor political party, or a candidate's preference for a major or minor political party, plays no role in how candidates qualify to appear on the primary election ballot, qualify to appear on the general election ballot, or are elected to public office.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-208-130, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-130, filed 12/6/11, effective 1/6/12.]

WAC 434-208-140: Election notices.

Election notices are governed by RCW 29A.04.220 and 29A.52.355.
(1) "Short titles for ballot measures" means the name of the jurisdiction, the measure number, and the heading or caption.
(2) The notice for elderly and disabled person required by RCW 29A.04.220 may be combined with the notice of election required by RCW 29A.52.355 in a single publication.
(3) Public meetings associated with the election include county canvassing board meetings.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-208-140, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-208-140, filed 12/6/11, effective 1/6/12.]

WAC 434-208-160: Online information.

The secretary of state and each county auditor must provide information online that includes, at a minimum, how to:
(1) Register to vote using a paper or online application;
(2) Confirm a registration status;
(3) Request a ballot or replacement ballot;
(4) For service and overseas voters, receive a ballot electronically;
(5) Update a residential address or mailing address;
(6) Contact the elections office by phone, fax, email, mailing address, and physical address;
(7) Obtain information about the next election;
(8) For service or overseas voters, return a signed declaration and voted ballot electronically;
(9) Confirm that a voted ballot has been received; and
(10) Obtain election results.
[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-208-160, filed 7/2/12, effective 8/2/12.]

CHAPTER 434-209 WAC:
CITIZEN'S COMMISSION ON SALARIES FOR ELECTED OFFICIALS

Sections

WAC 434-209-010: Statement of purpose.
WAC 434-209-030: Qualification requirements.
WAC 434-209-050: Conducting the selection of names by lot.
WAC 434-209-060: Notifying persons selected by lot.
WAC 434-209-070: Determination of commission appointees from congressional districts.
WAC 434-209-080: Names of selected persons to governor.
WAC 434-209-090: Vacancy on the commission.

WAC 434-209-010: Statement of purpose.

The purpose of this chapter is to provide uniform procedures under RCW 43.03.305(1) for the selection and notification by the secretary of state of persons to be appointed to the Washington citizens' commission on salaries for elected officials.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-010, filed 2/19/87.]

WAC 434-209-030: Qualification requirements.

Qualification requirements for the citizen members selected in accordance with this chapter to serve on the commission shall be as required by the state Constitution and RCW 43.03.305:

(1) Any person selected under WAC 434-209-070 to serve must be a registered voter and eligible to vote at the time of selection in the congressional district from which that person was selected;

(2) Any person selected under WAC 434-209-090 to serve must be a registered voter and eligible to vote at the time of selection;

(3) No state official, public employee or lobbyist or immediate family member of such official, public employee or lobbyist shall be eligible to serve.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-030, filed 2/19/87.]

WAC 434-209-050: Conducting the selection of names by lot.

No later than May 20 of the year of selection, the secretary of state shall arrange for the random selection of approximately an equal number of names of registered voters from each congressional district that requires appointment of a new commissioner. The secretary of state may employ a properly programmed electronic data processing system or device to make the random selection of registered voters as required by this section.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-050, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-050, filed 2/19/87.]

WAC 434-209-060: Notifying persons selected by lot.

(1) No later than May 31 of the year of selection, the secretary of state shall notify by nonforwardable 1st class mail each person selected by lot under WAC 434-209-050. The notification shall contain a response form and prestamped, self-addressed return envelope. The notification shall include the statutory qualifications for membership on the commission as specified in RCW 43.03.305 and describe the duties of the position under RCW 43.03.310. The notification shall request the person selected to confirm on the form whether or not they meet the statutory qualifications to serve on the commission

and to indicate if they are willing to serve on the commission in the specified capacity. Each person shall be requested to return the form no later than June 10 of that year. Any selected person, by appropriate indication on the form, may decline to serve on the commission. The secretary of state shall take as conclusive indication that the person has declined to serve if the form is not received by the secretary of state on or before June 10 of that year. The notification shall include an appropriate notice of this deadline.

(2) The secretary of state shall compile a list by congressional district of each qualified person who has responded to the notification, confirmed that they meet the specified qualifications and are willing to serve on the commission as requested in subsection (1) of this section.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-060, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-060, filed 2/19/87.]

WAC 434-209-070: Determination of commission appointees from congressional districts.

From the list prepared under WAC 434-209-060(2), the secretary of state shall conduct a separate, noncomputer selection by lot of all qualified persons responding positively to the notice in WAC 434-209-060 from each congressional district. The persons selected from each congressional district shall be listed in order of selection.

This list shall serve as the list of registered voters for the initial appointment and for filling any subsequent vacancy.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-070, filed 2/19/87.]

WAC 434-209-080: Names of selected persons to governor.

No later than July 1 of the year of selection, the secretary of state shall forward to the governor the certified list of the names of the first registered voter selected from each congressional district under WAC 434-209-070. In the event that one of the persons certified to the governor declines appointment, the secretary of state shall forward to the governor the name of the next registered voter from the same congressional district on the list compiled under WAC 434-209-070.

[Statutory Authority: RCW 43.03.305. WSR 03-23-094, § 434-209-080, filed 11/17/03, effective 12/18/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-080, filed 2/19/87.]

WAC 434-209-090: Vacancy on the commission.

Whenever a vacancy exists in any of the congressional districts, the governor shall notify the secretary of state of the vacancy. The secretary of state shall forward to the governor for appointment the next name on the list created in WAC 434-209-070 for that congressional district. This procedure will be repeated until this list is exhausted.

If the list from a congressional district becomes depleted, the secretary of state shall create a new list for that congressional district using the most recent voter information obtained from the county auditors. Except for the revision of timelines under this section, the process for compiling the data file of records of registered voters by congressional district, conducting the selection by lot, notifying persons selected, determining appointees, and forwarding to the governor the certified list of the name of the registered voter selected shall be substantially the same as specified in WAC 434-209-030 through 434-209-080.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-209-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 43.03.305. WSR 87-06-009 (Order 87-02), § 434-09-090, filed 2/19/87.]

CHAPTER 434-215 WAC:
DECLARATIONS OF CANDIDACY AND FILING PROCEDURES

Sections

WAC 434-215-005: Filing information—Questionnaire—Compiling and dessimination.
WAC 434-215-012: Declaration of candidacy.
WAC 434-215-015: Write-in declaration of candidacy.
WAC 434-215-021: Declaration of candidacy—Precinct committee officer.
WAC 434-215-024: Insufficient payment of a filing fee.
WAC 434-215-025: Filing fee petitions.
WAC 434-215-040: Online filing—Contingency plan.
WAC 434-215-050: Use of title, rank, or symbols prohibited.
WAC 434-215-060: Duplication of names.
WAC 434-215-065: Withdrawal of candidacy.
WAC 434-215-070: Electronic filing—Requirements.
WAC 434-215-110: Electronic filing—Interlocal agreements.
WAC 434-215-120: Political party preference by candidate for partisan office.
WAC 434-215-130: Minor political party candidates and independent candidates.
WAC 434-215-165: Presidential nominations by major political parties.
WAC 434-215-170: Filing qualifications.
WAC 434-215-180: Write-in candidates.

WAC 434-215-005: Filing information—Questionnaire—Compiling and dissemination.

(1) Prior to February 1, the county auditor shall send a questionnaire to the administrative authority of each local jurisdiction for which the auditor is the candidate filing officer subject to the provisions of RCW 29A.04.321 and 29A.04.330. The questionnaire must be sent during the twelve months before the local jurisdiction is scheduled to elect officers. The purpose of the questionnaire shall be to confirm informationwhich the auditor must use to properly conduct candidate filings for each office. The questionnaire should request, at a minimum, confirmation of offices to be filled at the general election that year, the name of the incumbent, and the annual salary for the position at the time of the filing period. Responses should be received prior to March 1 of that year so that the filing information can be compiled and disseminated to the public at least two weeks prior to the candidate filing period.

(2) If a jurisdiction fails to notify the county auditor prior to the regular candidate filing period that an office is to be filled at the general election and therefore the office is not included in the regular candidate filing period, the county auditor shall:

(a) Open the position during the remainder of the regular filing period if the county auditor is notified in time to provide at least three days in the regular filing period. The county auditor must post information online and notify the press; or

(b) Open the position during a special three-day filing period and treat the election as though there is a void in candidacy per RCW 29A.24.181.

[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-215-005, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-215-005, filed 5/29/09, effective 6/29/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-215-005, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-215-005, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-215-005, filed 7/16/04, effective 8/16/04. WSR 02-09-007, recodified as § 434-215-005, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-228-005, filed 10/13/97, effective 11/13/97.]

WAC 434-215-012: Declaration of candidacy.

Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

[image on page 185]

The filing officer must provide a paper or electronic copy of the filed declaration of candidacy to the candidate and to the public disclosure commission.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-012, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-215-012, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-012, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-012, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-215-012, filed 6/28/06, effective 7/29/06. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-012, filed 7/23/02, effective 8/23/02. WSR 02-09-007, recodified as § 434-215-012, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-012, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-012, filed 6/2/92, effective 7/3/92. Statutory Authority: RCW 29.04.080. WSR 84-15-050 (Order 84-2), § 434-28-012, filed 7/16/84; WSR 80-05-014 (Order 80-1), § 434-28-012, filed 4/8/80.]

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Washington State Declaration of Candidacy

candidate information *as registered to vote*

first name | middle | last

residential address | city / zip

date of birth | email address | phone number

campaign contact information *for publication*

campaign phone | campaign email

mailing address (if different from residential address) | city / zip

campaign website

ballot information

jurisdiction | office name | position number

exact name I would like printed on the ballot

political party I prefer to be printed on the ballot, if filing for partisan office:

○ (Prefers ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐ Party)

○ (States No Party Preference)

filing fee

○ The office has no filing fee

○ A filing fee of $ _____ accompanies the declaration of candidacy

○ I lack sufficient funds and submit a filing fee petition in lieu of the filing fee under RCW 29A.24.091

oath

I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office.

I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.

sign here [ ] date here [ ]

for office use only

submission date | voter registration number

office code | fee

10/2018

WAC 434-215-015: Write-in declaration of candidacy.
Declarations of candidacy filed either in person or by mail shall be in substantially the following form:

Washington State Declaration of Write-in Candidacy

candidate information *as registered to vote*

first name | middle | last

residential address | city / zip

date of birth | email address | phone number

campaign contact information *for publication*

campaign phone | campaign email

mailing address (if different from residential address) | city / zip

campaign website

ballot information *if qualifying*

I am a write-in candidate for: ○ Primary ○ General

jurisdiction | office name | position number

exact name I would like printed on the ballot if I qualify

political party I prefer to be printed on the ballot, if filing for partisan office:

○ (Prefers [ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ][ ] Party)

○ (States No Party Preference)

filing fee

○ The office has no filing fee if filed 19+ days before election day

○ A filing fee of $ _____ accompanies the declaration of candidacy (up to 18 days before election day.)

○ I lack sufficient funds and submit a filing fee petition in lieu of the filing fee under RCW 29A.24.091

oath

I declare that the above information is true, that I am a registered voter residing at the address listed above, that I am a candidate for the office listed above, and that, at the time of filing this declaration, I am legally qualified to assume office.

I swear, or affirm, that I will support the Constitution and laws of the United States, and the Constitution and laws of the State of Washington.

sign here [ ] date here [ ]

for office use only

submission date | voter registration number

office code | fee

10/2018

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-015, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-215-015, filed 6/13/16, effective 7/14/16.]

WAC 434-215-012: Declaration of candidacy - Precinct committee officer.
Declarations of candidacy for the office of precinct committee officer shall be in substantially the following form:

Declaration of Candidacy

Precinct Committee Officer

instructions
File this form with your county elections department.
No filing fee is required.
Note: This document becomes public record once filed.

office information
member of the ○ Democratic Party ○ Republican Party

precinct representing (name / number)

personal information *as registered to vote*
first name | middle | last

date of birth (mm / dd / yyyy) | phone number

residential address | city / ZIP

ballot information
exact name I would like printed on the ballot (*only contested races will appear on the ballot*)

contact information
mailing address (*if different from residential address*) | city / ZIP

email address | phone number

oath
I declare that the above information is true, that I am a registered voter residing at the residential address and precinct listed above, and that I am a candidate for Precinct Committee Officer for the party and precinct identified above.

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

sign here | date here

for office use only
voter registration number | date

☐ precinct verified | office code

staff

03/2012

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-021, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-215-021, filed 7/2/12, effective 8/2/12.]

WAC 434-215-024: Insufficient payment of a filing fee.

If, after the last day to withdraw, a county auditor learns that a candidate provided insufficient funds for a filing fee, the county auditor must recoup that cost through other allowable means.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-024, filed 2/3/11, effective 3/6/11.]

WAC 434-215-025: Filing fee petitions.

(1) When a candidate submits a filing fee petition in lieu of his or her filing fee, as authorized by RCW 29A.24.091, voters eligible to vote on the office in the general election are eligible to sign the candidate's filing fee petition.

(2) A candidate submitting a filing fee petition in the place of a filing fee may not file the declaration of candidacy electronically.

(3) A candidate submitting a filing fee petition must submit all signatures when filing the declaration of candidacy. The candidate cannot supplement the signatures at a later date.

(4) The filing officer shall verify the candidate has submitted sufficient number of valid signatures equal to the filing fee. The first valid signature of a voter counts toward the number of signatures required. Duplicate signatures are invalid.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-025, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-025, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-025, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-025, filed 1/18/10, effective 2/18/10; WSR 08-15-052, § 434-215-025, filed 7/11/08, effective 8/11/08; WSR 07-09-036, § 434-215-025, filed 4/11/07, effective 5/12/07.]

WAC 434-215-040: Online filing—Contingency plan.

In the event of an internet outage or disruption to the office of the secretary of state's online candidate filing system, declarations of candidacy and filing fees for offices that file with the secretary of state may be received in person by any county auditor during the last two hours of the filing period. All information listed on the declaration of candidacy for these offices must be transmitted to the secretary of state as soon as practicable after the filing was accepted.

[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-215-040, filed 1/10/24, effective 2/10/24. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-215-040, filed 9/1/09, effective 10/2/09.]

WAC 434-215-050: Use of title, rank, or symbols prohibited.

No person when filing for office shall be permitted to use any title, rank, or symbol instead of, or in conjunction with, his or her name including, but not limited to, Mr., Mrs., Dr., Ph.D., J.D., Gen., except as may be provided by law or administrative rule.

[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-215-050, filed 6/6/17, effective 7/7/17; WSR 06-23-094, § 434-215-050, filed 11/15/06, effective 12/16/06. WSR 02-09-007, recodified as § 434-215-050, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-050, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-050, filed 6/2/92, effective 7/3/92.]

WAC 434-215-060: Duplication of names.

Whenever, in the judgment of the filing officer, two or more candidates have filed for the same office whose names are so similar as to be confusing to voters, he or she shall differentiate between the candidates by the inclusion of additional information in connection with the name as it appears on the ballot. Such differentiation may be made by the inclusion of the candidate's occupation, status as incumbent or challenger, or by any other means which, in the judgment of the filing officer, fairly and impartially distinguishes the candidates. The filing officer may solicit suggestions and input from the candidates involved in order to resolve the situation.

[WSR 02-09-007, recodified as § 434-215-060, filed 4/4/02, effective 4/4/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-228-060, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-28-060, filed 6/2/92, effective 7/3/92.]

WAC 434-215-065: Withdrawal of candidacy.

Consistent with RCW 29A.24.131, a candidate may withdraw their declaration of candidacy at any time before 5:00 p.m. on the Monday following the last day for candidates to file. The candidate must file a signed request that their name not be printed on the ballot. This request to withdraw must be filed with the officer who accepted the declaration of candidacy. A request to withdraw may be filed electronically. Once filed, the withdrawal cannot be revoked. There shall be no withdrawal period for declarations of candidacy filed during special filing periods.

[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-215-065, filed 1/10/24, effective 2/10/24; WSR 17-12-090, § 434-215-065, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-065, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-215-065, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-215-065, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-215-065, filed 12/28/05, effective 1/28/06.]

WAC 434-215-070: Electronic filing—Requirements.

An electronic system to file declarations of candidacy shall be an online system accessible to candidates on the world wide web that is capable of:

(1) Recording each candidate's name, date of birth, voter registration address, mailing address, phone number, email address, and political party preference for partisan offices, and the office and position number for which each candidate is filing;

(2) Verifying the candidate's voter registration status, and that the voter registration address is within the jurisdiction of the office for which the candidate is filing;

(3) Accepting electronic transfer of funds for the payment of filing fees;

(4) Informing, and requiring each candidate to acknowledge, that submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitution and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of any filing fees; and

(5) Allowing the filing officer to verify each filing before it is made public.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-070, filed 1/18/10, effective 2/18/10; WSR 05-17-145, § 434-215-070, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-070, filed 7/23/02, effective 8/23/02.]

WAC 434-215-110: Electronic filing—Interlocal agreements.

The secretary of state may enter into interlocal agreements with county auditors to provide services to allow county auditors to accept electronic filings. Nothing in an agreement shall contravene RCW 29A.24.070, determining where candidates file for office.

[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-215-110, filed 8/19/05, effective 9/19/05. Statutory Authority: 2002 c 140 § 3. WSR 02-15-156, § 434-215-110, filed 7/23/02, effective 8/23/02.]

WAC 434-215-120: Political party preference by candidate for partisan office.

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

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

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

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

by the candidate implies that the candidate is nominated or endorsed by a political party, or that a political party approves of or associates with that candidate, the filing officer may petition the superior court pursuant to RCW 29A.68.011 for a judicial determination that the party name be edited, or rejected and replaced with "states no party preference."
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-120, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-215-120, filed 7/11/08, effective 8/11/08.]

WAC 434-215-130: Minor political party candidates and independent candidates.

(1) In the election system enacted as chapter 2, Laws of 2005, there is no distinction between major party candidates, minor party candidates, or independent candidates filing for partisan congressional, state, or county office. All candidates filing for these partisan offices have the same filing and qualifying requirements. All candidates for partisan office have the option of stating on the ballot their preference for a political party, or stating no party preference. The party preference information plays no role in determining how candidates are elected to public office.
(2) If two or more certificates of nomination are filed purporting to nominate the same candidates for president and vice president by two different minor political parties, or both by a party and as an independent candidate, the first valid certificate of nomination filed with the secretary of state shall be accepted and subsequent certificates must be rejected.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-215-130, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-215-130, filed 7/2/12, effective 8/2/12; WSR 08-15-052, § 434-215-130, filed 7/11/08, effective 8/11/08.]

WAC 434-215-165: Presidential nominations by major political parties.

Nominations for president and vice president by major political parties are conducted at each party's national convention. Immediately following the convention, each party must submit a certificate of nomination and list of electors to the secretary of state in order to place the nominees on the presidential general election ballot.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-165, filed 12/6/11, effective 1/6/12.]

WAC 434-215-170: Filing qualifications.

When state law requires a candidate to possess all qualifications of the office at the time of candidate filing, a candidate must satisfy this requirement at the time of candidate filing; a candidate cannot rely on possessing the qualifications at a later time, such as election day or the beginning of the term of office.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-215-170, filed 1/18/10, effective 2/18/10.]

WAC 434-215-180: Write-in candidates.

A candidate desiring to file as a write-in candidate must file the write-in declaration of candidacy no later than 8:00 p.m. on election day. If a write-in declaration of candidacy is filed with the filing officer after the close of the regular candidate filing period per RCW 29A.24.050 and more than 18 days before a primary or election, no filing fee is required.
Candidates filing a write-in declaration of candidacy on or after the 18th day before a primary or election must pay a filing fee at the time of filing the declaration. Offices with a fixed annual salary of more than $1,000 must pay a filing fee equal to one percent of the annual salary at the time of the regular filing period as per RCW 29A.24.091. For all other offices, a filing fee of $25 is required.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-215-180, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-215-180, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-215-180, filed 12/6/11, effective 1/6/12.]

CHAPTER 434-219 WAC:
PRESIDENTIAL PRIMARY

Sections

WAC 434-219-050: Procedures to be followed when changing primary date.
WAC 434-219-120: Certification of candidates.
WAC 434-219-140: Party declarations.
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WAC 434-219-190: Special election held in conjunction with the presidential primary.
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WAC 434-219-230: Processing of ballots.
WAC 434-219-235: Statewide standards on what is a vote—Presidential primary.
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WAC 434-219-310: Mandatory statutory recount provisions do not apply.
WAC 434-219-320: Transmittal of political party preference data and results to the major political parties.
WAC 434-219-330: Retention of election material.
WAC 434-219-340: Claims for reimbursement.

WAC 434-219-050: Procedures to be followed when changing primary date.

If the date of the presidential primary is changed pursuant to RCW 29A.56.020 from the second Tuesday in March to another date, the secretary of state shall promptly notify the county auditors and the chairperson of the national committee of each major political party, in writing, of that date.

[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-050, filed 10/2/19, effective 11/2/19; WSR 07-24-044, § 434-219-050, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-050, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-050, filed 8/26/91, effective 9/26/91.]

WAC 434-219-120: Certification of candidates.

(1) Per RCW 29A.56.031, the party chair for each major party must provide that party's official list of candidates to the secretary of state no later than 63 days prior to the primary. This list must include the full name of each candidate, the form of the candidate's name as it will appear on the ballot and a signature of the party chair certifying the list as the official party candidates.

(2) Per RCW 29A.56.040(4) each major party may request that the ballot for that party include a response position allowing the voter to indicate the voter's preference for having delegates to the party's national convention remain uncommitted.

(3) Immediately following the receipt of each major party's official list of candidates, the secretary of state shall certify to the county auditors the final list of candidates who will appear on the presidential primary ballot and a response position for uncommitted if requested by either party.

(4) Per RCW 29A.56.031, if a major party chooses to accept votes for write-in candidates in the primary, the party chair for that major party must provide that party's official list of write-in candidates no later than the seventh day prior to the primary. This list must include the full name of each write-in candidate, and a signature of the party chair certifying the list as the official party write-in candidates.

(5) Immediately following the last day for major political parties to submit write-in candidates, the secretary of state shall certify to the county auditors the final list of official write-in candidates to be counted for each party for the presidential primary.

[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-219-120, filed 7/7/23, effective 8/7/23; WSR 19-20-115, § 434-219-120, filed 10/2/19, effective 11/2/19; WSR 15-24-001, § 434-219-120, filed 11/18/15, effective 12/19/15; WSR 07-24-044, § 434-219-120, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-120, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-120, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-120, filed 8/26/91, effective 9/26/91.]

WAC 434-219-140: Party declarations.

(1) No later than August 15th in the calendar year preceding the year in which the presidential preference primary is to be held, the state chair of each major party shall submit in writing to the secretary of state the exact wording of any party declaration required by rules of the state or national party.

(2) The secretary of state shall certify the language of each major party's declaration to the county auditors no later than August 30th in the calendar year preceding the year in which the presidential preference primary is to be held.

[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-140, filed 10/2/19, effective 11/2/19; WSR 07-24-044, § 434-219-140, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 99-22-073, § 434-219-140, filed 11/2/99, effective 12/3/99; WSR 96-03-141, recodified as § 434-219-140, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-140, filed 8/26/91, effective 9/26/91.]

WAC 434-219-155: Ballot materials.

(1) Each county shall print declarations on the return envelopes in the same format and color as prescribed by the secretary of state which must include:

(a) The standard declaration per WAC 434-230-015 printed on the return envelope along with each political party declaration.

(b) Each political party declaration printed with a checkbox for voters to indicate the party declaration to which they subscribe.

(c) One signature line to serve as both the voter's standard ballot declaration and the signature for the voter's political party declaration.

(2) In addition to ballot requirements listed in WAC 434-230-015:

(a) County auditors must issue consolidated ballots that include the political party ballots printed on one side of a single sheet of paper.

(b) Each ballot must specify the election as "Presidential Primary."

(c) A political party checkbox must not be printed on the ballot.

(d) A "Democratic Party" heading within or under a blue shaded bar and a "Republican Party" heading within or under a red shaded bar printed immediately above the associated list of candidates. Other major political parties included in the primary must have similar headings and color.

(e) The ballot lists of candidates for president for each political party shall be printed in the following order:

The major political party that received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election must appear first. Other major political parties must follow according to the votes cast for their nominees for president at the last presidential election.

(f) Candidates shall be listed in alphabetical order within each political party as certified by the secretary of state.

(g) Following each list of candidates shall be a response position for a voter to indicate a preference for delegates to the party's national convention to remain uncommitted, if inclusion of the response position is requested by that political party.

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

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

(3) In addition to other instructions normally provided to voters, the county auditor shall include an insert. The insert must provide specific instructions on how to mark the ballot so the ballot will be counted in accordance with the political party declaration signed on the return envelope in substantially the same format as provided by the secretary of state.

(4) Provisional, service, overseas, special absentee and electronically delivered ballots must include political party declarations. If the political party declarations are not printed on the return envelopes,

both the ballot and political party declaration must be printed on separate sheets of paper. The voter must be instructed to sign and place the declaration sheet into the ballot return envelope, outside the security envelope. Signatures on both the ballot declaration and the political party declaration are required to count a ballot.
(5) The following WAC sections do not apply to presidential primaries: WAC 434-230-025, 434-230-035, 434-230-045, 434-230-055, 434-230-090, and 434-230-110.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-155, filed 10/2/19, effective 11/2/19; WSR 15-24-001, § 434-219-155, filed 11/18/15, effective 12/19/15. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-155, filed 11/30/07, effective 12/31/07.]

WAC 434-219-185: Logic and accuracy tests.

The logic and accuracy test shall be conducted pursuant to the provisions of chapter 434-335 WAC and RCW 29A.12.130.
[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-185, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-185, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-185, filed 1/6/00, effective 2/6/00.]

WAC 434-219-190: Special election held in conjunction with the presidential primary.

If a presidential primary occurs on an election date described in RCW 29A.04.330, all measures or candidates for office for which the voters are eligible to vote at that special election shall be listed on the ballot in such a manner that each voter can identify and vote on those candidates or measures separately from the presidential primary candidates.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-190, filed 10/2/19, effective 11/2/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-190, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-219-190, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-219-190, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-190, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-190, filed 8/26/91, effective 9/26/91.]

WAC 434-219-200: Direct recording electronic voting devices (DRE).

Ballots cast on direct recording electronic voting devices must be verified as matching the signed political party declaration.
(1) The voter must sign a standard ballot declaration form and select one political party ballot declaration.
(2) If using DREs, the county auditor must use a method that verifies the voter only casts votes according to the political party declaration marked. DREs may be programmed as separate ballots. For consolidated ballots, the county auditor must use one of the following methods:
(a) Provide a separate DRE designated for each political party.
(i) Verify the corresponding party ballots were cast on each device.
(ii) If all ballots cast are of the corresponding political party, all ballots shall be tabulated.
(iii) If any ballots were cast of the opposite political party, those ballots shall be referred to the canvassing board for rejection. All remaining ballots of the corresponding political party shall be duplicated and tabulated; or
(b) Provide a single DRE programmed with all political party ballots.
(i) Keep signed political party declarations in order of voting.
(ii) Compare the party declaration to the corresponding party vote on the ballot. If all ballots cast are of the corresponding political party, ballots shall be tabulated.
(iii) If any ballot fails to correspond with the declared party:
(A) Separate each ballot record and place each in a security envelope.
(B) Place the associated political party declaration with the security envelope into an outer mailing envelope.
(C) Process the ballots in the same manner as electronically returned ballots;
(c) Any other method approved by the secretary of state.
(3) The number of DRE votes must be reconciled with the number of signed declarations.

[Statutory Authority: RCW 29A.04.611. WSR 15-24-001, § 434-219-200, filed 11/18/15, effective 12/19/15.]

WAC 434-219-230: Processing of ballots.

(1) Each registered voter desiring to participate in the presidential primary of a major party that requires a declaration shall subscribe to the declaration in order for their vote to be counted.
(2) If the voter selected a political party declaration, a notation of the party selected must be made in the voter's registration file.
(3) If the voter fails to submit a marked and signed political party declaration on the return ballot envelope, the auditor shall send at least one notice by either mail or email and advise the voter of the correct procedures for completing the declaration. If a voter submits a marked and signed political party declaration by the day before the primary is certified, the voter's ballot may be counted if all other requirements are met.
Exception: A political party selection on a federal write-in absentee ballot form substitutes for the political party declaration.
(4) Ballots must be sorted according to major party declaration choice before removal from the return envelope. Once a ballot is removed from the return envelope and secrecy envelope, it must be inspected and processed consistent with the party declaration. Ballots that have been removed from the return and secrecy envelopes must be processed and stored by party.
(5) If the voter writes in a candidate name, the ballot should be processed in the same manner as WAC 434-262-160, however only votes for candidates contained on an official party list of write-in candidates may be counted.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-230, filed 10/2/19, effective 11/2/19; WSR 15-24-001, § 434-219-230, filed 11/18/15, effective 12/19/15. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-230, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-230, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-230, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-230, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-230, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-230, filed 8/26/91, effective 9/26/91.]

WAC 434-219-235: Statewide standards on what is a vote—Presidential primary.

The following standards determine the validity of political party declarations on a presidential primary return envelope and ballot. All standards listed in WAC 434-261-086 apply to ballots.
(1) In order for a ballot to be valid and included in the ballot count, the ballot must contain one marked political party declaration, if a declaration has been provided by the party, a valid voter signature, and meet other requirements in law and rule. Only a vote on the ballot within the party the voter selected shall be included in the ballot count. Ballots must be rejected by the county canvassing board for the following reasons:
(a) Political party declarations.
(i) The voter selects both political party declarations.
(ii) The voter fails to provide a marked and signed political party declaration by the day before certification of the primary.
(b) Ballots.
(i) The voter votes for a candidate on the ballot not matching the political party declaration.
(ii) The voter votes for candidates in more than one party.
(2) When the voter modifies a party name or wording of a selected political party declaration, the party checkbox is considered unmarked and the voter must be contacted per WAC 434-219-230. Such alterations may include:
(a) Modification of a party name or wording of a selected political party declaration.
(b) A strike through a party name or wording of a selected party declaration without also making another party choice.
(3) When a voter makes a correction to a political party selection, the canvassing board shall consider the voter's intent.
(a) If the voter strikes through a party name or wording of a party declaration, it is considered a correction only when the voter clearly selects another party declaration. Corrections may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(c), (d), and (e).

(b) If the voter does not mark inside a party checkbox, a mark or written instruction made outside the party checkbox may still indicate a choice when one declaration is clearly selected. Voter intent issues for marks made outside the party checkbox may be resolved in the same manner as marks made on a ballot according to WAC 434-261-086 (1)(b) and (e).
Exception: One mark that strikes through a party name or wording of the party declaration does not indicate a selection.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-235, filed 10/2/19, effective 11/2/19; WSR 15-24-001, § 434-219-235, filed 11/18/15, effective 12/19/15.]

WAC 434-219-290: Certification of presidential primary by secretary of state.

County canvassing boards shall certify the results of the presidential primary ten days following the primary. The county auditor shall transmit the returns to the secretary of state immediately. Not later than seventeen days following the presidential primary, the secretary of state shall certify the results of the presidential primary and notify the candidates and the chairperson of the national and state committees of each major political party of the votes cast for all candidates listed on the ballot.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-290, filed 10/2/19, effective 11/2/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-11-038, § 434-219-290, filed 5/11/16, effective 5/11/16. Statutory Authority: RCW 29A.04.611. WSR 15-24-001, § 434-219-290, filed 11/18/15, effective 12/19/15. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-290, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-290, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-290, filed 11/17/03, effective 12/18/03; WSR 00-03-003, § 434-219-290, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-290, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-290, filed 8/26/91, effective 9/26/91.]

WAC 434-219-310: Mandatory statutory recount provisions do not apply.

The provisions of RCW 29A.64.021 regarding mandatory statutory recounts do not apply to a presidential primary.
[Statutory Authority: RCW 29A.04.611. WSR 19-20-115, § 434-219-310, filed 10/2/19, effective 11/2/19; WSR 07-24-044, § 434-219-310, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-310, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-310, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-310, filed 8/26/91, effective 9/26/91.]

WAC 434-219-320: Transmittal of political party preference data and results to the major political parties.

No later than thirty days following the presidential primary:
(1) Upon request, each county auditor shall provide to the county committee of each major political party, at actual reproduction cost, the results of the presidential primary by precinct, and the names and addresses of voters registered in the county who signed a party declaration for that party and the signature was verified.
(2) Upon request, the secretary of state shall provide to the state committees of each major political party, at actual reproduction cost, the names and addresses of all voters registered in the state who signed a party declaration for that party and the signature was verified.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-320, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 00-03-003, § 434-219-320, filed 1/6/00, effective 2/6/00; WSR 96-03-141, recodified as § 434-219-320, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-320, filed 8/26/91, effective 9/26/91.]

WAC 434-219-330: Retention of election material.

The county auditor shall maintain all presidential primary material, including ballot request forms, ballot envelopes, and ballots, for a period of twenty-two months following the presidential primary. Sixty days following certification of the presidential primary by the secretary of state, the county auditor must remove from the voter registration files any record of party designation in the presidential primary.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-219-330, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-330, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 96-03-141, recodified as § 434-219-330, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-330, filed 8/26/91, effective 9/26/91.]

WAC 434-219-340: Claims for reimbursement.

Following the presidential primary, each county auditor shall provide to the secretary of state a completed claim for reimbursement of expenses incurred by the county in conducting the primary. This cost shall be prorated with any other jurisdictions holding special elections in conjunction with the primary under RCW 29A.04.410. The procedures for allocating such costs shall be the same as those prescribed by the office of the state auditor for election cost allocations to the state, cities, towns, and special purpose districts. Claims for reimbursement and supporting documents shall be submitted to the secretary of state not later than sixty days following the certification of the presidential primary by the secretary of state.

[Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-219-340, filed 11/30/07, effective 12/31/07. Statutory Authority: RCW 29.19.070. WSR 03-23-093, § 434-219-340, filed 11/17/03, effective 12/18/03; WSR 96-03-141, recodified as § 434-219-340, filed 1/24/96, effective 2/24/96; WSR 91-18-012, § 434-75-340, filed 8/26/91, effective 9/26/91.]

CHAPTER 434-230 WAC: BALLOTS

Sections

WAC 434-230-010: Sample ballots.
WAC 434-230-012: Ballot design.
WAC 434-230-015: Ballots and instructions.
WAC 434-230-025: Order of offices.
WAC 434-230-030: Placement of ballot measures for local units of government.
WAC 434-230-035: Office format.
WAC 434-230-045: Candidate format.
WAC 434-230-055: Partisan primary.
WAC 434-230-090: Determining nominees for multiple positions.
WAC 434-230-100: Political party precinct committee officer.
WAC 434-230-110: President and vice president of the United States.
WAC 434-230-130: Envelopes.
WAC 434-230-135: Ballot return postage.

WAC 434-230-010: Sample ballots.

Sample ballots shall be available at least fifteen days prior to an election. A printed copy must be made available through the office of the county auditor. A sample ballot may be published on the county auditor's website. Sample paper ballots shall be printed in substantially the same form as official ballots. Sample ballots shall be printed in a manner that makes them easily distinguishable from the official ballot.

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

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

sample ballot, provided it is to be voted upon within that region. Sample ballots shall be made available and distributed to each voting center.
[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-230-010, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-230-010, filed 7/11/08, effective 8/11/08; WSR 06-14-049, § 434-230-010, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-230-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-010, filed 5/4/92, effective 6/4/92.]

WAC 434-230-012: Ballot design.

(1) The ballot must have a clear delineation between the ballot instructions and the first ballot measure or office through the use of white space, illustration, shading, color, symbol, font size, or bold type.
(2) The following standards for ballot design and layout are provided pursuant to RCW 29A.36.161:
(a) If space allows, allow the instructions to occupy their own column;
(b) Avoid the use of ALL CAPITAL LETTERS. Mixed-case letters are more legible than ALL CAPITAL LETTERS;
(c) Avoid centered type. Left-aligned type is more legible than centered type;
(d) Avoid using more than one font. Using multiple fonts requires the eye to stop reading and adjust. Use one font, preferably a sans-serif font such as Arial, Univers, or Verdana;
(e) Use color and shading consistently, such as to differentiate instructions from ballot section dividers and contest information;
(f) If space allows, use a 12-point type size. Do not use a type size lower than 8-point; and
(g) Maintain consistent font and type size throughout the ballot. For example, do not adjust type size for one race. Type size should be adjusted throughout all comparable areas of the ballot or, at a minimum, by page.
(3) The secretary of state shall publish and distribute an illustrated version of best practices for ballot design and layout.
[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-230-012, filed 2/3/11, effective 3/6/11.]

CHANGE IN 2025: WAC 434-230-015: Ballots and instructions.

(1) Each ballot shall specify the county, the date of the election, and whether the election is a primary, special or general.
(2) Each ballot must include instructions directing the voter how to mark the ballot, including write-in votes if candidate races appear on the ballot.
(3) Instructions that accompany a ballot must:
(a) Instruct the voter how to cancel a vote by drawing a line through the text of the candidate's name or ballot measure response;
(b) Notify the voter that, unless specifically allowed by law, more than one vote for an office or ballot measure will be an overvote and no votes for that office or ballot measure will be counted;
(c) Explain how to complete and sign the ballot declaration. The following declaration must accompany the ballot:
"I do solemnly swear or affirm under penalty of perjury that I am:
A United States citizen;
A Washington state resident;
At least 18 years old on election day, or 17 years old at the primary and 18 years old by the day of the November general election;
Voting only once in this election and not voting in any other United States jurisdiction;
Not serving a sentence of total confinement under the jurisdiction of the Department of Corrections for a Washington felony conviction or currently incarcerated for a federal or out-of-state felony conviction;
Not disqualified from voting due to a court order;
Aware it is illegal to forge a signature or cast another person's ballot and that attempting to vote when not qualified, attempting to vote more than once, or falsely signing this declaration is a felony punishable by a maximum imprisonment of five years, a maximum fine of $10,000, or both; and
Aware that the signature on this declaration will be compared to the signature(s) in the voter's

registration file."
The declaration must include space for the voter to sign and date the declaration, for the voter to write their phone number, and for two witnesses to sign if the voter is unable to sign.
(d) Explain how the voter may make a mark, witnessed by two other people, if the voter is unable to write their signature;
(e) Explain that a power of attorney cannot be used to sign a ballot for someone else;
(f) Explain how to place the ballot in the security envelope/sleeve and place the security envelope/sleeve in the return envelope;
(g) Explain how to obtain a replacement ballot if the original ballot is destroyed, spoiled, or lost;
(h) Explain how the voter may update their address;
(i) If applicable, include language with the reissued ballot notifying the voter that the reissued ballot is their current ballot;
(j) Explain that, in order for the ballot to be counted, it must be either postmarked no later than election day or deposited at a ballot drop box no later than 8:00 p.m. election day;
(k) Explain how to learn about the locations, hours, and services of voting centers and ballot drop boxes, including the availability of accessible voting equipment;
(l) Include, for a primary election that includes a partisan office other than a presidential primary race, a notice on an insert explaining:
"In each race, you may vote for any one candidate listed. The two candidates who receive the most votes in the primary will advance to the general election.
Each candidate for partisan office may state a political party that the candidate prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."
(m)(i) Include, for a general election that includes a partisan office, the following explanation:
"If a primary election was held for an office, the two candidates who received the most votes in the primary advanced to the general election.
Each candidate for partisan office may state a political party that the candidate prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."
(ii) In a year that president and vice president appear on the general election ballot, the following must be added to the statement required by (m)(i) of this subsection:
"The election for president and vice president is different. Candidates for president and vice president are the official nominees of their political party."
(4) Instructions that accompany a special absentee ballot authorized by RCW 29A.40.050 must also explain that the voter may request and subsequently vote a regular ballot, and that if the regular ballot is received by the county auditor, the regular ballot will be tabulated and the special absentee ballot will be voided.
(5) Each ballot must explain, either in the general instructions or in the heading of each race, the number of candidates for whom the voter may vote (e.g., "vote for one").
(6)(a) If the ballot includes a partisan office other than a presidential primary race, the ballot must include the following notice in bold print immediately above the first partisan congressional, state, or county office: "READ: Each candidate for partisan office may state a political party that the candidate prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."
(b) When the race for president and vice president appears on a general election ballot, instead of the notice required by (a) of this subsection, the ballot must include the following notice in bold print after president and vice president but immediately above the first partisan congressional, state, or county office: "READ: Each candidate for president and vice president is the official nominee of a political party. For other partisan offices, each candidate may state a political party that the candidate prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate."
(c) The same notice may also be listed in the ballot instructions.
(7) County auditors may use varying sizes and colors of ballots, provided such size and color is used

consistently throughout a region, area or jurisdiction (e.g., legislative district, commissioner district, school district, etc.). Varying color and size may also be used to designate various types of ballots.
(8) Ballots shall be formatted as provided in RCW 29A.36.161 and 29A.36.170.
(9) Removable stubs are not considered part of the ballot.
(10) If ballots are printed with sequential numbers or other sequential identifiers, the county auditor must take steps to prevent ballots from being issued sequentially, in order to protect secrecy of the ballot.
County auditors may use ballot envelopes with the previous declaration through May 2025.
[Statutory Authority: RCW 29A.04.611. WSR 25-01-018, s 434-230-015, filed 12/6/24, effective 1/6/25; WSR 21-21-001, § 434-230-015, filed 10/6/21, effective 11/6/21; WSR 19-12-115, § 434-230-015, filed 6/5/19, effective 7/6/19; WSR 18-24-007, § 434-230-015, filed 11/26/18, effective 12/27/18; WSR 18-10-003, § 434-230-015, filed 4/19/18, effective 5/20/18; WSR 17-12-090, § 434-230-015, filed 6/6/17, effective 7/7/17; WSR 15-24-001, § 434-230-015, filed 11/18/15, effective 12/19/15; WSR 14-06-040, § 434-230-015, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-015, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-230-015, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-230-015, filed 7/11/08, effective 8/11/08.]

WAC 434-230-025: Order of offices.

Measures and offices must be listed in the following order, to the extent that they appear on a primary or election ballot:
(1) Initiatives to the people;
(2) Referendum measures;
(3) Referendum bills;
(4) Initiatives to the legislature and any alternate proposals;
(5) Proposed constitutional amendments (senate joint resolutions, then house joint resolutions);
(6) Countywide ballot measures;
(7) President and vice president of the United States;
(8) United States senator;
(9) United States representative;
(10) Governor;
(11) Lieutenant governor;
(12) Secretary of state;
(13) State treasurer;
(14) State auditor;
(15) Attorney general;
(16) Commissioner of public lands;
(17) Superintendent of public instruction;
(18) Insurance commissioner;
(19) State senator;
(20) State representative;
(21) County officers;
(22) Justices of the supreme court;
(23) Judges of the court of appeals;
(24) Judges of the superior court; and
(25) Judges of the district court.
For all other jurisdictions, the offices in each jurisdiction shall be grouped together and listed by position number according to county auditor procedures.
[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-230-025, filed 1/10/24, effective 2/10/24; WSR 17-12-090, § 434-230-025, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-230-025, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-025, filed 7/11/08, effective 8/11/08.]

WAC 434-230-030: Placement of ballot measures for local units of government.

All county-wide ballot measures shall be listed immediately following state ballot measures. In the absence of state ballot measures, county-wide ballot measures shall appear first where state ballot measures would appear. For other local ballot measures and offices, each county shall establish written

procedures to determine the order in which local units of government are to be listed on the ballot. Such order of local governmental units shall be substantially consistent on all ballots. The order may be determined by, but is not limited to the following: Size of jurisdictional area, alphabetical order by jurisdictional area, or such order as to provide for efficient use of ballot spacing and voting positions. Such procedures are to provide consistency from election to election within a county.
Except for county-wide ballot measures, local ballot measures and offices, if any, may be positioned in the area dedicated for that jurisdiction; or, local ballot measures may be grouped in a separate area dedicated to special measures only. This may be an area on the ballot separate from the candidates of such local government unit.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-049, § 434-230-030, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-230-030, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-230-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-030, filed 5/4/92, effective 6/4/92.]

WAC 434-230-035: Office format.

(1) The name of each office must be printed on the ballot.
(2) The description "partisan office" must be printed either for each partisan office or as a heading above a group of partisan offices. The description "nonpartisan office" must be printed either for each office or as a heading above a group of nonpartisan offices.
(3) If the term of office is not a full term, a description of the term (e.g., short/full term, two-year unexpired term) must be printed with the office name.
(4) Following each list of candidates shall be a response position and a space for writing in the name of a candidate.
(5) Each office or position must be separated by a bold line.
(6) On a general election ballot in a year that president and vice president are elected, each political party's candidates for president and vice president shall be provided one vote response position for that party.
[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-035, filed 7/11/08, effective 8/11/08.]

WAC 434-230-045: Candidate format.

(1) For each office or position, the names of all candidates shall be listed together. If the office is on the primary election ballot, no candidates skip the primary and advance directly to the general election.
(2)(a) On the primary election ballot, candidates shall be listed in the order determined by lot.
(b) On the general election ballot, the candidate who received the highest number of votes in the primary shall be listed first, and the candidate who received the second highest number of votes in the primary shall be listed second. If the two candidates who received the most votes in the primary received exactly the same number of votes, the order in which their names are listed on the general election ballot shall be determined by lot.
(c) The political party that each candidate prefers is irrelevant to the order in which the candidates appear on the ballot.
(3) Candidate names shall be printed in a type style and point size that can be read easily. If a candidate's name exceeds the space provided, the election official shall take whatever steps necessary to place the name on the ballot in a manner which is readable. These steps may include, but are not limited to, printing a smaller point size or different type style.
(4) For partisan office:
(a) If the candidate stated his or her preference for a political party on the declaration of candidacy, that preference shall be printed below or to the right of the candidate's name, with parentheses and the first letter of each word or abbreviation capitalized. Acronyms shall be printed in all capital letters with or without periods. For example:
John Smith
(Prefers Example Party)
John Smith (Prefers ABC Party)

(b) If the candidate did not state his or her preference for a political party, that information shall be printed below or to the right of the candidate's name, with parentheses and the first letter of each word capitalized, as shown in the following example:
John Smith
(States No Party Preference)
(c) The party preference line for each candidate may be in smaller point size or indented.
(d) The same party preference information shall be printed on both primary and general election ballots.
(5) If the office is nonpartisan, only the candidate's name shall appear. Neither "nonpartisan" nor "NP" shall be printed with each candidate's name.
(6) The law does not allow nominations or endorsements by interest groups, political action committees, political parties, labor unions, editorial boards, or other private organizations to be printed on the ballot.
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-230-045, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-230-045, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-230-045, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-045, filed 7/11/08, effective 8/11/08.]

WAC 434-230-055: Partisan primary.

In a primary for partisan congressional, state or county office conducted pursuant to chapter 2, Laws of 2005 (Initiative 872):
(1) Voters are not required to affiliate with a political party in order to vote in the primary election. For each office, voters may vote for any candidate in the race.
(2) Candidates are not required to obtain the approval of a political party in order to file a declaration of candidacy and appear on the primary or general election ballot as a candidate for partisan office. Each candidate for partisan office may state a political party that he or she prefers. A candidate's preference does not imply that the candidate is nominated or endorsed by the party, or that the party approves of or associates with that candidate. A candidate's political party preference is not used to determine which candidates advance to the general election.
(3) Based on the results of the primary, the two candidates for each office who receive the most votes and who receive at least one percent of the total votes cast for that office advance to the general election. The primary election does not serve to nominate any political party's candidates, but serves to winnow the number of candidates down to a final list of two for the general election. Voters in the primary are casting votes for candidates, not choosing a political party's nominees.
(4) Chapter 2, Laws of 2005 (Initiative 872) repealed the prior law governing party nominations. Political parties may nominate candidates by whatever mechanism they choose. The primary election plays no role in political party nominations, and political party nominations are not displayed on the ballot.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-055, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-055, filed 7/11/08, effective 8/11/08.]

WAC 434-230-090: Determining nominees for multiple positions.

If there are two or more places to be filled for a nonpartisan office, the number of candidates equaling the number of positions to be filled who receive the highest number of votes at the primary and an equal number who receive the next highest number of votes shall appear under the designation for that office.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-230-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-30-090, filed 5/4/92, effective 6/4/92.]

WAC 434-230-100: Political party precinct committee officer.

(1) The election of major political party precinct committee officers is established in RCW 29A.52.171 and 29A.80.051.
(2) The election of precinct committee officer is an intraparty election; candidates compete against other

candidates in the same political party.
(a) If only one candidate files for a position, that candidate is deemed elected without appearing on the ballot and the county auditor shall issue a certificate of election.
(b) If more than one candidate files for a position, the contested race must appear on the ballot at the primary and the candidate who receives the most votes is declared elected.
(c) If no candidates file during the regular filing period, the race does not appear on the ballot and the position may be filled by appointment pursuant to RCW 29A.80.031.
(d) No write-in line may be printed on the ballot for a contested race, and no write-in votes may be counted.
(3) If both major political parties have contested races on the ballot in the same precinct, the political party that received the highest number of votes from the electors of this state for the office of president at the last presidential election must appear first, with the other political party appearing second. Within each party, candidates shall be listed in the order determined by lot.
(4)(a) The position of political party precinct committee officer must appear following all measures and public offices.
(b) The following explanation must be printed before the list of candidates: "For this office only: In order to vote for precinct committee officer, a partisan office, you must affirm that you are a Democrat or a Republican and may vote only for one candidate from the party you select. Your vote for a candidate affirms your affiliation with the same party as the candidate. This preference is private and will not be matched to your name or shared."
(c)(i) If all candidates are listed under one heading, the applicable party abbreviation "Dem" or "Rep" must be printed next to each candidate's name, with the first letter of the abbreviation capitalized. For example:
John Smith Dem
Jane Doe Dem
(ii) If candidates are listed under a major political party heading, the applicable heading of either "democratic party candidates" or "republican party candidates" must be printed above each group of candidates. The first letter of each word must be capitalized.
(d) One of the following statements, as applicable, must be printed directly below each candidate's name: "I affirm I am a Democrat." or "I affirm I am a Republican."
(5) A voter may vote for only one candidate, regardless of party, for precinct committee officer. If a voter votes for more than one candidate, the votes must be treated as overvotes.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-230-100, filed 7/7/23, effective 8/7/23; WSR 14-06-040, § 434-230-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-230-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-230-100, filed 7/11/08, effective 8/11/08.]

WAC 434-230-110: President and vice president of the United States.

(1) When the race for president and vice president appears on a general election ballot, the candidates for these offices must be paired together.
(2) The full name of the political party, rather than an abbreviation, must be provided for each pair of candidates, with a designation that these candidates are the nominees of the party. The first letter of each word in the political party name must be capitalized. For example:
Example Party Nominees
(3) If candidates are not nominees of a political party and are running as independent candidates, that description must be provided for the pair of candidates. The first letter of each word in the description must be capitalized. For example:
Independent Candidates
(4) The order that candidates appear on the ballot is based on their political party, as established by RCW 29A.36.161. Minor party and independent candidate nominating petitions are processed in the order in which they are submitted to the office of the secretary of state.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-230-110, filed 2/26/14, effective 3/29/14; WSR 08-15-052, § 434-230-110, filed 7/11/08, effective 8/11/08.]

WAC 434-230-130: Envelopes.

Mail-in ballots must be accompanied by the following:
(1) A security envelope or sleeve, which may not identify the voter and must have a hole punched in a manner that will reveal whether a ballot is inside;
(2) A return envelope, which must be addressed to the county auditor and have a hole punched in a manner that will reveal whether the security envelope is inside. The return envelope must display the official election materials notice required by the United States Postal Service and conform to regulations required by the county auditor's U.S. Postal Service business reply mail account.
[Statutory Authority: RCW 29A.04.611. WSR 19-19-033, § 434-230-130, filed 9/11/19, effective 10/12/19; WSR 14-06-040, § 434-230-130, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-230-130, filed 12/6/11, effective 1/6/12.]

WAC 434-230-135: Ballot return postage.

The secretary of state will work with each county auditor to identify the most cost effective U.S. Postal Service business reply permit type for their county. Once the appropriate business reply mail permit type is determined, each county auditor must:
(1) Establish and maintain the U.S. Postal Service business reply mail permit identified and use it exclusively for ballot return postage; and
(2) Use ballot return envelopes approved by the U.S. Postal Service for the business reply mail permit established in subsection (1) of this section.
[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-230-135, filed 10/6/21, effective 11/6/21; WSR 19-19-033, § 434-230-135, filed 9/11/19, effective 10/12/19.]

CHAPTER 434-232 WAC: SEVENTEEN YEAR OLDS PARTICIPATING IN THE PRIMARY — FUTURE VOTERS

Sections

WAC 434-232-010: Definitions.
WAC 434-232-020: Primary-only voters—Future voters eligible to participate in primaries.
WAC 434-232-030: Ballots issued to primary-only voters.
WAC 434-232-040: Information pertaining to primary-only voters, when disclosable.

WAC 434-232-010: Definitions.

(1) "Ballot measure" for the purposes of this chapter means any question put forth for voting that involves a yes/no or approve/disapprove response. This includes, but is not limited to, any bond election; tax levy proposition; election to form, dissolve, or annex territory into a district or municipality; charter adoption, amendment, or abandonment; initiative; referendum; advisory vote; or any issue characterized by finalization of the question.
(2) "Contests prohibited to primary-only voters" means the following contests, even when held in conjunction with a primary:
(a) Any ballot measure; or
(b) Any contest where a candidate is deemed elected following the primary including, but not limited to, candidates for precinct committee officer, freeholder, charter review, and commissioners elected to a newly formed jurisdiction.
(3) "Contests subject to participation by primary-only voters" means the following contests:
(a) Nonpartisan candidate races that contain three or more candidates, appearing on a primary ballot;
(b) Partisan candidate races, regardless of the number of candidates, appearing on a primary ballot; and
(c) The presidential primary as described in chapter 29A.56 RCW regardless of the number of

presidential candidates appearing on the ballot.
(4) "Primary-only voter ballots" are ballots issued to primary-only voters that contain only contests subject to participation by primary-only voters, and do not include races or contests prohibited to primary-only voters.
(5) "Primary-only voters" means a voter who is 17 years of age on the day of the primary but will reach the age of 18 on or before the date of the following November general election. Primary-only voters are only authorized to participate in primary elections and prohibited from participating in any special or general election.
(6) "Standard primary ballots" are ballots issued to all voters who are at least 18 years of age on the date of the primary that contain all applicable issues and candidate races for that ballot style.
[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-232-010, filed 4/27/22, effective 5/28/22.]

WAC 434-232-020: Primary-only voters—Future voters eligible to participate in primaries.

As authorized by RCW 29A.08.170, persons signed up to register to vote as part of the future voter program are eligible to vote in state and local primaries and presidential primaries if they are 17 years of age on the day of the primary and will be 18 years of age on or before the day of the associated subsequent November general election.
[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-232-020, filed 4/27/22, effective 5/28/22.]

WAC 434-232-030: Ballots issued to primary-only voters.

The county auditor may issue standard primary ballots to primary-only voters that contain all eligible races in a state, local, or presidential primary if there are no contests prohibited to primary-only voters on the ballot. When a contest prohibited to primary-only voters is held on the date of the primary as specified in RCW 29A.04.311, county election offices must issue primary-only voter ballots to primary-only voters.
[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-232-030, filed 4/27/22, effective 5/28/22.]

CHANGE IN 2025: WAC 434-232-040: Information pertaining to primary-only voters, when disclosable.

(1) Pursuant to RCW 29A.08.720, personally identifiable information from the voter registration record is exempt from public inspection and copying until the voter is 18 years of age, or until 90 days prior to the next presidential primary, primary, or election the voter is eligible to participate in.
(2) Pursuant to RCW 29A.40.130, ballot issuance and return information for a primary-only voter, excluding the date of birth, gender, and address, is subject to public disclosure at the time of ballot issuance by the county auditor for a presidential primary or primary that the voter is eligible to participate in.
(3) Pursuant to RCW 29A.08.170, a person who signs up to register to vote must remain as a "future voter" as defined by RCW 29A.04.070 until such time as they will be eligible to vote in the next election. The voter registration information is exempt from public inspection and copying until they are 18 years of age or until 90 days prior to the next presidential primary, primary, or election the future voter is eligible to participate in.
[Statutory Authority: RCW 29A.04.611. WSR 24-16-019, § 434-232-040, filed 7/25/24, effective 8/25/24; WSR 24-03-053, § 434-232-040, filed 1/10/24, effective 2/10/24; WSR 22-10-041, § 434-232-040, filed 4/27/22, effective 5/28/22.]

CHAPTER 434-235 WAC: SERVICE AND OVERSEAS VOTERS

Sections
WAC 434-235-010: Scope.

WAC 434-235-020: Voter registration.
WAC 434-235-030: Voting.
WAC 434-235-040: Processing ballots.

WAC 434-235-010: Scope.

(1) This chapter implements the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. Sec. 20301, the Military and Overseas Voter Empowerment Act, 52 U.S.C. Sec. 20301, and the provisions for service and overseas voters in Title 29A RCW.
(2) Absent uniformed service voter is defined in 52 U.S.C. Sec. 20310(1) as:
(a) A member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;
(b) A member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and
(c) A spouse or dependent of a member referred to in (a) or (b) of this subsection who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.
(3) Service voter is defined in RCW 29A.04.163 as any elector of the state of Washington who:
(a) Is a member of the armed forces under 52 U.S.C. Sec. 20301(1) while in active service;
(b) Is a member of a reserve component of the armed forces;
(c) Is a student or member of the faculty at a United States military academy;
(d) Is a member of the merchant marine of the United States; or
(e) Is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States.
(4) References in Title 434 WAC to "service voter" include voters who meet either the federal definition for "uniformed service voter" or the state definition for "service voter."
(5) Overseas voter is defined in 52 U.S.C. Sec. 20310(5) as:
(a) An absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;
(b) A person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or
(c) A person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.
(6) Overseas voter is defined in RCW 29A.04.109 as any elector of the state of Washington outside the territorial limits of the United States.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-235-010, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-010, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-010, filed 10/1/07, effective 11/1/07.]

WAC 434-235-020: Voter registration.

(1) A service or overseas voter may register to vote by providing:
(a) A voter registration application issued by the state of Washington;
(b) A federal post card application issued by the federal voting assistance program;
(c) A federal write-in absentee ballot issued by the federal voting assistance program;
(d) A national mail voter registration form issued by the election assistance commission; or
(e) A ballot with a valid signature on the ballot declaration.
(2) Pursuant to RCW 29A.40.010 and 29A.40.091, a service or overseas voter does not have to be registered in order to request a ballot. Consequently, a service or overseas voter who is not already registered in Washington may request a ballot and register after the registration deadlines of RCW 29A.08.140 have passed. A service or overseas voter who is already registered to vote in Washington may not transfer or update a registration after the deadlines in RCW 29A.08.140 have passed.
(a) If the voter is not currently registered, the county auditor must register the voter immediately. The

voter must be flagged in the voter registration system as a service or overseas voter.
(b) A service or overseas voter must use his or her most recent residential address in Washington, or the most recent residential address in Washington of a family member.
(c) If the county auditor is unable to precinct the voter due to a missing or incomplete residential address on the application, the county auditor must attempt to contact the voter to clarify the application.
(i) If, in the judgment of the county auditor, there is insufficient time to correct the application before the next election or primary, the county auditor must issue the ballot as if the voter had listed the county auditor's office as his or her residence. A special precinct for this purpose may be created. The only offices and issues that may be tabulated are those common to the entire county and congressional races based on the precinct encompassing the auditor's office.
(ii) After the election or primary, the county auditor must place the voter on inactive status and send the voter a confirmation notice to obtain the voter's correct residential address.
(d) A service or overseas voter is not required to provide a driver's license number, Social Security number or other form of identification as required by RCW 29A.08.107.
(3) The county auditor must offer a service or overseas voter the option of receiving blank ballots by email or postal mail. This requirement is satisfied if the service or overseas voter registers on an application that offers electronic ballot delivery as an option, or if the voter expresses a preference when registering, updating a registration, or requesting a ballot. The county auditor must attempt to contact the voter by phone, email, postal mail, or other means. If the voter does not indicate a preference or does not respond, the county auditor must send ballots by postal mail.
(4) The county auditor shall keep the voter on service or overseas status until the county auditor receives verification the voter no longer qualifies as a service or overseas voter under WAC 434-235-010.
(5) Status as a service or overseas voter is voter registration information and may only be disclosed if listed as public information in RCW 29A.08.710.
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-235-020, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-020, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-020, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-020, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-020, filed 10/1/07, effective 11/1/07.]

WAC 434-235-030: Voting.

(1) A service or overseas voter may request or return a ballot by:
(a) Any manner authorized by WAC 434-250-030;
(b) A federal post card application issued by the federal voting assistance program; or
(c) A federal write-in absentee ballot issued by the federal voting assistance program.
(2) The county auditor must issue a ballot by mail, email, or fax if specifically requested by the voter. A ballot does not have to be mailed if it is emailed or faxed to the voter. If an email is returned as undeliverable and the voter has not provided an alternate email address, then the ballot must be sent by postal mail.
(3) Ballot materials must include the mailing address, phone number, fax number, email address, and website of the county auditor's office to enable a voter to contact the elections office for additional information about the election. Ballot materials must include instructions on how to return the ballot by fax, email, or postal mail, including how to include the ballot privacy sheet between the declaration page and the ballot. Ballot materials must include instructions on how to confirm that the voted ballot has been received by the elections office, in a format that the voter can keep after the voted ballot has been returned.
(4) If the county auditor is unable to issue a ballot due to insufficient information, the county auditor must attempt to contact the voter, consistent with WAC 434-235-020, to clarify the request. If the county auditor is unable to obtain sufficient information, other than residential address, to issue the ballot, the county auditor must attempt to notify the voter of the reason that the ballot was not issued.
(5) Pursuant to RCW 29A.40.091, return envelopes must be printed to indicate that they may be returned postage-free.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-030, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-235-030, filed 9/1/09, effective 10/2/09; WSR 07-20-074, § 434-235-030, filed 10/1/07, effective 11/1/07.]

WAC 434-235-040: Processing ballots.

(1) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of a federal write-in absentee ballot or a special absentee ballot if the intention of the voter can be ascertained.
(2) For service and overseas voters, the date on the ballot declaration associated with the voter's signature determines the validity of the ballot. The signature on the ballot declaration must be dated no later than election day.
(3) Voted ballots returned by fax or email must be received no later than 8:00 p.m. on election day.
(4) The county auditor must provide statistics on voting by service and overseas voters in the certification report required by RCW 29A.60.235 and in response to requests by the federal election assistance commission.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-235-040, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-235-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-235-040, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-235-040, filed 10/1/07, effective 11/1/07.]

CHAPTER 434-250 WAC: ELECTIONS BY MAIL

Sections

WAC 434-250-025: Broken or missing seals.
WAC 434-250-030: Special absentee ballots.
WAC 434-250-035: Protected records voters.
WAC 434-250-037: Mail ballot certification.
WAC 434-250-045: Voters requiring verification of identity.
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WAC 434-250-120: Verification of the signature and return date.
WAC 434-250-130: Maintenance of an audit trail.
WAC 434-250-140: Ballot process to be expedited.
WAC 434-250-200: Return postage.
WAC 434-250-320: Locations to deposit ballots.
WAC 434-250-350: Student engagement hubs.
WAC 434-250-370: Hub reimbursement program.
WAC 434-250-380: Disclosure of voter signatures.

WAC 434-250-025: Broken or missing seals.

If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.
[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-250-025, filed 6/28/06, effective 7/29/06.]

WAC 434-250-030: Special absentee ballots.

(1) As authorized by RCW 29A.40.050, requests for a special absentee ballot must be made in writing and each county auditor must provide the applications. The form must include:
(a) A space for the voter to print the voter's name and address where registered to vote;
(b) A postal or mailing address;
(c) A space for an overseas or service voter not registered to vote in Washington to indicate the voter's last residential address in Washington;
(d) A checkbox indicating that the voter will be unable to vote and return a regular ballot by normal delivery within the period provided for regular ballots; and
(e) A checkbox requesting that a regular ballot be forwarded as soon as possible.
(2) The county auditor shall honor any application for a special absentee ballot that is in substantial compliance with the provisions of this section. Any application for a special absentee ballot received more than ninety days prior to a primary or general election may be either returned to the applicant with the explanation that the request is premature or held by the auditor until the appropriate time for processing. When regular mail ballots are available, a signed request for a special absentee ballot is not required.
(3) Upon receipt of a special absentee ballot request, a regular ballot is mailed if available. If regular ballots are not available, the county auditor shall immediately send a special absentee ballot containing the known offices and measures scheduled to appear on the ballot; space for the voter to write in the name of any eligible candidate for each office and vote on any measure; and a list of any known candidates and issues referred to the ballot.
(4) If a regular ballot is returned, the special ballot is not counted.
(5) Write-in votes on special ballots are counted in the same manner as other valid write-in votes for declared candidates.

[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-250-030, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-250-030, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-250-030, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-030, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-030, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-250-030, filed 4/11/07, effective 5/12/07; WSR 06-14-047, § 434-250-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-030, filed 8/19/05, effective 9/19/05.]

WAC 434-250-035: Protected records voters.

(1) At least eighteen days before every special, primary, or general election, authorized personnel shall review all protected records voter files and forward the appropriate ballot for each protected records voter via the substitute mailing address.
(2) The ballot, ballot security envelope, and return envelope must be placed in an envelope addressed to the substitute address. The return envelope shall be marked in a manner that ensures that the returned ballot will be segregated and routed to the authorized personnel for processing.
(3) The voted ballot for a protected records voter shall be processed by county authorized personnel. The authorized personnel shall maintain a record of ballots sent to protected records voters and a record of ballots returned. This record shall be maintained in accordance with WAC 434-324-034.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-035, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-035, filed 1/21/09, effective 2/21/09.]

WAC 434-250-037: Mail ballot certification.

Pursuant to RCW 29A.40.070, the county auditor shall certify to the secretary of state the date ballots were mailed:
(1) On the day of mailing or forty-five or thirty days before election day, whichever deadline is applicable, certify that ballots were sent to service and overseas voters. For elections that include a federal office, the certification must include the number of ballots mailed or issued to service and overseas voters;

(2) On the day of mailing or eighteen days before election day, certify that ballots were mailed or issued to regular voters;
(3) That ballots issued via electronic ballot delivery systems were proofed and checked for accuracy prior to the mailing deadline for service and overseas ballots; and
(4) If any ballots were not mailed or issued by the applicable deadlines, the reason for the delay and steps taken to remedy the delay.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-250-037, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-250-037, filed 2/26/14, effective 3/29/14.]

WAC 434-250-045: Voters requiring verification of identity.

(1) If the voter registration record is flagged as requiring verification of identity, a notice must be sent at the time of the election explaining that a photocopy of identification must be provided in order for the ballot to be counted, and listing what forms of identification are acceptable. The county auditor may provide an inner envelope separate from the security envelope for return of the photocopy of the identification.
(2) The notice to the voter must be in substantially the following form:

Dear Voter: [date]

Based on your recent registration, federal law requires that you provide identification with your ballot. If you fail to provide identification, your ballot will not be counted.

Please provide your driver's license number, Washington state identification card number, the last four digits of your Social Security number, or a photocopy of one of the following:

- Valid photo identification;
- A valid enrollment card of a federally recognized tribe in Washington;
- A current utility bill;
- A current bank statement;
- A current government check;
- A current paycheck; or
- A government document, other than a voter registration card, that shows both your name and address.

You may return a photocopy with your ballot but, in order to protect the secrecy of your ballot, do not place the photocopy inside the security envelope.

If you do not provide a copy of your identification, your ballot will not be counted.

If you have any questions, please feel free to contact the County Auditor's Office at .

(3) If the voter provides one of the acceptable forms of identification no later than the day before certification of the election, the flag on the voter registration record must be removed and the ballot must be counted.
(4) If the voter fails to provide one of the acceptable forms of identification by the day prior to certification of the election, the ballot shall not be counted. If the voter provides one of the acceptable forms of identification at a later date, the ballot cast in that election shall not be counted but the flag on the voter registration record must be removed.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-250-045, filed 1/21/09, effective 2/21/09; WSR 07-02-100, § 434-250-045, filed 1/3/07, effective 2/3/07.]
Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

WAC 434-250-070: Forwarding ballots.

(1) The county auditor must utilize postal service endorsements that allow ballots to be forwarded, allow the county auditor to receive the updated address information for forwarded ballots, and allow the return of ballots not capable of being forwarded. A voter may only vote a ballot specific to the address where he or she is currently registered to vote, rather than a ballot specific to a new address.
(2) If a ballot is returned or forwarded, the county auditor must, following certification of the election, either:
(a) Transfer the voter registration and send the voter an acknowledgment notice, if the updated address is within the county; or

(b) Place the voter on inactive status and send the voter a confirmation notice to all known addresses, if no updated address information was received or the updated address is outside the county.
[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-250-070, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-250-070, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-250-070, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-070, filed 8/19/05, effective 9/19/05.]

WAC 434-250-080: Replacement and reissued ballots.

The county auditor shall issue a replacement ballot, as authorized by RCW 29A.40.070, if the request is received prior to 8:00 p.m. on election day. Requests may be made in person, in writing, by telephone, or electronically, by the voter, a family member, or a registered domestic partner.
The request for a replacement ballot does not update the voter's ballot type or style. The replacement ballot becomes the voter's current ballot and the original ballot is suspended. However, should the original ballot be received first, it shall be processed.
The county auditor shall reissue a new ballot when the registered voter has taken action to update their voter registration and the ballot type or style has changed. After the deadline for mail and online registration, a person who is already registered to vote in Washington must request a reissued ballot in person. The reissued ballot becomes the current ballot and all other ballots are suspended.
No additional ballot may be issued to a voter whose ballot has already been accepted. If the voter asserts they have not voted and requests a ballot, then a provisional ballot must be issued pursuant to WAC 434-262-032.
Each county auditor shall allow access to an electronic ballot system to both active and inactive voters for replacement ballots no later than the eighth day prior to election day.
If a voter appears in person at a county auditor's office before 8:00 p.m. election day and requests a ballot, the county auditor must determine if the voter is registered to vote in Washington.
(1) If the voter is registered in the same county, issue a replacement or reissued ballot.
(2) If the voter is registered in another county, and the voter does not wish to update their registration, access and print a replacement ballot from that county, if the electronic ballot system is available.
(3) If the voter is not registered within the state, the county auditor shall register the voter and issue a current ballot.
The current ballot shall be accepted for initial processing if the ballot meets all requirements for tabulation. If the auditor receives additional ballots from a voter, as indicated by the fact that the voter's cast ballot has been accepted, the additional ballots shall not be counted and shall be forwarded to the county canvassing board for informational purposes only.
(4) When a voter's ballot has been accepted, additional ballots are considered invalid and shall not be rejected by the county canvassing board.
[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-250-080, filed 6/5/19, effective 7/6/19; WSR 18-10-003, § 434-250-080, filed 4/19/18, effective 5/20/18. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-080, filed 8/19/05, effective 9/19/05.]

WAC 434-250-095: Direct recording electronic voting devices.

(1) Before a direct recording electronic voting device may be used by a voter, an election officer must verify:
(a) The paper printer or paper canister is secured so that the paper record may not be removed from the device by anyone other than an election officer;
(b) Only a blank portion of the paper record is visible to the voter as he or she approaches the device; and
(c) The paper printer or paper canister is sealed with a numbered seal to ensure the paper tape cannot be removed by the voter.
(2) Before a direct recording electronic voting device may be used by a voter, an election officer must confirm that a ballot has not been accepted for that voter. Confirmation that a ballot has not already been accepted may be achieved by accessing the voter registration system by electronic, telephonic,

or other means. If the county auditor is unable to confirm whether a ballot has been accepted for that voter, the voter may not vote on a direct recording electronic voting device. The voter may vote a paper provisional ballot. If a voted paper ballot is subsequently received after a ballot is cast on the direct recording electronic voting device, the paper ballot must not be counted.
(3)(a) If a ballot on a direct recording electronic device has not been cast but has been printed by the voter, the election officer may cast the ballot.
(b) If a ballot on a direct recording electronic device has not been printed nor cast by the voter, the election officer must cancel the ballot and make a corresponding notation in the accountability form.
(4) If any seal or lock on a direct recording electronic device, including seals for the paper printer or paper canister, has been broken or tampered with, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. A written report regarding the circumstances of the removal from service must be sent to the county canvassing board.
(5) If the paper printer for a direct recording electronic device malfunctions or runs out of paper, the following must occur:
(a) If the election officer has confirmed that no ballots have been cast after the printer ran out of paper or malfunctioned, he or she must remove the direct recording electronic device and paper printer from service, and document the problem. The direct recording electronic device and paper printer may be returned to service only if the problem has been corrected.
(b) If the election officer is unable to confirm that no ballots were cast after the printer ran out of paper or malfunctioned, or if the problem cannot be corrected, the direct recording electronic device and paper printer must be removed from service for the remainder of the election. The auditor must present a written report regarding the circumstances of the removal from service to the county canvassing board.
(6) If an electronic ballot has been cast without a readable corresponding paper record, the county auditor may print the ballot image stored on the device for use as a paper record for that device, in the case of an audit or manual recount. This may require printing all ballot images from that machine.
(7) A provisional ballot may only be voted on a direct recording electronic voting device if the voting system has been certified by the secretary of state for provisional voting and the county auditor has submitted approved procedures to the secretary of state.
(8)(a) If a direct recording electronic voting device must be transferred from a voting center that is not in the same location as the counting center, the paper records must be either:
(i) Placed in transfer containers; or
(ii) Transferred in the paper printer or paper canister if the paper printer or paper canister is sealed so the paper record cannot be removed without breaking the seal.
(b) Paper records must be accompanied by a transmittal sheet which must include at a minimum:
(i) The voting center where the direct recording electronic device was utilized;
(ii) The seal number from the paper printer; and
(iii) The serial number or other identifier of the direct recording electronic device if distinctly unique from the seal number on the paper record printer or paper canister.
(c) If paper records are placed in a transfer container, the election officer must sign the transmittal sheet and place it in the transfer container. The number of paper record tapes included in the container must be recorded on the transmittal sheet. A unique prenumbered seal must be applied to the container.
(d) The data pack or cartridge of the direct recording device must be transported to the counting center in a sealed container.
[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-250-095, filed 6/5/19, effective 7/6/19; WSR 14-06-040, § 434-250-095, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-095, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-095, filed 12/28/05, effective 1/28/06.]

WAC 434-250-100: Ballot deposit sites.

If a location only receives ballots and does not issue ballots, it is considered a ballot deposit site. Ballot deposit sites may be staffed or unstaffed.
(1) A staffed ballot deposit site must be staffed by at least two people. Deposit site staff may be

employees of the county auditor's office or persons appointed by the auditor. Deposit site persons, appointed by the county auditor, shall be representatives of different major political parties whenever possible. Deposit site staff or appointees shall subscribe to an oath regarding the discharge of their duties. Staffed deposit sites open on election day must be open until 8:00 p.m. Staffed deposit sites may be open according to dates and times established by the county auditor. Staffed deposit sites must have a ballot box secured in the manner described in WAC 434-261-045.
(2) Unstaffed ballot deposit sites consist of secured ballot boxes that allow return envelopes, once deposited, to only be removed by authorized staff or appointees. Ballot boxes located outdoors must be constructed of durable material able to withstand inclement weather, and be sufficiently secured to the ground or another structure to prevent their removal. Unstaffed ballot deposit sites must accept ballots beginning eighteen days prior to election day until 8:00 p.m. on election day. The county auditor must empty each ballot box with sufficient frequency to prevent damage and unauthorized access to the ballots.
(3) Unstaffed ballot boxes must be locked and sealed in the manner described in WAC 434-261-045. At exactly 8:00 p.m. on election day, all unstaffed ballot boxes must be emptied or secured to prevent the deposit of additional ballots. The box must be closed and secured by one or two people. One person may secure an unstaffed ballot box only if:
(a) The person does not have access to the deposited ballots; and
(b) Before sealing the deposit slot, the person records the seal number on a log and places the log inside the ballot box. The slot is then closed and secured with the numbered seal; and
(c) A team of two removes the ballots from the box and verifies the seal and log.
The county auditor shall remove the deposited ballots and transport them to the counting center by either:
(i) Two employees of or two persons appointed by the county auditor; or
(ii) Secured transport carrier containing ballots removed and sealed by two employees of or two persons appointed by the county auditor. Sealed transport carriers may be delivered to the counting center by one person. Ballots shall be secured in this manner when transported by vehicle.
(4) Any voter who is in line at 8:00 p.m. at a ballot deposit site must be allowed to deposit his or her ballot.
(5) If county auditor staff are present at a ballot deposit site, the county auditor must accept late ballots and refer them to the canvassing board. When a ballot deposit site is secured by one person, a second deposit receptacle, sealed and logged in the county auditor's office, must be provided to serve as a receptacle for late ballots.
(6) Within twenty-five feet of a ballot deposit site that is not located within a voting center, no person may electioneer, circulate campaign material, solicit petition signatures, or interfere with or impede the voting process. Whenever it is necessary to maintain order around a ballot deposit site, the county auditor may contact a law enforcement agency for assistance.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-250-100, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-250-100, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-100, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-100, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-250-100, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-250-100, filed 2/19/08, effective 3/21/08; WSR 07-20-074, § 434-250-100, filed 10/1/07, effective 11/1/07; WSR 06-23-094, § 434-250-100, filed 11/15/06, effective 12/16/06; WSR 06-14-047, § 434-250-100, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-100, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-100, filed 8/19/05, effective 9/19/05.]

WAC 434-250-105: Voting centers.

(1) If a location offers replacement ballots, reissued ballots, provisional ballots, or voting on a direct recording electronic device, it is considered a voting center.
(2) At least one voting center must be open during business hours during the voting period, which begins eighteen days before, and ends at 8:00 p.m. on the day of the special, primary, or general election. Additional voting centers, and additional locations that are not voting centers, established by

the county auditor to provide other services are not required to be open for the full eighteen-day voting period. In addition to the requirements of RCW 29A.40.160, each voting center must:
(a) Be an accessible location. "Accessible" means the combination of factors which create an environment free of barriers to the mobility or functioning of voters. The environment consists of the routes of travel to and through the buildings or facilities used for voting. The Americans with Disabilities Act Checklist for Polling Places shall be used when determining the accessibility of a voting center. A voting center is fully accessible if all responses in each category are "Yes";
(b) Be located in a public building or building that is leased by a public entity including, but not limited to, libraries;
(c) Be marked with signage outside the building indicating the location as a place for voting;
(d) Issue ballots that include a declaration in the ballot materials;
(e) Offer disability access voting in a location or manner that provides for voter privacy. For each voting center, the county auditor must have a contingency plan to accommodate accessible voting in the event that an accessible voting unit malfunctions or must be removed from service;
(f) Offer provisional ballots, which may be sample ballots that meet provisional ballot requirements;
(g) Have electronic or telephonic access to the voter registration system, consistent with WAC 434-250-095, if the voting center offers voting on a direct recording electronic voting device. The county auditor shall require the voter to print and sign the ballot declaration provided in WAC 434-230-015. Ballot declaration signatures may not be maintained in the order in which they were signed. Before the voter may vote on a direct recording electronic voting device, the county auditor must either:
(i) Verify the signature on the ballot declaration against the signature in the voter registration record; or
(ii) Require the voter to provide photo identification, consistent with RCW 29A.40.160.
(h) Provide voters' pamphlets;
(i) Provide sample ballots if a full sample ballot is not published in the local voters' pamphlet;
(j) Provide voter registration services pursuant to RCW 29A.08.140. If the voter registration system is unable to process applications, the county auditor shall offer conditional registration and balloting services;
(k) Display a HAVA voter information poster, containing an example of an actual ballot or a sample ballot in substantially the same format as an actual ballot;
(l) Display the date of that election;
(m) During a primary that includes a partisan office, and a general election that includes a partisan office, display the appropriate party preference notice provided in WAC 434-230-015. The party preference notices may also be posted on-screen in direct recording electronic voting devices;
(n) Provide instructions on how to properly mark the ballot; and
(o) Provide election materials in alternative languages if required by the Voting Rights Act.
(3) Where it appears that a particular voter is having difficulty casting their vote, and as a result, is impeding other voters from voting, the staff may provide assistance to that voter in the same manner as provided by law for those voters who request assistance. Where it appears that a voter is impeding other voters from voting to simply cause delay, the staff shall ask the voter to expedite the voting process. In the event the voter refuses to cooperate, the staff shall, whenever practical, contact the county auditor, who may request assistance from the appropriate law enforcement agencies if he or she deems such action necessary.
(4) At exactly 8:00 p.m. on election day, all ballot boxes must be emptied or secured to prevent the deposit of additional ballots; however, any voter who is in a voting center or in line at a voting center at 8:00 p.m. must be allowed to vote and deposit their ballot. Voted ballots, including provisional, mail-in, and direct recording electronic and paper records, must be placed into secured transport carriers for return to the county auditor's office or another designated location.
(5) The requirements for staffed ballot deposit sites per WAC 434-250-100 apply to voting centers.
(6) The county auditor may establish which services will be provided at additional locations, which days and hours the additional locations will be open, and shall publish the information for voters.
[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-250-105, filed 10/6/21, effective 11/6/21; WSR 19-12-115, § 434-250-105, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-250-105, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-105, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-105, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW

29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-105, filed 12/6/11, effective 1/6/12.]

WAC 434-250-110: Processing ballots.

1) Ballot processing definitions:
(a) "Initial processing" means all steps taken to prepare ballots for tabulation.
(b) "Final processing" means the reading of ballots by an optical scan voting system for the purpose of producing returns of votes cast, but does not include tabulation.
(c) "Tabulation" means the production of returns of votes cast for candidates or ballot measures in a form that can be read by a person, whether as precinct totals, partial cumulative totals, or final cumulative totals.
(d) "Conditional" means a ballot issued when the voter registration system is unable to process an application submitted in person. The voter is conditionally registered and the voter's current ballot shall be accepted only after the application has been processed.
(2) Prior to initial processing of ballots, the county auditor shall notify the county chair of each major political party of the time and date on which processing shall begin, and shall request that each major political party appoint official observers to observe the processing and tabulation of ballots. If any major political party has appointed observers, such observers may be present for initial processing, final processing, or tabulation, if they so choose, but failure to appoint or attend shall not preclude the processing or tabulation of ballots.
(3) Initial processing includes, but is not limited to:
(a) Identification and receipt of current and suspended ballots:
(i) Current ballots are received and prepared for signature verification;
(ii) Suspended ballots are received and held until the seventh day following election day to allow time for a voter's current ballot to be received.
(b) Sorting of suspended ballots due to voter registration transfers:
(i) In-county suspended ballots are secured and held;
(ii) Out-of-county suspended ballots are sent with expedited shipping to the voter's new county in Washington. The suspended ballot must be sent to the new county as soon as possible, but not more than two business days after receipt. Suspended ballots received between seven days after election day and prior to certification shall be mailed to the voter's new county within one day of receipt. Following certification, suspended ballots are mailed to the voter's new county for retention.
(c) Processing of current and suspended ballots:
(i) If the voter's current ballot is received and accepted for tabulation prior to the seventh day after election day, the suspended ballot becomes invalid;
(ii) If the voter's current ballot is not received prior to the seventh day after election day, duplicate the suspended ballot onto the precinct ballot that matches the voter's current registration record.
(d) Verification of the signature and postmark on the ballot declaration by the county of current registration;
(e) Removal of the security envelope or sleeve from the return envelope;
(f) Removal of the ballot from the security envelope;
(g) Manual inspection for damage, write-in votes, and incorrect or incomplete marks;
(h) Duplication of ballots;
(i) Digital scanning and resolution of ballots by batch where tabulation does not take place; and
(j) Other preparation of ballots for final processing.
(4) Initial processing of voted ballots may begin as soon as voted ballots are received. Initial processing includes digital scanning and resolution of ballots where tabulation does not take place. All ballots must be kept in secure storage until final processing. Secure storage must employ the use of numbered seals and logs, or other security measures which will detect any inappropriate or unauthorized access to the secured ballot materials when they are not being prepared or processed by authorized personnel. The county auditor must ensure that all security envelopes and return envelopes are empty, either by a visual inspection of the punched hole to confirm that no ballots or other materials are still in the envelopes, or by storing the envelopes with a tie, string, or other object through the holes.
(5) Final processing of voted ballots, which may include scanning ballots on an optical scan voting

system, may begin after 7:00 a.m. on the day of the election. Final processing may begin after 7:00 a.m. the day before the election if the county auditor follows a security plan that has been submitted by the county auditor and approved by the secretary of state to prevent tabulation until after 8:00 p.m. on the day of the election.
(6) Tabulation may begin after 8:00 p.m. on the day of the election.
(7) In counties tabulating ballots on an optical scan vote tallying system, the vote tallying system must reject all overvotes and blank ballots.
(a) All rejected ballots shall be outstacked for additional manual inspection.
(b) The outstacked ballots shall be inspected in a manner similar to the original inspection with special attention given to stray marks, erasures, and other conditions that may have caused the vote-tallying device to misread and reject the ballot.
(c) If inspection reveals that a ballot must be duplicated in order to be read correctly by the vote tallying system, the ballot must be duplicated.
[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-250-110, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-250-110, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-250-110, filed 4/19/18, effective 5/20/18; WSR 14-06-040, § 434-250-110, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-110, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-250-110, filed 7/11/08, effective 8/11/08; WSR 05-17-145, § 434-250-110, filed 8/19/05, effective 9/19/05.]

CHANGE IN 2025: WAC 434-250-120: Verification of the signature and return date.

(1) A ballot shall be counted if:
(a) The voter has not already cast a ballot that has been accepted in the election;
(b) The voter signed the ballot declaration with a valid signature, as determined by WAC 434-261-051 through 434-261-053, or the voter has provided identification at a voting center; and
(c) The envelope is returned in one of the following methods:
(i) The envelope is postmarked not later than the day of the election and received not later than close of business the day before certification of the election. A postmark is any official mark, imprint, or application that verifies when a ballot entered the U.S. postal system. The mailing date of a ballot sent through a commercial mailing service, such as FedEx or UPS, may be considered a postmark. The postmark on the envelope is the official date of mailing. If there are multiple postmarks, the earliest postmark is the date of mailing. A hand cancellation by an agent of the U.S. Postal Service is a postmark.
If the postmark is illegible or missing, the date of the voter's signature is the date of mailing as per RCW 29A.40.110. If the postmark is illegible or missing and the voter did not include a date with their signature, county auditors may use available U.S. Postal Service tools to verify the date of mailing;
(ii) The ballot is deposited in a ballot drop box no later than 8:00 p.m. on election day; or
(iii) For service and overseas voters, the ballot is received by fax or email no later than 8:00 p.m. on election day. Only service and overseas voters can submit ballots by fax or email.
(2) Postage that includes a date, such as meter postage or a dated stamp, does not qualify as a postmark. If an envelope lacks a postmark or if the postmark is unreadable, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110. If a ballot is from a service or overseas voter, the date to which the voter has attested on the ballot declaration determines the validity of the ballot, per RCW 29A.40.110.
(3) Consistent with WAC 434-250-080, the voter's current ballot and signed declaration shall be accepted for initial processing; ballots previously or subsequently received for the same voter are not counted nor rejected by the county canvassing board. Such ballots are invalid and categorized as informational only.
(a) If the first ballot received is identical to the voter's current ballot because the voter submitted a replacement ballot, the replacement ballot shall be referred to signature verification for initial processing.
(b) If the first ballot received is suspended because of a voter registration update, the suspended ballot shall be held by the county of current registration. The county of registration may choose to manually

check the suspended ballot for signature issues and send a signature update form, while allowing time for the current ballot to be received and accepted.
(4) A ballot may not be rejected merely because the ballot envelope is not dated, unless the date is necessary to validate the timeliness of the ballot. The signature on a ballot declaration may not be rejected merely because the name in the signature is a variation of the name on the voter registration record.
(5) Only service and overseas voters are eligible to return a ballot by fax or email. For ballots returned by fax or email from service or overseas voters, the county auditor must apply procedures to protect the secrecy of the ballot.
(a) If returned by email, the county auditor must print the email and attachments; the printed email and signed declaration page must be processed and retained like other ballot declarations, and the printed ballot must be processed and retained like other ballots. The electronic versions of the email, ballot declaration, and ballot are exempt from public disclosure in order to maintain secrecy of the ballot. Voted service and overseas ballots returned by email may be returned with multiple attachments or in multiple emails.
(b) Service and overseas ballots returned by fax or email with a missing or mismatched signature are processed as established in RCW 29A.60.165 and WAC 434-261-050.
(6) For faxed or emailed ballots received from voters who are not service or overseas voters the county auditor must:
(a) Contact the voter immediately if a faxed or emailed ballot is received to notify the voter that they must return their ballot by mail or ballot drop box.
(b) Count only the ballot received by mail or ballot drop box if the voter returns both a faxed or emailed ballot and a ballot by mail or ballot drop box.
(c) Send the faxed or emailed ballot to the canvassing board for rejection if the voter did not return a ballot by mail or ballot drop box.
(7) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.
[Statutory Authority: RCW 29A.04.611. WSR 24-16-019, § 434-250-120, filed 7/25/24, effective 8/25/24; WSR 24-07-018, § 434-250-120, filed 3/8/24, effective 5/4/24; WSR 20-14-035, § 434-250-120, filed 6/24/20, effective 7/25/20; WSR 19-12-115, § 434-250-120, filed 6/5/19, effective 7/6/19; WSR 19-05-041, § 434-250-120, filed 2/14/19, effective 3/17/19; WSR 18-10-003, § 434-250-120, filed 4/19/18, effective 5/20/18; WSR 14-06-040, § 434-250-120, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-250-120, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-250-120, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-250-120, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-120, filed 8/19/05, effective 9/19/05.]

WAC 434-250-130: Maintenance of an audit trail.

Each county auditor shall maintain an audit trail with respect to the processing of ballots, which shall include, but not be limited to, the following:
(1) A record of the date the ballot was mailed or issued, and the date the ballot was received;
(2) The number of ballots issued and returned by precinct;
(3) A record of the disposition of each request for a ballot that was not honored;
(4) A record of the disposition of each returned ballot that was not counted;
(5) A record of the time and place each time the county canvassing board met; and
(6) Documentation of the security procedures undertaken to protect the integrity of all ballots after receipt, including the seal numbers used to secure the ballots during all facets of the process.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-250-130, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-250-130, filed 5/30/07, effective 6/30/07; WSR 05-17-145, § 434-250-130, filed 8/19/05, effective 9/19/05.]

WAC 434-250-140: Ballot process to be expedited.

All election officials charged with any duties or responsibilities with respect to ballots shall ensure that those duties are performed in an expeditious manner, in order to maximize the opportunity for voters to receive, vote, and return the ballots in time to be counted.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-140, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-250-140, filed 8/19/05, effective 9/19/05.]

WAC 434-250-200: Return postage.

The United States Postal Service Domestic Mail Manual requires each county auditor to include on the ballot, ballot instructions, mailing instructions, or return envelope the specific amount of first-class postage necessary to return the ballot by mail. This is not required:

(1) For ballots issued to service and overseas voters;

(2) For ballots returned using the business reply mail service;

(3) For ballots returned with postage prepaid by stamps, meter, or permit reply mail; or

(4) If the county auditor has an account with the post office guaranteeing payment of return postage due.

[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-250-200, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-200, filed 2/26/14, effective 3/29/14.]

WAC 434-250-320: Locations to deposit ballots.

A county auditor must provide at least two locations to deposit ballots beginning eighteen days prior to election day and ending at 8:00 p.m. on election day. These locations may be either a ballot deposit site, as defined in WAC 434-250-100, or a voting center, as defined in WAC 434-250-105. At least one location may be at the county auditor's office. All other deposit sites must be at geographical locations that are different from the county auditor's office.

[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-250-320, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-250-320, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-250-320, filed 10/1/07, effective 11/1/07; WSR 06-14-047, § 434-250-320, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-250-320, filed 8/19/05, effective 9/19/05.]

WAC 434-250-350: Student engagement hubs.

Pursuant to RCW 29A.40.180, the county auditor and any educational institution within the county that are statutorily required to host a hub must enter a contract to operate a student engagement hub.

(1) For all institutions operating student engagement hubs, the contract must include:

(a) A method for voters to download and print the voter's ballot for the exact precinct and precinct split from the voter's county of registration from an online portal;

(b) Provisions for protecting the privacy and secrecy of any voted ballot;

(c) Provision of instruction for voters on how to return a ballot;

(d) Provision of services to those in line at 8:00 p.m. on election day to obtain a ballot, vote, and deposit their voted ballot;

(e) Provision of a secured ballot drop box at the hub, following current ballot drop box procedures for emptying the contents and closing the box at the conclusion of hub operations;

(f) Ensuring that when a voter is in line at the hub at 8:00 p.m. or earlier on election day, their ballot may be deposited in the drop box after 8:00 p.m., but no other voters can use the drop box after 8:00 p.m.

(g) Ensuring operation of the hub in a nonpartisan manner while allowing no campaign materials or campaigning within a minimum of at least 25 feet of the entrances and exits of the hub facility, or within the hub;

(h) Provision of accessible facilities compliant with the Americans with Disabilities Act.

(2) For institutions operating student engagement hubs that are statutorily required to include voter registration services, the contract must also include:

(a) An agreed upon method of voter registration services for all eligible citizens at the hub;

(b) Setting the hours of operation as the county auditor's normal working hours and, on Election Day, starting at normal business opening and extended until 8:00 p.m.;

(c) An agreement detailing the days that the hub will be in operation up to the statutory maximum of eight days prior to the election;
(d) Provision to the hub of at least the following services by agreement between the county auditor and the university or college:
(i) Staffing;
(ii) Availability of provisional ballots;
(iii) Provision of notice of the availability of services;
(iv) Provision of appropriate voter information including voter pamphlets; and
(v) Provision of services to those in line at 8:00 p.m. on election day to register to vote, obtain a ballot, vote, and deposit their voted ballot.
(3) The prohibitions listed in chapter 29A.84 RCW for voting centers and ballot drop boxes also apply to student engagement hubs.
(4) Hub staff may provide postage stamps for voters that choose to mail their ballot.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-250-350, filed 7/7/23, effective 8/7/23; WSR 20-19-045, § 434-250-350, filed 9/10/20, effective 10/11/20.]

WAC 434-250-370: Hub reimbursement program.

(1) Each year that funding has been made available by the legislature for support of student engagement hubs, a county that is required to operate a student engagement hub under RCW 29A.40.180, may request reimbursement from the secretary of state. Reimbursement under this section is limited to the operation of a student engagement hub during any portion of the in-person voter registration period associated with each general election.
(2) Reimbursement may be requested as either:
(a) Direct costs identified in the election cost reimbursement submitted pursuant to chapter 29A.04 RCW and compliant with the BARS Manual requirements related to cost reimbursement; or
(b) A reimbursement request separate from the election cost reimbursement request. This must be accompanied by supporting documentation, which may include invoices, written narratives, cost allocation, or other information, for each billed cost, a description of hub operations, dates and hours of operation, and a copy of the hub agreement.
(3) Prior to each general election, the secretary of state may identify a portion of the funding made available by the legislature to support student engagement hubs for statewide communication, outreach, or system upgrades related to student engagement hubs.
(4) All funding remaining after statewide communication, outreach, or system upgrades, must be used for reimbursement of operation costs as requested by counties operating student engagement hubs.
(5) In the event that available funding is less than the total of all reimbursements requested, available funding must be distributed using a proportional allocation method.
[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-250-370, filed 10/6/21, effective 11/6/21.]

WAC 434-250-380: Disclosure of voter signatures.

(1) In-person inspection of unredacted ballot return envelopes, ballot declarations, and signature correction forms is authorized, so long as photocopying, photographs, and other types of image reproduction of voter signatures, phone numbers, and email addresses are prohibited.
(2) Upon receiving a public records request for ballot return envelopes, ballot declarations, or signature correction forms, an agency should offer the requestor the option of receiving redacted copies or inspecting unredacted versions in-person.
(3) For purposes of this regulation, "signature correction form" means any form submitted by a voter for the purpose of curing a missing or mismatched signature on a ballot declaration or otherwise updating the voter signature.
(4) For purposes of this section, "voter signature" means any original handwritten signature or image of the voter's signature.
[Statutory Authority: RCW 29A.04.611. WSR 22-13-095, § 434-250-380, filed 6/14/22, effective 7/15/22.]

CHAPTER 434-260 WAC:
ELECTION REVIEW PROCESS AND CERTIFICATION OF ELECTION ADMINISTRATORS

Sections

WAC 434-260-010: Intent.
WAC 434-260-020: Definitions.
WAC 434-260-030: Scheduled reviews—Auditor request.
WAC 434-260-040: Election reviews—Secretary of state to designate.
WAC 434-260-050: Notice of special reviews.
WAC 434-260-060: Notification of review process.
WAC 434-260-080: Special review—Legislative district race.
WAC 434-260-090: Special review of congressional or statewide races.
WAC 434-260-100: Expense of reviews.
WAC 434-260-110: Election review checklist.
WAC 434-260-130: Preliminary review report of findings and recommendations.
WAC 434-260-140: Draft election review report.
WAC 434-260-145: Response to draft election review report.
WAC 434-260-150: Final election review report.
WAC 434-260-155: County review follow-up.
WAC 434-260-160: Special review recommendations.
WAC 434-260-190: Processing of appeal.
WAC 434-260-200: Standards for evaluating appeals.

CERTIFICATION OF ELECTION ADMINISTRATORS

Sections

WAC 434-260-220: Certification of election administrators.
WAC 434-260-240: Mandatory certification course.
WAC 434-260-300: Renewal of certification as an election administrator.
WAC 434-260-307: Recertification of election administrator.
WAC 434-260-310: Applications.
WAC 434-260-320: Training program for county canvassing board members.
WAC 434-260-350: Approval of training programs.

WAC 434-260-010: Intent.

It is the intent of this chapter to provide procedures to be followed in the conduct of election reviews and procedures to be followed for the certification and training of election administrators, assistant election administrators, and county canvassing board members as required by chapter 29A.04 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-010, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-010, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-010, filed 8/30/93, effective 9/30/93.]

WAC 434-260-020: Definitions.

As used in this chapter:

(1) "Election review" means the process of examining all or a part of a county's election policies and procedures and includes the review of any documentation of those procedures;

(2) "Election review staff" means the person or persons employed by the secretary of state for the purpose of conducting election reviews;

(3) "Special election review" means an election review conducted in a county or counties whenever the unofficial returns of a primary or election indicate that a mandatory recount is likely in a race for the

state legislature, congress, or statewide office;
(4) "Preliminary review report of findings and recommendations" means that draft report made by the election review staff to the county auditor and which contains any recommendations made by the review staff and a preliminary conclusion regarding the county's election procedures;
(5) "Draft election review report" means that report made by the election review staff to the county auditor and the designated members of the county canvassing board. The auditor and/or county canvassing board must respond to the draft election review report in writing and may appeal the report to the election administration and certification board;
(6) "Final election review report" means that report made by the election review staff which contains a copy of the recommendations made by the review staff, the response to those recommendations made by the county auditor or the county canvassing board, and a conclusion written by the staff;
(7) "Special review recommendations" means recommendations made by the review staff to the county auditor and the county canvassing board following the conduct of any special review;
(8) "County auditor designee" is that person designated by the county auditor to participate in the review process, pursuant to the provisions of RCW 29A.04.580. Such a designee must be certified as required by chapter 29A.04 RCW.
(9) "Election administrator" means the person or persons appointed by the county auditor to election management positions as required by RCW 36.22.220 and the state director of elections, assistant directors of elections, certification and training program staff members, and any other secretary of state election division employees designated by the director of elections;
(10) "Assistant election administrator" means any person involved in the administration of elections at the state or county level who has been designated as an assistant election administrator by the state director of elections or the county auditor as applicable;
(11) "County canvassing board members" means those officers designated as such pursuant to the provision of chapter 29A.60 RCW;
(12) "Election administration and certification board" means that board created pursuant to the provisions of RCW 29A.04.510.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-020, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-020, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-020, filed 8/30/93, effective 9/30/93.]

WAC 434-260-030: Scheduled reviews—Auditor request.

Not later than May 1, any county auditor may request that the secretary of state designate his or her county for an election review. The secretary of state shall, whenever practical, honor that request.
[Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-030, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-030, filed 8/30/93, effective 9/30/93.]

WAC 434-260-040: Election reviews—Secretary of state to designate.

Not later than thirty days prior to the start of an election review the secretary of state shall notify, in writing, the counties selected for an election review. Whenever possible, election reviews shall be conducted on dates that are mutually agreeable to the secretary and to the county auditor allowing the reviewer to observe all election procedures. In designating counties to be reviewed, the secretary shall take into consideration any complaints filed with his or her office pursuant to the provisions of RCW 29A.04.570 (1)(b).
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-040, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-260-040, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-040, filed 8/19/05, effective 9/19/05. Statutory Authority:

RCW 29A.04.610. WSR 04-15-089, § 434-260-040, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-040, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-040, filed 8/30/93, effective 9/30/93.]

WAC 434-260-050: Notice of special review.

Notice of a special review shall be provided to the county auditor by telephone and email not later than twenty-four hours after the determination has been made to conduct the special review.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-050, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-050, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-050, filed 8/30/93, effective 9/30/93.]

WAC 434-260-060: Notification of review process.

At least five days prior to an election review, or as soon as possible prior to a special review, the review staff shall notify the county auditor of the number of persons conducting the review, any policies and procedures of special interest, and of any needs incidental to their review. The county auditor will provide adequate working accommodations, and copies of any county election policies or procedures, at the time scheduled for the review. Review staff will make every effort to minimize any disruption to the normal work of the county during the review process.

[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-060, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-060, filed 8/30/93, effective 9/30/93.]

WAC 434-260-080: Special review—Legislative district race.

A special review shall be conducted in any legislative district contained entirely within one county whenever the unofficial returns from a legislative race indicate that a mandatory recount is likely. Such a review may be as extensive as an election review or may, at the secretary of state's discretion, concentrate only on those aspects of the election process dealing with ballot accountability, audit trail procedures, and ballot security. In any legislative district encompassing more than one county where the unofficial returns indicate that a mandatory recount is likely for a legislative district race, the secretary of state may direct a partial review in each county or may prioritize the review process. In prioritizing the review process, the secretary shall take into consideration the following factors:

(1) The date and results of the last election review held in each county;
(2) Any request from a county auditor for a special review;
(3) Any written complaints filed with the secretary pursuant to the provisions of RCW 29A.04.570 (1)(b);
(4) Any written complaints, from any resident of the county regarding the specific election in question;
(5) Any media stories or reports alleging election irregularities with respect to the election in question;
(6) The date on which the determination is made that a special review is required.

[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-080, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-080, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-080, filed 8/30/93, effective 9/30/93.]

WAC 434-260-090: Special review of congressional or statewide races.

In conducting special reviews for congressional or statewide offices, the secretary of state may prioritize the review process, using the same criteria as is used in prioritizing special reviews in joint legislative districts.

[WSR 98-08-010, recodified as § 434-260-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-090, filed 8/30/93, effective 9/30/93.]

WAC 434-260-100: Expense of reviews.

The expenses of reviews, including review staff salaries and travel expenses, will not be charged to the county being reviewed. However reasonable and necessary office expenses incidental to the review process, such as copying charges, computer printouts, and telephones, will be provided by the county being reviewed.

[WSR 98-08-010, recodified as § 434-260-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-100, filed 8/30/93, effective 9/30/93.]

WAC 434-260-110: Election review checklist.

The secretary of state shall develop an election review checklist, which shall be the basis for any election review and which shall also serve, in whole or in part, as the basis for any special review. The checklist for a regular review shall be provided to the county auditor at least one week prior to the beginning of the reviews.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-110, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-110, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-110, filed 8/30/93, effective 9/30/93.]

WAC 434-260-130: Preliminary review report of findings and recommendations.

The review staff shall verbally relay any recommendations found during observation of the county's procedures by certification of the election. As soon as practical, but in any event not later than ninety days following the certification of the election, the review staff shall issue a preliminary review report of a findings and recommendations. The report shall be made to the county auditor.

The preliminary review report of findings and recommendations is exempt from public inspection and copying, as provided by RCW 42.56.280.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-130, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-130, filed 8/30/93, effective 9/30/93.]

WAC 434-260-140: Draft election review report.

As soon as practicable, but in any event not later than thirty days after the issuance of the preliminary report of findings and recommendations, the review staff shall issue a draft of the election review report to the county auditor and the designated members of the county canvassing board as provided in chapter 29A.60 RCW, and shall include, but not be limited to, the following:

(1) A narrative description of recommendations made by the review staff;

(2) Any other information the review staff deems pertinent;

(3) A preliminary conclusion/evaluation of the county's election procedures.

[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-140, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-140, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-140, filed 8/30/93, effective 9/30/93.]

WAC 434-260-145: Response to draft election review report.

The county auditor and/or county canvassing board must respond, in writing, to the draft election review report, listing the steps that will be taken to correct any problems listed in the report. Such response shall be submitted to the review staff not later than fifteen business days following the issuance of the draft election review report.

Nothing in this section shall prevent the review staff from modifying or amending its recommendations, based on the response received from the county auditor or canvassing board.

Any county auditor or other member of the county canvassing board may appeal the recommendations or the conclusion of any draft election review report to the election administration and certification

board. Any appeal must be in writing, must detail specific exceptions made to the draft election review report, and must be filed with the board not later than thirty days following the issuance of the report.
[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-145, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-145, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-145, filed 5/19/99, effective 6/19/99.]

WAC 434-260-150: Final election review report.

As soon as practicable, but in any event not later than ten business days after the receipt of the county's response, the review staff shall issue a final election review report. The report shall be made to the county canvassing board, and shall include, but not be limited to, the following:
(1) A narrative description of any general observations by the review staff;
(2) A narrative description of any recommendations made by the review staff;
(3) A response by the county auditor or the county canvassing board;
(4) A conclusion by the review staff.
A copy of the final review report shall be provided to the chairperson of the election administration and certification board and a copy shall also be kept on file by the secretary of state.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-150, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-150, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-150, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-150, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-150, filed 8/30/93, effective 9/30/93.]

WAC 434-260-155: County review follow-up.

Within one year following the issuance of the final review report, the secretary of state shall verify that the county has taken the steps listed in the response to correct the problems noted in the report. The secretary of state shall send a letter to the county canvassing board listing the results of the follow-up interview. A copy of the letter shall be provided to the county auditor and kept on file with the secretary of state.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-155, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-155, filed 9/1/09, effective 10/2/09; WSR 05-17-145, § 434-260-155, filed 8/19/05, effective 9/19/05.]

WAC 434-260-160: Special review recommendations.

After conducting a special review, the review staff shall make any recommendations to the county auditor and the county canvassing board that they deem necessary to minimize the possibilities of any administrative errors being made either prior to or during the conduct of a mandatory recount. Such recommendations shall be made orally to the county auditor not later than twenty-four hours in advance of the conduct of a mandatory recount. A draft report of findings and recommendations shall be issued to the county auditor and the other members of the canvassing board not later than ten business days after the completion of the mandatory recount.
[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-160, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-160, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-160, filed 8/30/93, effective 9/30/93.]

WAC 434-260-190: Processing of appeal.

Within thirty days of an appeal being filed, the election administration and certification board shall meet to consider the appeal. The board may request that the county auditor, the review staff, or any other persons they deem appropriate, appear before them and assist them in their consideration of the appeal. The board shall have access to all written material prepared by the review staff, including a copy of the preliminary election review report and draft review report. The board, by majority vote, may accept the draft report, may modify all or part of the draft report, or may reject the report in total. In the event the board rejects the report, they shall direct that a new review be conducted and shall detail, in writing, the reasons for rejecting the original report. The board shall issue a written summary

of its findings following any consideration of any appeal. The summary shall include the minutes of any meeting of the board to consider the appeal, a summary of the testimony of any witnesses appearing before them, and the reasons for any decision made.
[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-190, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-190, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-190, filed 8/30/93, effective 9/30/93.]

WAC 434-260-200: Standards for evaluating appeals.

In determining whether or not an appeal filed pursuant to RCW 29A.04.570 and WAC 434-260-160 should be upheld and the final scheduled review report either modified or set aside, the election administration and certification board shall consider the following factors:
(1) Whether or not the course of action or activity recommended by the review staff is required by federal or state law or by administrative rule;
(2) Whether or not the findings or the course of action or activity recommended by the review staff enhances the standardization and uniformity of election practices and procedures throughout the state;
(3) Whether or not the findings or the course of action or activity recommended by the review staff enhances the security or integrity of the ballots or the ballot counting process;
(4) Whether or not the course of action or activity recommended by the review staff would cause unnecessary hardship or expense to the county making the appeal.
[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-260-200, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-200, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-200, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 93-18-053, § 434-60-200, filed 8/30/93, effective 9/30/93.]

WAC 434-260-220: Certification of election administrators.

Election administrators shall become certified upon completion of the following:
(1) Completion of the secretary of state's mandatory certification course;
(2) Two years of service in election administration during the three-year period immediately prior to the request for initial certification;
(3) Taking and passing the open book written exam on Title 29A RCW, Title 434 WAC, the Washington state Constitution, and other applicable state and federal election laws as prepared by the secretary of state;
(4) A minimum of forty hours participation in conferences and workshops as preapproved by the secretary of state.
(a) At least thirty of the required forty hours must be election-specific training.
(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.
(ii) Up to four hours of training may be for observing election procedures in other county election departments.
(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.
(c) All training shall be received not more than five years prior to the date of a request for initial certification.
(d) The secretary of state shall publish a list of election-specific training approved for election administrator certification by January 1, 2020.
(5) A high school diploma or its equivalent.
[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-220, filed 6/5/19, effective 1/1/20. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-260-220, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-18-103, § 434-260-220, filed 9/6/06, effective 10/7/06. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-220, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-220, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-220, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-220, filed 3/8/94, effective 4/8/94.]

WAC 434-260-240: Mandatory certification course.

(1) All election administrators shall attend a mandatory certification course sponsored by the secretary of state to be eligible for certification. The mandatory certification course will be offered to election administrators annually.

(2) The mandatory certification course will consist of at least eight hours of training in election-related subjects.

[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-240, filed 6/5/19, effective 1/1/20. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-260-240, filed 5/30/07, effective 6/30/07. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-240, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-240, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-240, filed 3/8/94, effective 4/8/94.]

WAC 434-260-300: Renewal of certification as an election administrator.

Applications for certification renewal must be submitted by December 31st of every odd-numbered year. The secretary of state will renew certification with the following qualifications:

(1) Continuous service as an election administrator during the two years for which renewal is required.

(2) Participation in a minimum of forty hours of conferences and workshops attended within the renewal period, as preapproved by the secretary of state.

(a) At least thirty of the required forty hours must be election-specific training.

(i) At least twenty hours of election training must specifically address Washington state elections and must include training hours from attending an annual Washington elections conference.

(ii) Up to four hours of training may be for observing election procedures in other county election departments.

(b) Up to ten hours of training may be for professional development as determined by the county or state approving authority.

Election administrators who become initially certified within a two-year renewal period may use any training taken during the renewal period, including training used for initial certification.

The two-year renewal period and provisions begin January 1, 2020.

[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-300, filed 6/5/19, effective 1/1/20; WSR 05-06-036, § 434-260-300, filed 2/25/05, effective 3/28/05. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-300, filed 5/21/01, effective 6/21/01; WSR 99-12-004, § 434-260-300, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-300, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-300, filed 3/8/94, effective 4/8/94.]

WAC 434-260-307: Recertification of election administrator.

Certification as an election administrator shall expire when minimum requirements for certification renewal are not met. An election administrator may recertify within two years of certification expiration. To recertify, an election administrator must:

(1) Attend the secretary of state's mandatory certification course;

(2) Have two years continuous service as an election administrator immediately prior to the date of a request for recertification;

(3) Take and pass a recertification exam;

(4) Attend twenty hours of Washington state election-specific training as defined in WAC 434-260-220.

To maintain certification, a recertified election administrator must take an additional twenty hours of training as required by WAC 434-260-300 by the next renewal deadline.

An election administrator shall be allowed one recertification in any ten-year period.

New recertification requirements are effective January 1, 2020.

[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-307, filed 6/5/19, effective 1/1/20. Statutory Authority: RCW 29.60.020. WSR 01-11-111, § 434-260-307, filed 5/21/01, effective 6/21/01.]

WAC 434-260-310: Applications.

The secretary of state shall make available certification applications to election administrators. Applications to renew certification must be submitted to the secretary of state by December 31st each odd-numbered year.

Two-year renewal requirements are effective January 1, 2020.
[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-310, filed 6/5/19, effective 1/1/20. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-260-310, filed 9/1/09, effective 10/2/09. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-260-310, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-260-310, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-310, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-310, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-310, filed 3/8/94, effective 4/8/94.]

WAC 434-260-320: Training program for county canvassing board members.
The secretary of state shall prepare a training program for county canvassing board members. The training shall be made available upon request.
[Statutory Authority: RCW 29A.04.630. WSR 19-12-114, § 434-260-320, filed 6/5/19, effective 1/1/20. Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-320, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-320, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-320, filed 3/8/94, effective 4/8/94.]

WAC 434-260-350: Approval of training programs.
All training programs referenced in these rules may be subject to review by the election administration and certification board. Such review shall be only for the purpose of determining whether the training satisfies requirements for certification.
[Statutory Authority: RCW 29.60.020. WSR 99-12-004, § 434-260-350, filed 5/19/99, effective 6/19/99. WSR 98-08-010, recodified as § 434-260-350, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.60.020. WSR 94-07-018, § 434-60-350, filed 3/8/94, effective 4/8/94.]

CHAPTER 434-261 WAC: COUNTING CENTER PROCEDURES

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POST-ELECTION DAY RISK-LIMITING AUDITS

Sections

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WAC 434-261-115: Risk-limiting audits for county races and measures.
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WAC 434-261-005: Definitions.

(1) "Manual inspection" is the process of inspecting each voter response position on each voted ballot. Inspection is performed as part of the initial processing;
(2) "Ballot duplication" is the process of making a true copy of valid votes from a physically damaged ballot or a ballot that is unreadable or uncountable by the tabulation system onto a paper or electronic blank ballot to ensure the ballot may be correctly tabulated by the tabulation system. The original ballot may not be altered. Teams of two or more people working together must duplicate ballots according to voter intent as per WAC 434-261-086. A log of duplicated ballots must be signed by the two or more people who duplicated the ballots;
(3) "Ballot resolution" is the process of making changes on a voted electronic ballot image to ensure the ballot is tabulated according to the voter's intent. The changes must reflect the voter intent as per WAC 434-261-086 and the original ballot may not be altered. Changes must be made by teams of two or more people working together. A log of resolved ballots must be signed by the two or more people resolving the ballots;
(4) "Readable ballot" is any ballot that the certified vote tallying system can accept and read as the voter intended without alteration, and that meets the standards of the county canvassing board subject to the provisions contained in this title;
(5) "Unreadable ballot" is any ballot that cannot be read by the vote tallying system as the voter intended without alteration. Unreadable ballots may subsequently be counted as provided by these administrative rules;
(6) "Valid signature" on a ballot declaration for a registered voter eligible to vote in the election is:
(a) A signature verified against the voter's signature in the voter registration file attesting to the voter registration oath;
(b) A mark witnessed by two people; or
(c) A signature verified against the voter's signature in the voter registration file attesting to the ballot declaration.
(7) "Overvote" is votes cast for more than the permissible number of selections allowed in a race or measure. An overvoted race or measure does not count in the final tally of that race or measure. Example of an overvote would be voting for two candidates in a single race with the instruction, "vote for one";
(8) "Undervote" is no selections made for a race or measure;
(9) "Election observers" means those persons designated by the county political party central committee chairperson to observe the counting of ballots and related elections procedures;
(10) "Seal log" is a log documenting each time a numbered seal is attached or removed from a ballot container. The log must include the seal number, date, and identifying information of persons attaching or removing the seal. Following certification of the election, the seal log must include documentation as to why the seal was removed from a ballot container.
[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-261-005, filed 1/10/24, effective 2/10/24; WSR 21-21-001, § 434-261-005, filed 10/6/21, effective 11/6/21. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-005, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-261-005, filed 7/6/10, effective 8/6/10. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-261-005, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-261-005, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-261-005, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-261-005, filed 11/30/07, effective 12/31/07;

WSR 07-09-036, § 434-261-005, filed 4/11/07, effective 5/12/07; WSR 06-23-094, § 434-261-005, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-005, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-005, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-005, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 99-08-089, § 434-261-005, filed 4/6/99, effective 5/7/99. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-005, filed 10/13/97, effective 11/13/97.]

WAC 434-261-007: Broken or missing seals.

If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-261-007, filed 6/28/06, effective 7/29/06.]

WAC 434-261-010: Counting center location—Direction of proceedings.

The county auditor shall designate a location to serve as the counting center. If that location is other than the county auditor's office or county election office, the auditor shall include the location of the counting center in the published notice of elections. The county auditor shall be responsible for all counting center functions. Within the counting center, no person except those authorized by the county auditor may touch any ballot or ballot container, or operate a vote tallying system. The auditor shall identify either by roster or identification tag, or both, those persons so authorized. The vote tallying process shall be open to the public to the extent that public observation does not interfere with the proceedings or jeopardize the security of the ballots. The auditor shall establish local administrative rules pertaining to public observers including the media and how they may be accommodated and the necessary limitations thereto.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-010, filed 5/4/92, effective 6/4/92.]

WAC 434-261-020: Observers.

Counting center operations shall be observed by at least one representative from each political party, if representatives have been appointed by the respective political parties and those representatives are present while the counting center is in operation.

Prior to processing ballots for a primary or election, the county auditor shall notify the major political parties in writing of the maximum number of official observers allowed to observe ballot processing and the date ballot processing begins. Where more than one observer is appointed, the political party shall designate one of the observers as supervisor. The county auditor may require observers to receive training with respect to ballot processing procedures and the vote tallying system.

Before final assignment as observers, major political party representatives so appointed shall be reviewed by the county auditor, who may refuse to approve any person so appointed. In the event the auditor rejects a person designated, he or she shall promptly notify the political party concerned and request that a substitute observer be appointed, and shall ensure that the substitute observer is trained. Representatives of the major political parties appointed as observers shall be identified by roster, including assigned observer stations if more than one in the counting center, and by identification tags which will indicate the observer's name and the party represented.

The counting center is under the direction of the county auditor. All observers are authorized to observe the processing of ballots for the current election as defined by WAC 434-250-110. Observers may not touch or record images of voted ballots, challenge signature check decisions, object to decisions to count or not count votes or ballots, or disrupt ballot processing. The county auditor shall provide written rules for observers. The county auditor may require an observer who does not follow the established rules to leave the counting center.

[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-261-020, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-261-020, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-020, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW

29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-261-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080 and 29.04.210. WSR 92-10-038, § 434-61-020, filed 5/4/92, effective 6/4/92.]

WAC 434-261-045: Secure storage.

Secure storage is a container or room that stores voted ballots and electronic data containing voted ballot images. Secure storage must employ the use of numbered seals and logs, or other security measures, that document each individual's access to the voted ballots or voted ballot images, and detect inappropriate access to the secure storage. Voted ballots and voted electronic ballot images must remain in secure storage except during processing, duplication, resolution, inspection by the canvassing board, or tabulation. Unsecured ballots must be accompanied by at least two county auditor staff at all times.

A secure location is a room or other facility where programming and equipment used for ballot tabulation are stored. A secure location must use the same security measures as for voted ballots and voted ballot images.

Use of numbered seals requires:

(1) A seal log that documents the numbers of the seals and the individuals applying or removing seals; and

(2) At least two individuals present when seals are applied or removed. Both must sign the seal log.

Closing of unstaffed ballot boxes must follow WAC 434-250-100. Voted ballots and voted ballot images may only be accessed in accordance with RCW 29A.60.110 and 29A.60.125.

[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-261-045, filed 4/19/18, effective 5/20/18; WSR 09-03-110, § 434-261-045, filed 1/21/09, effective 2/21/09; WSR 06-11-042, § 434-261-045, filed 5/10/06, effective 6/10/06. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-261-045, filed 12/28/05, effective 1/28/06.]

CHANGE IN 2025: WAC 434-261-051: Standards for verifying ballot declaration signatures.

(1) This regulation, together with WAC 434-261-052 and 434-261-053, describes the process for verifying that a signature on the ballot declaration is the same as the signature(s) in the voter registration record.

(2) At each stage of the signature verification process, there is a presumption that the signature on the ballot declaration is the voter's signature.

(3) When reviewing ballot declaration signatures, staff assigned to verify signatures shall consider the following criteria:

(a) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;

(b) Agreement in the proportions of individual letters, characters, or symbols, height to width, and heights of the upper to lower case letters, characters, or symbols;

(c) Irregular spacing, slants, or sizes of letters, characters, or symbols that are duplicated in both signatures;

(d) Agreement of the most distinctive, unusual traits of the signatures;

(e) The ballot declaration signature is in the same format as the signature(s) in the voter registration record, such as in printed or cursive, various languages, pictorial, symbol, or another form;

(f) Agreement of individual characteristics, such as how "t's" are crossed, "i's" are dotted, or loops are made on letters, characters, or symbols;

(g) Agreement of initial strokes and connecting strokes of the signature;

(h) Agreement of similar endings, such as an abrupt end, a long tail, or loop back around;

(i) Agreement of presence or absence of pen lifts;

(j) Agreement in the way names are spelled; and

(k) After considering the general traits, agreement of the most distinctive, unusual traits of the signatures.

(4) If it appears the voter has changed their name, and the information required under RCW 29A.08.440 to complete a name change is not provided or legible, the county auditor shall send the voter a change of name form or voter registration form under RCW 29A.08.440 and direct the voter to complete the form.

(5) When reviewing ballot declaration signatures that appear to contain a discrepancy, staff verifying signatures should accept signatures if the appearance of a discrepancy can reasonably be explained by the following:
(a) A shaky signature that could be health-related or the result of aging;
(b) The voter's use of a variation of the voter's full name, such as the use of initials, including or omitting a middle name, or substituting a middle name for a first name;
(c) A change in the voter's signature over time;
(d) A signature written in haste;
(e) A signature in the voter's registration record that was written with a stylus pen or other electronic signature tool, which may result in a thick or fuzzy quality;
(f) A writing surface that was hard, soft, uneven, or unstable;
(g) The voter has a limited history of fewer than three ballots returned; and
(h) Any other reasonable factor.
(6) An agent, including someone acting under a power of attorney, cannot sign a ballot declaration on behalf of their principal.
(7) If a voter signs another voter's ballot declaration, but elections personnel can identify the correct voter, verify that the provided signature matches the signature(s) in the voter registration record and verify that the voter who signed the ballot declaration has not returned another ballot, the signature and the ballot must be accepted for the voter who signed the ballot declaration. The county auditor may only count the races and measures for which the voter who signed the declaration is eligible to vote. If the voter who signed the ballot declaration has previously submitted a ballot, the county auditor shall refer the ballot(s) received after the initially received ballot to the canvassing board. If the ballot was identified by staff on or before election day, the county auditor must attempt to contact the voter to whom the ballot was issued by phone, email, text message, or, if time allows, by mail, and provide the voter a replacement ballot.
(8) All staff verifying ballot declaration signatures must receive training on these signature verification standards before verifying ballot declaration signatures. They must attend the training at least once every two years. This applies to, but is not necessarily limited to, individuals performing the initial review, secondary review, and review of signatures as part of the cure process. Members of the county canvassing board are required to receive training except as exempted by RCW 29A.04.540. The county auditor shall publish on its website the names of all canvassing board members who received training on the statewide standards for signature verification and the date(s) on which the training was completed. The website shall be updated at least 18 days before the next election with the canvassing board members' training date(s).
(9) The canvassing board may designate the county auditor or the county auditor's staff to perform the signature verification function. All personnel assigned to the duty of signature verification shall subscribe to an oath administered by the county auditor regarding the discharge of their duties.
(10) The signature verification process shall be open to the public, subject to reasonable procedures adopted and promulgated by the canvassing board to ensure that order is maintained and to safeguard the integrity of the process.
[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-261-051, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-261-051, filed 3/8/24, effective 5/4/24.]

CHANGE IN 2025: WAC 434-261-052: Initial and secondary review of ballot declaration signatures.

(1) When conducting an initial review of a ballot declaration signature, the county auditor must accept the signature under the following conditions:
(a) The county auditor must accept the signature unless, considering the criteria in WAC 434-261-051, the signature on the ballot envelope has multiple, significant, and obvious discrepancies from the signature(s) in the voter registration record; or
(b) If the voter is unable to sign their name as they are registered to vote, the signature must be accepted so long as the voter has made a mark or signature stamp, and the ballot declaration includes two witness signatures.

(2) If the signature is not accepted following the initial review, the ballot declaration signature must be referred to a second review.
(a) A different person who has received signature verification training under WAC 434-261-051(8) must conduct the second review of the signature.
(b) If, considering the criteria in WAC 434-261-051, the second reviewer determines that there are multiple, significant, obvious discrepancies from the signature(s) in the voter registration record, the voter must be notified of the process to cure the signature;
(3) The county auditor may conduct additional reviews of ballot declaration signatures that have not yet been accepted. For example, if the county auditor becomes aware of reasonable explanations that should be considered under WAC 434-261-051(5), an additional review may be appropriate.
(4) Even if the ballot declaration signature appears to match the signature(s) in the voter registration record, and notwithstanding any other provision, a ballot may be referred to the canvassing board if there is clear, objective evidence, beyond the signature itself, that a ballot declaration signature is fraudulent. This provision is intended to apply only very rarely, such as in instances of confessed forgery or similar circumstances. A person verifying signatures may refer a ballot declaration signature to the county auditor, and, if satisfied that the standard is met, the county auditor may refer the ballot to the canvassing board. The county auditor and the canvassing board may refer the matter to law enforcement.
(5) The county auditor may conduct the initial signature review by using an automated verification system approved by the secretary of state. If a signature is not accepted by the automated verification system, the county auditor must manually use the process described in this section.
(6) If two ballots are returned in one return envelope, ballots may be accepted in the following manner. In all other circumstances, the ballots must be referred to the canvassing board for rejection.
(a) If there is only one valid signature on the ballot declaration and the races and measures voted are the same on both ballots, the races and measures voted the same on both ballots may be counted once;
(b) If there are two valid signatures on the ballot declaration, both ballots may be counted in their entirety; or
(c) If there is one valid signature on the ballot declaration and the envelope contains one voted ballot and one blank ballot without marked votes, the voted ballot may be counted in its entirety.
[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-261-052, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-261-052, filed 3/8/24, effective 5/4/24.]

CHANGE IN 2025: WAC 434-261-053: Ballot declaration signature cure process.

(1) If a ballot declaration signature is not accepted following secondary review, the voter used a mark or signature stamp but did not include witnesses, or if the ballot declaration was not signed, the ballot cannot be counted until the voter cures their signature. The voter identified on the ballot return envelope must be notified as soon as practicable, but no later than three business days following receipt, that the signature on the ballot declaration does not match the signature(s) in the voter registration record. The county must notify the voter of the procedure for curing their signature by:
(a) A notice letter package sent by first class mail with a signature update form or a missing signature form. The form must include the ballot declaration required by WAC 434-230-015. The notice letter package must also include a prepaid envelope in which to return a completed signature update or missing signature form. The notice letter must:
(i) Be in substantially the same form as the sample notice letter created by the secretary of state; and
(ii) Be available in all languages required by the Department of Justice.
(b) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter has provided a phone number);
(c) Text message (if the voter has opted into text message notifications); and
(d) Email, enclosing a copy of the signature cure form (if the voter has provided an email address).
(2) The voter may cure their ballot signature no later than the close of business the day before the election is certified.
If the voter has not responded to the signature cure notice by five business days before the final meeting of the canvassing board, the county auditor must attempt to notify the voter by:

(a) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter has provided a phone number);
(b) Text message (if the voter has opted into text message notifications); and
(c) Email, enclosing a copy of the signature cure form (if the voter has provided an email address).
(3) A voter may cure a missing signature by:
(a) Returning a signed missing signature form. The signature on the form must be compared to the signature(s) in the voter registration record using the process described in WAC 434-261-052; or
(b) Appearing in person and signing the ballot declaration. The signature on the ballot declaration must be compared to the signature(s) in the voter registration record using the process described in WAC 434-261-052.
(4) A voter using a mark or signature stamp may cure a failure to have two witnesses attest to the ballot declaration signature by returning a missing signature form. The form must contain the voter's mark or signature stamp and the signatures of two witnesses.
(5) A voter may cure a nonmatching signature by either:
(a) Returning a signature update form or appearing in person and signing a new registration form.
(i) The signature on the form must be compared to the signature on the ballot declaration using the process described in WAC 434-261-052;
(ii) The signature on the form is saved as a new signature in the voter registration record for the current and future elections; or
(b) Providing valid secondary identity verification. The county auditor must verify the secondary identification is for the voter who signed the ballot declaration. Secondary identification may be:
(i) The last four digits of the voter's Social Security number or the voter's full driver's license, instruction permit, or state identicard number;
(ii) Photo identification, valid enrollment card of a federally recognized Indian tribe in Washington state, copy of a current utility bill or current bank statement, copy of a current government check, copy of a current paycheck, or a government document, other than a voter registration card, that shows both the name and address of the voter; or
(iii) A multifactor authentication code, from a system approved by the secretary of state, the county auditor sent to the voter's phone number or email address that has previously been provided by the voter.
If a voter successfully provides secondary identity verification and confirms, orally or in writing, that the voter in fact returned the ballot, the ballot must be accepted unless two persons who have received signature verification training under WAC 434-261-051(8) conclude beyond a reasonable doubt that a person other than the voter signed the ballot declaration. This conclusion may be based on evidence including, but not limited to, other ballots in the same election bearing the same signature.
(6) If the registered voter asserts that the signature on the ballot declaration is not the voter's signature prior to 8:00 p.m. on election day, the voter may be provided the opportunity to vote a replacement ballot.
(7) If the voter does not successfully cure their signature by close of business the day before certification of the election, the ballot must be sent to the canvassing board.
(8) A record must be kept of the process used to cure ballot envelopes with missing and mismatched signatures. The record must contain the date on which each voter was contacted, the notice was mailed, and the date on which each voter subsequently submitted a signature to cure the missing or mismatched signature.
[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-261-053, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-261-053, filed 3/8/24, effective 5/4/24.]

WAC 434-261-055: Returned ballot lacking verification of identity.

If a voter who is provisionally registered and must still verify his or her identity as part of the registration process casts a ballot without providing adequate identification, the ballot cannot be counted unless the voter provides adequate identification no later than the day before certification of the election.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-055, filed 12/6/11,

effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-261-055, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-261-055, filed 1/3/07, effective 2/3/07.]

WAC 434-261-070: Manual inspection of ballots.

(1) All voting positions on voted ballots shall be manually inspected on both sides of the ballot to determine whether the ballot is readable by the vote tabulating system. The county auditor must ensure that write-in votes are tabulated according to RCW 29A.60.021, consistent with the voter's intent. Ballots must be inspected for overvotes, undervotes, and write-in votes prior to tabulation. This manual inspection is a required part of processing ballots.

(2) The state of Washington is a voter intent state. When a voter's choice or intention can be determined, that vote shall be counted. If the manual inspection process detects any physically damaged ballots, unreadable ballots which might not be correctly counted by the tabulating equipment, or marks that differ from those specified in the voting instructions, such ballots may be duplicated or resolved, if necessary, and counted according to the statewide standards on what is a vote, as provided in WAC 434-261-086. The county canvassing board may authorize the county auditor to duplicate ballots that may be unreadable or uncountable by the tabulating system. Write-in votes without a readable mark in the target area must be processed according to the statewide standards on what is a vote found in WAC 434-261-086. The county canvassing board shall make the final determination of voter intent for ballots not addressed in the statewide standards on what is a vote.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-070, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-261-070, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-070, filed 5/30/07, effective 6/30/07; WSR 06-11-042, § 434-261-070, filed 5/10/06, effective 6/10/06; WSR 05-17-145, § 434-261-070, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-261-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-070, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-070, filed 10/13/97, effective 11/13/97.]

WAC 434-261-075: Votes on something other than a ballot.

If the voter returns voting responses by mail on any form other than a ballot, the votes thereon shall be acceptable and tallied provided that:

(1) Only votes for offices or measures for which the voter is eligible are counted.

(2) The candidate or measure response position for which the voter is voting can be clearly identified.

(3) The ballot issued is not returned, or if returned, contains no marks indicating an attempt to vote it.

(4) A valid signature on a ballot declaration is received with the voting responses.

The votes accepted must then be duplicated to a ballot that can be read by the electronic voting equipment.

Votes on a ballot from a previous primary or election cannot be counted for another primary or election. These ballots must be rejected per WAC 434-262-031.

[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-261-075, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-075, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-261-075, filed 5/30/07, effective 6/30/07; WSR 06-14-047, § 434-261-075, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-261-075, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-029, § 434-261-075, filed 3/12/02, effective 4/12/02.]

WAC 434-261-086: Statewide standards on what is a vote.

(1) Pursuant to 42 U.S.C. § 15481 (a)(6) and Bush v. Gore, 531 U.S. 98 (2000), the following standards determine whether irregular marks on a ballot constitute a valid vote that may be counted.

(a) Target area. Any marks made in the target area shall be counted as valid votes, with the exceptions below. Any marks made outside of the target area shall be valid only if they form a pattern of similar marks as outlined in (b) of this subsection, or qualify as written instructions in (e) of this subsection. Marks that trace or outline the target area are not valid votes unless they form a pattern of similar marks as outlined in (b) of this subsection. The following marks in the target area are exceptions that

are not valid votes:
(i) Obvious stray marks;
(ii) Hesitation marks;
(iii) Parts of written notes; and
(iv) Corrected votes, as described in (c) and (e) of this subsection.
(b) Pattern of similar marks. Marks made outside of the target area shall be counted as valid votes as long as those marks form a pattern of similar marks. All races and issues for which the voter has indicated a choice outside the target area must have a similar mark.
(i) Marks made outside of the target area may be counted as valid votes even if one pattern of similar marks is used on one page of the ballot and another pattern of similar marks is used on another page of the ballot.
(ii) Marks made outside of the target area shall be counted as valid votes if one pattern of similar marks is used for measures and another pattern of similar marks is used for candidate races.
(iii) If some marks are in the target area and some are not, but the same type of mark is used, all such marks shall be counted as valid votes.
(iv) If the marks strike through candidate names or ballot measure responses in a pattern of similar marks throughout the ballot, all such marks shall be counted as valid votes.
(v) A mark outside the target area on a ballot that contains only one race or measure is not required to form a pattern.
(c) Corrected votes.
(i) If the voter has followed the instructions for correcting a vote, the stricken vote shall not be counted.
(ii) If a second choice is marked, it shall be counted as a valid vote. If a second choice is not marked, the race shall be considered undervoted.
(iii) If the voter has marked two target areas and placed an 'X' or slash over one of the marked areas, the choice without the 'X' or slash shall be counted as a valid vote.
(d) Not a correction. If the voter has both marked a choice correctly and placed an 'X' in the same target area, but has not marked a second target, it shall be counted as a valid vote. Changes made by the voter to wording printed on the ballot will not invalidate votes cast for that race or measure.
(e) Written instructions. If the voter has attempted to vote or correct a vote by providing written instruction regarding his or her intent, it shall be counted as the voter instructed. Written instructions can include words, circles, lines, or arrows.
(f) Identifying marks. Marks identifying the voter, such as initials, signatures, or addresses do not disqualify a ballot.
(g) Overvotes. Races or issues that have more target areas marked than are allowed are overvotes. No votes for that race or issue shall be counted. An exception is write-in votes for a candidate already printed on the ballot, as provided in (i) of this subsection.
(h) Write-in: Blank target area. If a name is written on a write-in line, it shall be counted as a valid write-in vote regardless of whether the corresponding target area is marked.
(i) Write-in: Already on the ballot. If the name of a candidate who is already printed on the ballot is written in, that vote shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate. This applies even if both target areas are marked or no target areas are marked.
(j) Write-in: Name variations. If a write-in vote is cast for a declared write-in candidate using a commonly recognizable nickname or spelling variation, it shall be counted as a valid vote for that candidate.
(k) Write-in: Blank line. If the write-in target area is marked, but no name is written on the line, it shall not be counted as a valid vote, even though it may be tallied as a write-in vote by the tabulation system.
(l) Write-in: Blank line and candidate. If a candidate's target area is marked, and the write-in target area is marked but no name is written on the line, it shall not be tallied as an overvote, but shall be counted as a valid vote for the printed candidate.
(m) Write-in: Name combinations. If a write-in vote is cast for a candidate with a combination of names already on the ballot, it shall not be counted as a vote for either printed candidate, but rather shall be counted as a valid vote for the name as written.
(n) Write-in: Candidate and write-in response area. If a candidate's target area is marked, the write-in

target area is also marked, and something other than that candidate's name is written in the write-in response area, it shall be counted as an overvote and not a valid vote for any candidate. If a candidate's target area is marked and the write-in target area is not marked, it shall be counted as a valid vote for the marked candidate. If the voter's intent cannot be ascertained, the ballot shall be referred to the canvassing board.
(o) Write-in: Not eligible. A write-in vote for a race not appearing on the voter's ballot shall not be counted.
Exception: If a provisional ballot has been cast and the voter has written in an office or measure that is not on the ballot, that vote shall be counted if it is determined, based on the voter's registration, that he or she is eligible to vote for that office or measure.
(p) Write-in: Vote in the wrong place. A write-in vote for a race appearing elsewhere on the ballot shall be counted as a valid vote, as long as all other requirements are fulfilled and the office, position number and political party, if applicable, are clearly indicated.
(q) Messy marks. When otherwise valid votes marked in a target area partially extend into the response area, it shall be counted as a vote if most of the mark is in the target area and intent can easily be discerned.
(r) Pattern of partisan voting. Voter intent in any single contest shall not be determined based on a pattern of partisan voting on the ballot.
Exception: On a federal write-in absentee ballot (FWAB) in which the voter has not written in a candidate's name but has written in the name of a political party, the written instructions may be counted as a vote if the canvassing board can discern that a candidate's party preference is consistent with the voter's instructions. The canvassing board shall not count the instructions as a vote if no candidate's party preference is consistent with the voter's instructions, or if multiple candidates' party preferences are consistent with the voters' instructions.
(s) Anything else. Voter intent on questionable marks not covered by the rules in this manual must be determined by county canvassing boards according to all applicable laws of the state of Washington and the canvassing board manual. Where more than one rule may apply, the county canvassing board has authority to determine which rule is most appropriate.
(2) The secretary of state shall publish an illustrated version of these standards in each optical scan and digital scan voting system used in the state. The secretary of state shall distribute the illustrated version to each county canvassing board and post it on the website.
(3) The secretary of state shall periodically review and update the manual as necessary, and seek input from county canvassing boards and other interested parties to ensure that the standards remain current and comprehensive.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-261-086, filed 4/19/18, effective 5/20/18; WSR 14-06-040, § 434-261-086, filed 2/26/14, effective 3/29/14; WSR 09-18-098, § 434-261-086, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-261-086, filed 7/11/08, effective 8/11/08; WSR 07-12-032, § 434-261-086, filed 5/30/07, effective 6/30/07.]

WAC 434-261-100: Ballot duplication procedures.

(1) If a ballot is damaged, unreadable, uncountable, or unable to be resolved by the tabulation system, a team of two or more people working together must duplicate ballots to reflect the voter's intent according to WAC 434-261-086. A different team of two or more people working together must audit every duplicated ballot to verify the ballots were duplicated correctly. The voter's original ballot may not be altered. The county auditor shall tabulate the duplicate ballot.
If voter intent is not clear, the ballot must be referred to the canvassing board. When duplicating ballots, the county auditor shall take the following steps to create and maintain an audit trail of the action taken:
(a) Each original ballot and duplicate ballot must be assigned the same unique control number, with the number being marked upon the face of each ballot, to ensure that each duplicate ballot may be tied back to the original ballot;
(b) A log must be kept of the ballots duplicated, which must at least include:
(i) The control number of each original ballot and the corresponding duplicate ballot;
(ii) The initials of at least two people who participated in the duplication of each ballot; and
(iii) The total number of ballots duplicated.

Original and duplicate ballots must be kept in secure storage at all times, except during duplication, inspection by the canvassing board, or tabulation.
(2) Written procedures shall be established detailing the situations in which ballots may be duplicated. These procedures shall be included as a part of the county canvassing board manual.
(3) If a county uses an automated duplication program, only votes appearing in a human-readable form on the original ballot may be duplicated onto a machine-readable ballot. The human-readable votes on the original ballot must be compared to the votes printed on the duplicated ballot to ensure that the votes are duplicated accurately. If a human-readable version of any races or ballot pages of the original ballot are not returned or available, votes in those races may not be duplicated or counted.
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-100, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-261-100, filed 2/26/14, effective 3/29/14; WSR 05-17-145, § 434-261-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-261-100, filed 10/13/97, effective 11/13/97.]

WAC 434-261-102: Resolving ballots on digital scan vote tallying systems.

In counties tabulating ballots on a digital scan vote tallying system, two staff designated by the auditor's office must resolve each ballot identified as requiring resolution. Staff resolving ballots must have completed training on voter intent rules as outlined in WAC 434-261-086. A log of the resolutions must be printed linking staff conducting the resolutions to the ballots resolved. The log must be signed by the two staff.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-261-102, filed 4/19/18, effective 5/20/18. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-102, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-102, filed 11/15/06, effective 12/16/06; WSR 06-11-042, § 434-261-102, filed 5/10/06, effective 6/10/06.]

WAC 434-261-106: Manual counting of ballots.

Procedures for manual counting of ballots shall be substantially the same as a manual recount according to chapter 434-264 WAC.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-106, filed 12/6/11, effective 1/6/12.]

WAC 434-261-108: Random check of ballot counting equipment.

If a random check of up to six batches of ballots is conducted pursuant to RCW 29A.60.170 in a county that uses optical scan voting equipment, each batch must be tabulated on a different scanner if more than one scanner is used in the election. If there are more scanners used in the election than batches to be checked, then the scanners must be selected at random.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-261-108, filed 2/26/14, effective 3/29/14.]

WAC 434-261-110: Election results anomalies.

Precinct results, showing overvotes and undervotes, shall be inspected by the county canvassing board, or their designees, for anomalies that may indicate problems with the hardware or programming used to tabulate the votes. Anomalies may include, but are not limited to, an abnormal number of overvotes, undervotes, vote distribution, and voter turnout in any precinct, race, or jurisdiction. This inspection shall be completed within two days of the election.
Additionally, these results shall be used in the reconciliation process required in RCW 29A.60.235.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 05-06-035 and 05-08-065, § 434-261-110, filed 2/25/05 and 3/31/05, effective 3/28/05 and 5/1/05.]

WAC 434-261-112: Direct recording electronic voting devices (DREs).

Votes recorded on DREs must be uploaded into the ballot tabulation program or duplicated onto paper ballots. The upload or duplication may take place after election day. DRE data storage must remain in

secure storage before and after tabulation.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-261-112, filed 6/6/17, effective 7/7/17.]

WAC 434-261-114: Definitions.

As used in this rule, unless stated otherwise:
(1) "Audit board" means a team of two people assigned to review voter choices on ballots selected for audit.
(2) "Ballot comparison audit" means a type of risk-limiting audit in which the audit board examines and reports voter markings for a designated contest (or contests) on randomly selected ballots, then compares them to the corresponding cast vote records until the audit results reflect with a strong amount of certainty that the reported tabulation outcome is correct.
(3) "Ballot manifest" means a document that indicates how the ballots are organized and stored, including identification of each batch of ballots by the voting system batch number, as well as the number of ballots in each batch.
(4) "Ballot polling audit" means a type of risk-limiting audit in which the audit board examines and reports voter markings for a designated contest on ballots selected randomly until the audit results reflect with a strong amount of certainty that the reported tabulation outcome is correct.
(5) "Cast vote record" or "CVR" means a record of all voter markings produced by a single voter on a ballot card, presented in electronic form, and is defined as a ballot in accordance with RCW 29A.04.008.
(6) "Random seed" means a number string consisting of at least 20 digits, with each digit selected in order by sequential rolls of a 10-sided die.
(7) "Reported tabulation outcome" means the presumed winning and losing candidates or voting choices of a ballot contest as reflected in preliminary results.
(8) "Unofficial results" means the tabulation results produced by the voting system at a specific point in time that will be used for comparison during the audit process.
(9) "Risk limit" means the largest statistical probability that an incorrect reported tabulation outcome is not detected in a risk-limiting audit.
(10) "Risk-limiting audit" or "RLA" means a post-election audit of votes on paper ballots and voter-verifiable paper audit trail (VVPAT) records that makes use of statistical principles and methods, is designed to limit the risk of certifying an incorrect election outcome, and is conducted in accordance with RCW 29A.60.185.
(11) "Risk-limiting audit tool" or "RLA tool" means the software and user interfaces provided by the secretary of state in order to conduct the risk-limiting audit.
(12) "Target contest" means a contest selected by the secretary of state or county auditor for a risk-limiting audit that will determine whether the risk limit has been met.
[Statutory Authority: RCW 29A.04.611. WSR 23-20-040, § 434-261-114, filed 9/27/23, effective 10/28/23; WSR 22-12-035, § 434-261-114, filed 5/25/22, effective 6/25/22. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-114, filed 12/18/18, effective 1/18/19.]

WAC 434-261-115: Risk-limiting audits for county races and measures.

(1) If the county auditor chooses to conduct a post-election risk-limiting audit under RCW 29A.60.185, the auditor must use one of the types of audits listed in RCW 29A.60.185.
(2) At least 45 days prior to a primary or election, a county intending to conduct a risk-limiting audit must notify the secretary of state.
(3) After receiving notice from a county of the intent to conduct a risk-limiting audit and no later than 30 days prior to the primary or election, the secretary of state will establish and publish the risk limit(s) that will apply in risk-limiting audits for that election. The secretary of state may establish different risk limits for ballot comparison audits and ballot polling audits, and for audits of federal, state, and county contests. In ballot comparison audits, the risk limit will not exceed five percent for federal and state contests, and 10 percent for county contests.
(4) The county must maintain an accurate ballot manifest in a form approved by the secretary of state and independent of the voting system.
(5) Counties conducting a ballot comparison audit must verify that the number of individual cast vote

records in its cast vote record export equals the aggregate number of ballot cards reflected in the county's ballot manifest at the time the unofficial results are produced.
(6) The county must maintain and document uninterrupted chain-of-custody for each ballot storage container.
(7) If no risk-limiting audit is called for by the secretary of state, the county auditor may choose the date and time of the risk-limiting audit, in coordination with the secretary of state, to begin no later than two days prior to county certification.
Each county conducting a county-level risk-limiting audit must submit as directed by the secretary of state:
(a) The verified ballot manifest; and
(b) Either:
(i) The verified cast vote record export, if conducting a ballot comparison audit; or
(ii) The unofficial results report, showing overvotes, undervotes and the number of valid write-in votes, if conducting a ballot polling audit.
The secretary of state may direct counties to submit additional materials as required to conduct the risk-limiting audit.
(8) If no statewide office appears on the ballot, no later than 5:00 p.m. on the Friday after election day, the county auditor will create a list of potential contests wholly contained within that county using the criteria in (a) through (e) of this subsection, and then randomly select a contest from that list. This will be considered the target contest for the risk-limiting audit. The county auditor will inform the secretary of state which contest has been chosen, and the secretary of state will publish online a complete list of all target contests.
The county auditor will consider at least the following factors in selecting the potential target contests:
(a) Contests that contain two or more positions/candidates;
(b) The geographical scope of the contests;
(c) The number of ballots counted in the contests;
(d) The closeness of the reported tabulation outcome of the contests; and
(e) The ability of the county staff to complete the audit before the canvass deadline.
(9) In addition to the randomly selected contest(s) and in coordination with the secretary of state's office, counties may choose to conduct a risk-limiting audit of a shared district if all counties represented by the district agree to participate.
(10) No later than 5:00 p.m. on the Friday after election day, the secretary of state will hold a public event to establish a random seed for use with the risk-limiting audit tool. The secretary of state will publish online the random seed after it is established.
(11) Copies of cast vote records used during the risk-limiting audit will be destroyed no later than 10 days following county certification.
[Statutory Authority: RCW 29A.04.611. WSR 23-20-040, § 434-261-115, filed 9/27/23, effective 10/28/23; WSR 22-12-035, § 434-261-115, filed 5/25/22, effective 6/25/22. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-115, filed 12/18/18, effective 1/18/19.]

WAC 434-261-116: Risk-limiting audits for state races and measures.

(1) At least 45 days prior to a primary or election, the secretary of state may call for a risk-limiting audit of an office that files with the secretary of state and/or a state measure. The secretary of state shall determine the date and time of the risk-limiting audit.
(2) No later than 30 days prior to the primary or election, the secretary of state will establish and publish the risk limit(s) that will apply in risk-limiting audits for that election. The secretary of state may establish different risk limits for ballot comparison audits and ballot polling audits, and for audits of federal, state, and county contests. In ballot comparison audits, the risk limit will not exceed five percent for federal and state contests, and 10 percent for county contests.
(3) Counties involved in the audit must maintain an accurate ballot manifest in a form approved by the secretary of state and independent of the voting system.
(4) For a ballot comparison audit, counties must verify that the number of individual cast vote records in its cast vote record export equals the aggregate number of ballot cards reflected in the county's ballot

manifest at the time the unofficial results are produced.
(5) Counties must maintain and document uninterrupted chain-of-custody for each ballot storage container.
(6) No later than 5:00 p.m. on the day prior to the risk-limiting audit, each county must pause or finish tabulating all ballots cast by voters registered in the county received and ready for counting, and submit as directed by the secretary of state:
(a) The verified ballot manifest; and
(b) Either:
(i) The verified cast vote record export, if conducting a ballot comparison audit; or
(ii) The unofficial results report, showing overvotes, undervotes, and the number of valid write-in votes, if conducting a ballot polling audit.
The secretary of state may direct counties to submit additional materials as required to conduct the risk-limiting audit.
(7) No later than 5:00 p.m. on the Friday after election day, the secretary of state will create a list of potential statewide contests using the criteria in (a) through (e) of this subsection, and then select by lot a statewide contest from that list. The secretary of state will also create for each county a list of potential contests wholly contained within that county using the criteria in (a) through (e) of this subsection and select a contest by lot for each county from that list. These will be considered the target contests for the risk-limiting audit. The secretary of state will publish online a complete list of all target contests.
The secretary of state will consider at least the following factors in selecting the potential target contests:
(a) Contests that contain two or more positions/candidates;
(b) The geographical scope of the contests;
(c) The number of ballots counted in the contests;
(d) The closeness of the reported tabulation outcome of the contests; and
(e) The ability of the county staff to complete the audit before the canvass deadline.
(8) The county auditor may choose to conduct a risk-limiting audit of the county contest selected in subsection (7) of this section or use another audit method listed in RCW 29A.60.185 to satisfy the audit requirement for their county.
(9) No later than 5:00 p.m. on the Friday after election day, the secretary of state will hold a public event to establish a random seed for use with the risk-limiting audit tool. The secretary of state will publish online the random seed after it is established.
(10) Copies of cast vote records used during the risk-limiting audit will be destroyed no later than 10 days following county certification.
[Statutory Authority: RCW 29A.04.611. WSR 23-20-040, § 434-261-116, filed 9/27/23, effective 10/28/23; WSR 22-12-035, § 434-261-116, filed 5/25/22, effective 6/25/22; WSR 19-19-033, § 434-261-116, filed 9/11/19, effective 10/12/19. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-116, filed 12/18/18, effective 1/18/19.]

WAC 434-261-117: Conducting a risk-limiting audit.

County elections staff must locate and retrieve each randomly selected ballot from the appropriate storage container. This process may be observed according to WAC 434-261-020. County elections staff must verify that the seals on the appropriate storage containers are those recorded on the applicable chain-of-custody logs.
(1) The county auditor will determine the number of audit boards needed to perform the audit and assign two people to each audit board. The audit board(s) will review each randomly selected paper ballot and report voter markings or choices in the designated contests using the risk-limiting audit tool or other means specified by the secretary of state. The audit board(s) must complete the audit of all ballots randomly selected for audit within two business days to allow time for additional ballots to be included if a discrepancy is identified in accordance with RCW 29A.60.185(3).
(2) The audit board(s) must interpret voter markings on ballots selected for audit in accordance with WAC 434-261-086. If the audit board members cannot unanimously agree on the voter's intent, they must indicate the inability to agree in the appropriate contest in the risk-limiting audit tool's audit board

user interface, or other means specified by the secretary of state.
(3) In order to maintain voter privacy, the secretary of state will review the results of the audit as presented by the risk-limiting audit tool, and post the summary results of the audit online.
(4) If there is a discrepancy in a target contest that exceeds the risk limit, the risk-limiting audit will continue until the risk limit for the target contest is met or until a full hand count results.The secretary of state may order a full hand recount of a target contest at the secretary's discretion if that decision would be more efficient than multiple iterations of risk-limiting audit processes.
(5) Each audit board participating in a risk-limiting audit must sign, date, and submit to the secretary of state a report of the results of the risk-limiting audit on the approved form within two business days. The report must include any discrepancies found.
[Statutory Authority: RCW 29A.04.611. WSR 22-12-035, § 434-261-117, filed 5/25/22, effective 6/25/22. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-117, filed 12/18/18, effective 1/18/19.]

WAC 434-261-118: Risk-limiting audit reports.

At the conclusion of a risk-limiting audit, the county auditor must segregate and seal the materials used during the post-election audit, including copies of all tabulation reports, the audited ballots, and a copy of the audit board report. These materials must be returned to secure storage with the ballots from that election and are subject to the same retention period as the materials for that election.
[Statutory Authority: RCW 29A.04.611. WSR 22-12-035, § 434-261-118, filed 5/25/22, effective 6/25/22. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-118, filed 12/18/18, effective 1/18/19.]

WAC 434-261-119: Removal of risk-limiting audit board members.

The county auditor may remove from the audit board any persons who indicate to the county auditor that they cannot or do not wish to serve as audit board members, and/or who, in the judgment of the county auditor, lack the ability to properly serve as audit board members.
[Statutory Authority: RCW 29A.04.611. WSR 22-12-035, § 434-261-119, filed 5/25/22, effective 6/25/22. Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-261-119, filed 12/18/18, effective 1/18/19.]

WAC 434-261-120: Referral of questionable ballots to canvassing board.

Whenever counting center personnel has a question about the validity of a ballot or the votes contained on the ballot that they are unable to resolve, the ballot shall be forwarded to the canvassing board for review. The facts giving rise to the question of validity must be noted.
Ballots being held for determination of validity or voter's intent shall be provided the same security as regular voted ballots and shall be kept in a secure area when not being processed.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-261-120, filed 11/15/06, effective 12/16/06; WSR 05-17-145, § 434-261-120, filed 8/19/05, effective 9/19/05.]

WAC 434-261-125: Free access system for provisional ballots.

(1) Each county shall establish a free access system, as required by the Help America Vote Act, 52 U.S.C. § 21082 (a)(5)(B), and RCW 29A.60.195 for provisional ballot voters.
(2) The free access system must employ measures to ensure that access is free of cost to the voter and restricted to the individual who cast the ballot, and that the voter's personal information is secure and confidential.
(3) For provisional ballots sent to other counties in the state, the free access system must provide the voter with information as to where the ballot was sent and how to find out if the ballot was counted in that county.
(4) For ballots received from another county, the free access system must provide the voter with information as to whether the ballot was counted and, if not, why. The county may send instructions to the voter on how to access the information.

(5) Provisional ballot disposition information must be available on a county's free access system no later than one week following certification of the election.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-261-125, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-261-125, filed 12/6/11, effective 1/6/12.]

WAC 434-261-130: Opening ballot container.

Whenever it is determined there is a need to open all containers to conduct a mandatory or requested recount, or when such action is directed by court order, the containers shall be opened and the security of the ballots verified only by those persons designated to do so, in writing, by the canvassing board.
[Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-261-130, filed 8/19/05, effective 9/19/05.]

WAC 434-261-140: Precertification procedures.

Prior to certifying the election, the county auditor shall exercise due diligence to confirm that all returned ballots have been received, processed, and reconciled, and that no ballots have been untabulated erroneously. Due diligence may include:
(1) Rechecking all ballot deposit sites; and
(2) Rechecking ballot storage containers in the ballot processing area, ballot tabulation area, canvassing board area, and vault.
[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-261-140, filed 7/2/12, effective 8/2/12.]

CHAPTER 434-262 WAC: CANVASSING AND CERTIFICATION

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WAC 434-262-010: Definitions.

As used in these regulations:

(1) "Canvassing" is that process of examining in detail a ballot, groups of ballots, election subtotals, or grand totals, in order to determine the final official returns of a primary, special, or general election, and to safeguard the integrity of the election process.

(2) "County canvassing board" is that body charged by law with the duty of canvassing ballots, ruling on the validity of questioned or challenged ballots, verifying all unofficial returns as listed in the auditor's abstract of votes, and producing the official county canvass report; it shall be composed of the county auditor, prosecuting attorney, and chair of the board of the county legislative authority, or their designated representatives.

[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-262-010, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-046, § 434-262-010, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-010, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080. WSR 03-15-054, § 434-262-010, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-010, filed 10/3/80.]

WAC 434-262-013: Crediting voters.

(1) A voter may not be credited for voting if the ballot was voted after election day, was received later than the day before certification of the election, or will otherwise not be counted.

(2) The crediting of voters in the county election management system must be completed prior to certification of the election.

(3) The reconciliation of voters credited with ballots counted shall be completed prior to certification of the election. The certification must include, but is not limited to, information indicating that the number of ballots counted equals the number of voters credited. If these numbers do not match, the county auditor must take steps to reconcile the numbers and any discrepancies. If the county auditor cannot reconcile the numbers, documentation of steps taken to reconcile and any other applicable information must be included with the official reconciliation.

(4) Changes to the list of registered voters, such as new registrations, transfers, or cancellations, may not be made following a general election until the crediting reconciliation is complete. Correction of errors is allowed.

(5) The county auditor shall make an electronic or paper copy of the list of registered voters immediately following this reconciliation. Following each general election, the county auditor shall use this data to produce the number of voters participating in the election for each taxing district in the county as required by WAC 434-262-017. Once the list is copied and the taxing district voter turnout report is complete, changes to the database may be made.

(6) Following certification of the election, each credited voter's history of voting must be updated in the statewide voter registration database.

[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-262-013, filed 4/19/18, effective 5/20/18. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-013, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-013, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-013, filed 8/19/05, effective 9/19/05.]

WAC 434-262-015: Canvassing board—Delegation of authority.

The county auditor, prosecuting attorney, and chair of the county legislative authority, or designees as per chapter 29A.60 RCW, shall be responsible for the performance of all duties of the county canvassing board, as set forth in chapters 29A.40 and 29A.60 RCW, and the rules on canvassing adopted by the secretary of state. These duties shall be performed by the members of the board, or they may delegate in writing representatives to perform these duties. This written delegation of authority shall be filed with the county auditor prior to any person undertaking any action on behalf of the board. In no

instance may the members of the county canvassing board delegate the responsibility of certifying the returns of any primary or election, of determining the validity of any challenged ballots, or of rejecting ballots. When considering the validity or rejection of ballots, the canvassing board may review the ballots individually, in batches, or as part of a report of ballots presented to the board. In the event the canvassing board concludes that criminal activity may have occurred, the county auditor must refer the ballot and any relevant material to the county sheriff or county prosecuting attorney.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-015, filed 2/19/08, effective 3/21/08; WSR 05-17-145, § 434-262-015, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-015, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-015, filed 10/13/97, effective 11/13/97.]

WAC 434-262-016: Canvassing board meeting—Emergency procedure.

If a member cannot attend a canvassing board meeting due to an emergency, as defined in the canvassing board's manual, a designee may be appointed according to RCW 29A.60.140 at any time, including the day of the meeting. If a designee cannot be appointed, the member may participate in the meeting remotely.
(1) When ballots are considered during the meeting, the remote member must have access to an online computer application which allows viewing of ballots. Images of ballots cannot be recorded, copied, scanned, emailed, or faxed to the member nor can the member record ballot images. The computer application is not required if ballots are not considered during the meeting.
(2) As per RCW 29A.60.200, all three county canvassing board members or designees must certify an election. If an election is certified during the meeting where a member or designee is attending remotely, a copy of the certification document must be sent electronically to the remote member. The certification document must be signed in the following manner:
(a) The members physically present at the meeting must sign the certification document.
(b) A copy of the certification documentation is sent electronically to the remote member.
(c) The remote member must print the signature page of the certification, sign the page, and return the signed page electronically to the canvassing board meeting location.
(d) The remote member's signed signature page is printed and attached to the certification document signed by the other members of the board, completing the certification document.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-262-016, filed 6/6/17, effective 7/7/17.]

WAC 434-262-017: General election turnout for validation of bonds and levies.

Following each general election, the county auditor must determine the number of voters participating in the general election for each taxing district in the county and provide this number to each district. Districts may use that number to determine the number of votes required for bond and levy passage in the next year.
The county auditor is not responsible for determining minimum turnout or yes votes required for ballot measures and shall not determine if ballot measures meet requirements for passage.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-262-017, filed 4/19/18, effective 5/20/18; WSR 08-05-120, § 434-262-017, filed 2/19/08, effective 3/21/08; WSR 06-14-046, § 434-262-017, filed 6/28/06, effective 7/29/06.]

WAC 434-262-020: Preliminary abstract of votes.

(1) Prior to the official canvass, the county auditor shall prepare a preliminary abstract of votes for certifying the election, listing the number of registered voters, votes cast, and individual declared write-in candidate tallies required by chapter 29A.60 RCW. The preliminary abstract of votes must list separately for each precinct:
(a) Number of registered voters;
(b) Number of ballots cast;
(c) Votes cast for and against each measure;
(d) Votes cast for each candidate;
(e) Total number of write-in votes in each race; and
(f) Total number of overvotes and undervotes in each race.

(2) Pursuant to RCW 29A.60.230, the county auditor may aggregate results or take other necessary steps to maintain the secrecy of ballots.
(3) The county auditor shall inspect the preliminary abstract of votes for errors or anomalies that may affect the results of the election. Correction of any errors or anomalies discovered must be made prior to the official canvass.
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-262-020, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-020, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-09-036, § 434-262-020, filed 4/11/07, effective 5/12/07; WSR 06-14-046, § 434-262-020, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-020, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-020, filed 7/16/04, effective 8/16/04. StatutoryAuthority: RCW 29.04.080. WSR 03-15-054, § 434-262-020, filed 7/11/03, effective 8/11/03. Statutory Authority: RCW 29.04.210, 29.36.150. WSR 02-07-028, § 434-262-020, filed 3/12/02, effective 4/12/02. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-020, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-020, filed 10/3/80.]

WAC 434-262-025: Canvassing board—Notice of open public meeting.

All activities of the canvassing board shall be open to the public, although the board may limit the number of persons observing any aspect of the process whenever, in the judgment of the board, it is necessary to do so to preserve order and to safeguard the integrity of the process. The canvassing board may adopt and promulgate rules and regulations, not inconsistent with the provisions of this section, to ensure that the process is open to the public and that the procedures themselves are performed by the board free of any outside interference. The auditor shall publish notice of the meetings of the canvassing board.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-025, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-025, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-025, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, § 434-262-025, filed 10/13/97, effective 11/13/97.]

WAC 434-262-030: County auditor's abstract of votes.

The county canvassing board shall meet and canvass all ballots. Upon completion of this canvass ten days after a special election, fourteen days after a primary, and twenty-one days after a general election, the county auditor shall present the auditor's abstract of votes, which must include, at a minimum:
(1) The number of registered voters eligible to vote in the election, by precinct;
(2) The number of ballots cast in the election, by precinct;
(3) The votes cast for each race or issue, including write-ins, undervotes, and overvotes, by precinct;
(4) Cumulative vote totals including write-ins, undervotes, and overvotes; and
(5) An aggregate total of votes cast for each declared candidate qualifying for the general election or elected. Individual write-in vote tallies for candidates not meeting the minimum threshold according to chapter 29A.60 RCW shall not be included in the official abstract of votes and results displayed online. Write-in votes for candidates whose names appear on the ballot for that office should be counted according to WAC 434-261-086.
[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-262-030, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-262-030, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-030, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-262-030, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-030, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-262-030, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-262-030, filed 5/30/07, effective 6/30/07; WSR 06-14-046, § 434-262-030, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-030, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-030, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-030, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-030, filed 10/3/80.]

CHANGE IN 2025: WAC 434-262-031: Rejection of ballots or parts of ballots.

(1) The disposition of provisional ballots is governed by WAC 434-262-032. The county canvassing board must reject any ballot cast by a voter who was not qualified to vote, or for other reasons required by law or administrative rule. A log must be kept of all voted ballots rejected, and must be included in the minutes of each county canvassing board meeting.

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

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

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

(c) Where the voter has overvoted;

(d) Where the ballot was created for a prior election;

(e) Where a ballot was submitted with a fraudulent signature; and

(f) Where the ballot declaration signature did not match the signature(s) in the voter registration record, or the signature was missing and the voter did not cure the signature by close of business the day before the election was certified.

(3) If a voter's ballot is rejected in two consecutive primaries, presidential primaries, special elections, or elections due to a mismatched signature, the auditor must contact the voter by:

(a) A notice sent by first class mail with a signature update form and request that the voter update the signature for their voter registration record. The form must include the voter declaration required by RCW 29A.08.230 (subject to the March 15, 2024, Consent Decree entered in Washington State Alliance for Retired Americans v. Hobbs, et al., W.D.WA. Case No. 3-23-CV-06014-TMC). The package must include a prepaid envelope in which to return a completed signature update form. The notice letter must:

(i) Be in substantially the same form as the sample notice letter created by the secretary of state; and

(ii) Be available in all languages required by the Department of Justice.

(b) Telephone, leaving a voicemail if the voter does not answer and voicemail is available (if the voter provided a phone number);

(c) Text message (if the voter has opted into text message notifications); and

(d) Email, enclosing a copy of the signature update form (if the voter has provided an email address).

[Statutory Authority: RCW 29A.04.611. WSR 24-12-087, § 434-262-031, filed 6/5/24, effective 7/6/24; WSR 24-07-018, § 434-262-031, filed 3/8/24, effective 5/4/24; WSR 20-13-043, § 434-262-031, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-262-031, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-031, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-031, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-262-031, filed 5/29/09, effective 6/29/09; WSR 08-15-052, § 434-262-031, filed 7/11/08, effective 8/11/08; WSR 07-20-074, § 434-262-031, filed 10/1/07, effective 11/1/07; WSR 07-02-100, § 434-262-031, filed 1/3/07, effective 2/3/07; WSR 06-14-049, § 434-262-031, filed 6/28/06, effective 7/29/06; WSR 05-17-145, § 434-262-031, filed 8/19/05, effective 9/19/05.]

WAC 434-262-032: Provisional ballots—Disposition.

Upon receipt of the provisional ballot, including provisional ballots from other counties or states, the county auditor must investigate the circumstances surrounding the provisional ballot prior to certification of the primary or election. A voted ballot received from an unregistered voter, other than a service, overseas, or conditionally registered voter, is considered a provisional ballot. A provisional ballot cannot be counted unless the voter's name, signature and the date of birth, if available, matches a voter registration record. Once the provisional ballot has been investigated, disposition of the ballot is as follows:

(1) If the voter was previously registered, their voter registration was later canceled, and the auditor determines that the cancellation was in error, the voter's registration must be immediately restored and the provisional ballot counted.

(2) If the voter was previously registered, their voter registration was later canceled, and the auditor determines that the cancellation was not in error, register the voter and count the ballot.

(3) If a registered voter has voted a ballot for a previous address, the auditor must ensure that only those votes for the positions and measures for which the voter was eligible to vote are counted.

(4) If the voter is registered in another county, the auditor shall immediately forward the ballot to the

elections official for the jurisdiction in which the voter is registered. The provisional ballot must be forwarded within seven calendar days after a primary or special election and 14 calendar days after a general election, and as soon as possible if past that date.
(5) If the voter voted a regular ballot and a provisional ballot, the provisional ballot is not counted if the regular ballot has already been counted. The regular ballot is not counted if the provisional ballot has already been counted.
(6) If the voter voted a provisional ballot because the voter failed to produce identification at a voting center, the ballot is counted if the signature on the envelope matches the signature in the voter registration record, using the standards and processes set forth in WAC 434-261-051 through 434-261-053.
(7) If the voter voted a provisional ballot because the voter is provisionally registered and the voter's registration record is still flagged as requiring verification of identity, the provisional ballot is not counted.
(8) Provisional ballots voted for reasons not covered by this section or state statute must be determined by the county canvassing board.
[Statutory Authority: RCW 29A.04.611. WSR 24-07-018, § 434-262-032, filed 3/8/24, effective 5/4/24; WSR 19-12-115, § 434-262-032, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-032, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-032, filed 12/6/11, effective 1/6/12.]

WAC 434-262-036: Canvassing procedure for ballot of a protected records voter.

If the ballot of a protected records voter must be presented to the county canvassing board, the canvassing board must review the ballot in private executive session or take other necessary steps to ensure the privacy of the protected records voter.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-262-036, filed 1/21/09, effective 2/21/09.]

WAC 434-262-040: Verification of auditor's abstract of votes.

The county canvassing board shall examine the auditor's abstract of votes and shall verify that all of the precinct ballot totals have been included in the abstract, and that the subtotals and county-wide totals for registered voters and votes cast are an accurate reflection of the sum of those precinct ballot totals.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-040, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-040, filed 10/3/80.]

WAC 434-262-050: Errors or discrepancies discovered during the verification of the auditor's abstract of votes.

(1) If the county canvassing board, during the verification process, discovers that errors or discrepancies exist in the auditor's abstract of votes, the board shall investigate those errors or discrepancies. They shall be empowered to take whatever corrective steps a majority of the board deems necessary, including changing or modifying the auditor's abstract of votes if the error or discrepancy is discovered in that document. The canvassing board may proceed to verify votes cast on other measures or races if a majority of the board believes that the nature of the errors or discrepancies discovered warrant further action on their part.
(2) Changes in the results of an election following a recount are not considered errors or discrepancies.
[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-050, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-050, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-050, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-050, filed 10/3/80.]

WAC 434-262-060: Documentation of corrective action taken.

If the canvassing board decides to take corrective action with respect to errors or discrepancies described in WAC 434-262-050, the canvassing board shall prepare a written narrative of the errors or

discrepancies discovered, the cause of those errors, if known, and the corrective action taken. Each member of the canvassing board must sign the written narrative and must initial the auditor's abstract of votes if it is altered or modified by the canvassing board.
[Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-060, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-060, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-060, filed 10/3/80.]

WAC 434-262-070: Official county canvass report.

(1) Upon completion of the verification of the auditor's abstract of votes and the documentation of any corrective action taken, the county canvassing board shall sign a certification that:
(a) States that the abstract is a full, true, and correct representation of the votes cast for the issues and offices listed thereon;
(b) Provides the total number of registered voters and votes cast in the county;
(c) Contains the oath required by RCW 29A.60.200, signed by the county auditor and attested to by the chair or designee who administered the oath; and
(d) Shall have a space where the official seal of the county shall be attached.
(2) The official county canvass report shall include:
(a) The certification;
(b) The auditor's abstract of votes as described in WAC 434-262-030. This report may not be subsequently amended or altered, except in the event a recount conducted pursuant to chapter 29A.64 RCW, or upon order of the superior court. The vote totals therein shall constitute the official returns of that election; and
(c) If applicable, a written narrative of errors and discrepancies discovered and corrected.
(3) The certification shall be signed by all members of the county canvassing board or their designees.
(4) The official county canvass report for every primary and election must be submitted to the secretary of state on the day the election was certified.
(5) The county auditor must prepare a reconciliation report for every primary and election as required by RCW 29A.60.235 and state rule, and submit the complete report as directed by the secretary of state. The secretary of state shall review the reconciliation for each county and work with the county auditor to resolve discrepancies. If a discrepancy is resolved, the county auditor shall submit a correct reconciliation report to the secretary of state seven days following the certification of the election. The corrected report then becomes the official reconciliation report for that election. The county auditor shall post the corrected report on the county auditor website.
[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-262-070, filed 10/6/21, effective 11/6/21; WSR 20-14-035, § 434-262-070, filed 6/24/20, effective 7/25/20. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-262-070, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-262-070, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-262-070, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-070, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-262-070, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-070, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-070, filed 10/3/80.]

WAC 434-262-080: Transmittal of county canvass report to the secretary of state.

Immediately following the certification of the returns of any primary, special, or general election in which state measures, federal or state offices, or legislative or judicial offices whose jurisdiction encompasses more than one county appeared on the ballot, the county auditor must transmit a copy of the official county canvass report to the secretary of state by electronic means.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-080, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-262-080, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-080, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-080, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-080, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-

080, filed 10/3/80.]

WAC 434-262-090: Receipt of county canvass report by secretary of state.

The secretary of state shall ensure that all material required to be submitted pursuant to state law and these regulations has been included in the copy of the county canvass report transmitted to his or her office. In the event the secretary of state determines that the report is incomplete, he or she shall notify the county auditor of that fact and shall request that the missing part be forwarded immediately. No county canvass report shall be considered complete for acceptance by the secretary of state until all of the material required by statute and regulation has been received by the secretary of state.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-090, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-090, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-090, filed 10/3/80.]

WAC 434-262-100: Canvass of returns by the secretary of state—Powers and duties.

Upon receipt of a complete copy of the county canvass report from a county auditor, the secretary of state shall proceed to include the results from that abstract in the official canvass of the primary, special, or general election. This shall be accomplished by adding the certified returns from each county abstract of votes in order to determine the final results for those offices and issues he or she is required by law to certify. The secretary of state shall accept the official abstract of votes from each county as being full, true, and correct in all respects. The secretary of state may include in the official canvass, a narrative which details or describes any apparent discrepancies discovered during the canvassing procedure, and may notify the county or counties involved of such discrepancies.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-100, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-100, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-100, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-100, filed 10/3/80.]

WAC 434-262-105: Audit of results of votes cast on direct recording electronic device.

In an audit, the county auditor must compare the paper records with the electronic results cast on the direct recording electronic devices.

(1) The audits required by RCW 29A.60.185 must use the same three races or issues, randomly selected by lot, for every direct recording electronic device subject to the audit and utilized in the election. If there are not three countywide races or issues on the ballot, the county must select the maximum number of contests available but no more than three contests from each of the devices randomly selected for the audit.

(2) Only races and issues with more than ten votes cast on all direct recording electronic devices in the county may be selected for the audit. If the county does not have such a contest, it must not conduct the audit of paper records required by RCW 29A.60.185.

(3) Counties that utilized more than one direct recording electronic device in the primary or election must randomly select the devices until the aggregate total of votes cast in each selected contest is greater than ten. The devices must also be aggregated until the number of devices selected meets the minimum required by RCW 29A.60.185.

(4) Written procedures to perform audits of direct recording electronic devices as outlined in RCW 29A.60.185 and to resolve discrepancies identified in the audit must be promulgated by the county auditor.

(a) The procedures must provide for a process of randomly selecting by lot the direct recording electronic devices that will be audited.

(b) The procedures for manually tabulating results must be conducted using a process that includes the following elements:

(i) A continuous paper record must be utilized; the paper record must not be cut into separate individual

records;
(ii) If a paper record indicates a ballot has been canceled, that ballot must be exempt from the audit; and
(iii) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.
(5) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary actions to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.
(6) If there is a discrepancy that cannot be resolved:
(a) The secretary of state must be notified immediately; and
(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.
(7) The aggregate total of paper records counted manually is subject to public disclosure.
[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-262-105, filed 10/1/07, effective 11/1/07; WSR 07-09-036, § 434-262-105, filed 4/11/07, effective 5/12/07; WSR 05-24-040, § 434-262-105, filed 11/30/05, effective 12/31/05.]

WAC 434-262-110: Certification of primary returns by the secretary of state.

Pursuant to RCW 29A.60.240, upon completion of the canvass of each county auditor's abstract of votes and no later than seventeen days following the primary, the secretary of state shall certify to the appropriate county auditors the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a primary election seventeen days following that primary because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received, and provide reasons which render him or her unable to certify the entire primary. The certification of the remainder of the primary shall take place when all outstanding county canvass reports have been received and filed.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-110, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-110, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-110, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-110, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-110, filed 10/3/80.]

WAC 434-262-120: Certification of general election returns by the secretary of state.

Pursuant to RCW 29A.60.250, upon completion of the canvass of each county's abstract of votes and no later than thirty days following a general election, the secretary of state shall certify to the governor, president of the senate, and speaker of the house of representatives the returns for all state ballot measures, federal and statewide offices, and those legislative and judicial offices whose jurisdiction encompasses more than one county. In the event the secretary of state is unable to certify all or part of a general election thirty days following that election because he or she has not received a copy of a county canvass report from one or more counties, or because there are discrepancies on a received report, he or she shall certify the state ballot measures and candidates for which completed abstracts have been received. The secretary of state shall also set forth, by letter to the governor, president of the senate, and speaker of the house of representatives those reasons which render him or her unable to certify the entire election. The certification of the remainder of the election shall take place when all outstanding county canvass reports have been received.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-262-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-17-145, § 434-262-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150. WSR 00-10-010, § 434-262-120, filed 4/21/00, effective 5/22/00. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-120, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-

120, filed 10/3/80.]

WAC 434-262-130: Certification of special primaries and special elections.

Insofar as practicable, the procedures governing the certification of special primaries by the secretary of state shall be the same as those governing the certification of primaries, and the procedures governing the certification of special elections shall be the same as those governing general elections.

[Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-130, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.04.080. WSR 80-15-008 (Order 80-3), § 434-62-130, filed 10/3/80.]

WAC 434-262-132: Multicounty candidate races.

When a write-in candidate files a declaration in a multicounty jurisdiction, the filing officer shall notify the affected counties. The filing officer must combine the write-in totals from all affected counties to determine if the total write-in votes must be tallied for individual candidates as per chapter 29A.60 RCW. If votes must be tallied, the officer must immediately notify the affected counties.

With the exception of certificates of election issued in accordance with RCW 29A.52.360 and 29A.52.370, the filing officer must collect and combine the certified results from the county canvassing boards in order to issue a certificate of election for candidates in multicounty jurisdictions.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-262-132, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-262-132, filed 10/1/07, effective 11/1/07.]

WAC 434-262-133: Election results for multicounty local ballot measures.

In a local ballot measure election for a multicounty jurisdiction, the county auditor from the county with the greatest number of registered voters in the jurisdiction must combine the final results for that ballot measure from all relevant counties.

[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-262-133, filed 10/1/07, effective 11/1/07.]

WAC 434-262-160: Write-in-voting—Voter intent.

(1) In all cases of write-in votes the canvassing board shall exercise all reasonable efforts to determine the voter's intent.

The board shall determine if votes with name and spelling variations are votes for a declared write-in candidate.

(2) If a declared write-in candidate qualifies as one of the top two candidates in the primary, the party preference stated on the write-in declaration of candidacy, if any, shall be printed on the general election ballot.

[Statutory Authority: RCW 29A.04.611, 29A.24.091, 29A.24.311, 29A.60.021, 29A.60.185, 29A.60.170, 29A.60.110, and 29A.60.235. WSR 19-01-102, § 434-262-160, filed 12/18/18, effective 1/18/19. Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-262-160, filed 7/11/08, effective 8/11/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-160, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-160, filed 6/2/92, effective 7/3/92.]

WAC 434-262-200: Retention of records.

All records and materials are to be maintained for a period ofsixty days after certification of each election. Where the election involves federal offices the records and material must be kept for twenty-two months from the date of the election.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-262-200, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-262-200, filed 10/13/97, effective 11/13/97. Statutory Authority: 1990 c 59. WSR 92-12-083, § 434-62-200, filed 6/2/92, effective 7/3/92.]

CHAPTER 434-263 WAC:
ADMINISTRATIVE COMPLAINT PROCEDURE

Sections

WAC 434-263-005: Purpose.
WAC 434-263-010: Definitions.
WAC 434-263-020: Complaints.
WAC 434-263-030: Adoption of brief adjudicative proceedings.
WAC 434-263-040: Processing of complaint.
WAC 434-263-050: Brief adjudicative proceeding.
WAC 434-263-060: Initial determination and remedies.
WAC 434-263-070: Administrative review.
WAC 434-263-080: Alternative dispute resolution.
WAC 434-263-090: Publication.
WAC 434-263-100: No necessity to exhaust administrative remedies.

WAC 434-263-005: Purpose.

The purpose of these rules is to adopt an administrative complaint procedure mandated by 52 U.S.C. § 21112, relating only to state implementation of Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), for both state and federal elections. This process may not be used for the purpose of contesting the results of any primary or election. Election contests are governed by chapter 29A.68 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-263-005, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-005, filed 7/27/04, effective 8/27/04.]

WAC 434-263-010: Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(1) "Complainant" means the person who files a complaint under this chapter.

(2) "Election" means a special, primary or general election.

(3) "Respondent" means any state or local election official whose actions are asserted, in a complaint under this chapter, to be in violation of Title III.

(4) "Secretary" means the secretary of state or his or her designee.

(5) "State or local election official" means the secretary of state, any county auditor, or any person employed by either the secretary or an auditor whose responsibilities include or directly relate to the administration of any election.

(6) "Title III" means Title III of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (2002), codified at 52 U.S.C. §§ 21081-21102. Violations include, but are not limited to, voting system standards, provisional voting, accessibility for individuals with disabilities, and voter registration.

[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-263-010, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-010, filed 7/27/04, effective 8/27/04.]

WAC 434-263-020: Complaints.

Any person who believes that there is a violation of any provision of Title III, including a violation which has occurred, is occurring, or is about to occur, by any state or local election official may file a complaint with the secretary under this chapter. All complaints must:

(1) Be in writing, sworn under oath, signed and notarized. A form is optional if it contains all the required elements;

(2) Include the complainant's name, telephone number and mailing address;

(3) Include a clear and concise description of the alleged violation of Title III that is detailed enough to let both the respondent and the secretary know what the complaint is about;

(4) Be filed with the secretary, with proof of mailing or delivery of a copy to each respondent, no later than thirty days after the certification of the election at issue.

(5) If a form is provided by the office of the secretary of state, the form shall be available in all languages required by the department of justice.
[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-020, filed 7/27/04, effective 8/27/04.]

WAC 434-263-030: Adoption of brief adjudicative proceedings.

All complaints filed pursuant to this chapter shall be treated as brief adjudicative proceedings, and the secretary adopts RCW 34.05.482 through 34.05.494 to govern such proceedings. The secretary has determined that the interests involved in such complaints do not warrant the procedures of RCW 34.05.413 through 34.05.479. If a complaint is written in a language as provided in the Voting Rights Act of 1965, the office of the secretary of state shall obtain a translator to facilitate processing the complaint.
[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-030, filed 7/27/04, effective 8/27/04.]

WAC 434-263-040: Processing of complaint.

(1) The secretary may process the complaint in any of the following ways:
(a) The secretary may dismiss the complaint, and issue a final determination, if it:
(i) Does not comply with WAC 434-263-020;
(ii) Does not, on its face, allege a violation of Title III; or
(iii) Alleges a claim for which relief cannot be granted, or for which a remedy is not available;
(b) The secretary may, with the agreement of the parties, resolve the matter informally, and issue a determination without formal proceedings;(c) The secretary may resolve the matter informally by agreeing to implement a remedy or corrective action; or
(d) The secretary may schedule the matter for a brief adjudicative proceeding. The secretary shall do so if the complaint is not dismissed pursuant to (a) of this subsection and a party so requests.
(2) The secretary must respond within thirty days of the filing of the complaint to acknowledge receipt and explain how the complaint will be processed consistent with subsection (1) of this section.
(3) The secretary may consolidate complaints if they relate to the same actions or events, or if they raise common questions of law or fact.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-040, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-040, filed 7/27/04, effective 8/27/04.]

WAC 434-263-050: Brief adjudicative proceeding.

(1) The secretary shall designate a person to act as a presiding officer of a brief adjudicative hearing. A presiding officer may be:
(a) The assistant or deputy secretary;
(b) The director of elections;
(c) An assistant director of the elections division;
(d) Any county auditor; or
(e) An administrative law judge.
The presiding officer shall not be from an office named in the complaint.
(2) Before issuing a determination on the complaint, the presiding officer shall give each party an opportunity to explain the party's view of the matter, including an opportunity to be informed of the secretary's view of the matter if applicable. A determination may be based upon written submissions and documents, unless a party or the presiding officer requests a hearing on the record within ten days after the filing of the complaint.
(3) The presiding officer may schedule a hearing on the record:
(a) In person at a convenient location;
(b) By conference telephone call; or
(c) By such other method that permits the parties to hear and participate in the proceeding simultaneously.
Witnesses at a hearing shall be sworn upon oath. A party who requests a hearing but fails to make himself or herself available for hearing within the time available for initial determination shall be deemed to have waived the hearing.
(4) The presiding officer may permit or solicit the submission of written materials or oral presentations

by persons who are not parties if the presiding officer determines that such submissions would be helpful in evaluating the complaint.
(5) The secretary shall establish and maintain the record of the proceedings as required by RCW 34.05.494. If a hearing on the record is conducted, the record shall include a transcript or audio recording of the hearing.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-050, filed 7/27/04, effective 8/27/04.]

WAC 434-263-060: Initial determination and remedies.

(1) The presiding officer shall render a written initial decision within seventy days after the complaint is filed, unless the complainant consents to a longer period. The determination shall include a statement as to whether, based upon a preponderance of the evidence, a violation of Title III has been established with regard to an election. If the presiding officer determines that a violation has occurred, the determination shall specify the appropriate remedy, if one exists. If the presiding officer determines that no violation has been established, the complaint shall be dismissed.
(2) The remedy awarded under this section shall be directed to the improvement of processes or procedures governed by Title III and must be consistent with state law. Remedies may include written findings that a violation of Title III has occurred and strategies for insuring that the violation does not occur again, as well as any other remedy available to the secretary under law. The remedy may not include any award of monetary damages, costs, penalties or attorney fees, and may not include the invalidation of any vote or ballot, or the invalidation, cancellation, or delay of any primary or election. Remedies addressing the validity of any primary or election or of any ballot or vote may be obtained only as otherwise provided by law.
(3) The initial determination shall include a summary of the process for obtaining an administrative review and shall include notice that judicial review may be available.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-060, filed 7/27/04, effective 8/27/04.]

WAC 434-263-070: Administrative review.

(1) Any aggrieved party may request an administrative review of the initial determination. If the secretary does not receive a request, in writing, for an administrative review within twenty-one days of service of the initial determination then the initial determination automatically becomes a final determination. If the parties have not requested an administrative review, the secretary may review the presiding officer's adjudication on his or her own motion as provided by RCW 34.05.491.
(2) The reviewing officer may be the secretary, the assistant or deputy secretary, or the director of elections, except that the same person may not serve as both the presiding officer and reviewing officer. The reviewing officer shall give each party an opportunity to explain the party's view of the matter, but must render a final determination within ninety days after the original filing of the complaint unless the complainant consents to a longer period. The determination of the reviewing officer is final and no further administrative review is available. The final determination shall include notice that judicial review may be available.
[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-070, filed 7/27/04, effective 8/27/04.]

WAC 434-263-080: Alternative dispute resolution.

(1) If a final determination is not rendered within ninety days after the filing of the complaint, or within such additional time to which the complainant may consent, then the complaint shall be transferred to a board of arbitration, which must resolve the complaint within sixty additional days, which may not be extended. The board of arbitration shall be composed of three members, designated by the secretary, at least two of whom must be county auditors or election managers. No two members of the panel may be employed by the same office, agency or other employer.
(2) The arbitrators shall review the record compiled in proceedings prior to the transfer, including the tape or transcript of any hearing, but may not conduct any further hearing or receive any additional testimony, evidence, or other submissions. The arbitrators shall determine the appropriate resolution of

the complaint by majority vote. No further administrative review is available, but the arbitrator's final determination shall include notice that judicial review may be available.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-080, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-080, filed 7/27/04, effective 8/27/04.]

WAC 434-263-090: Publication.

All final determinations pursuant to WAC 434-263-070 shall be posted on the secretary's website for at least ninety days.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-263-090, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-090, filed 7/27/04, effective 8/27/04.]

WAC 434-263-100: No necessity to exhaust administrative remedies.

It is not necessary to exhaust any administrative remedies available under this chapter in order to pursue any other legal action provided by law.
[Statutory Authority: RCW 29A.04.610. WSR 04-16-037, § 434-263-100, filed 7/27/04, effective 8/27/04.]

CHAPTER 434-264 WAC: RECOUNTS

Sections

WAC 434-264-005: Application.
WAC 434-264-010: Recount.
WAC 434-264-030: Observers.
WAC 434-264-055: Machine recount of votes cast on digital scan ballots.
WAC 434-264-060: Machine recount of votes cast on direct recording electronic devices.
WAC 434-264-070: Manual recount of votes cast on direct recording electronic devices.
WAC 434-264-080: Recount—Irregular votes.
WAC 434-264-090: Manual recount—Sorting.
WAC 434-264-100: Manual recount—Counting boards.
WAC 434-264-110: Manual recount—Process.
WAC 434-264-120: Recount—Interruption.
WAC 434-264-130: Recount—Completion.

WAC 434-264-005: Application.

This chapter applies to all contests subject to a recount pursuant to chapter 29A.64 RCW and to manual and machine recounts unless otherwise noted. In addition, each county auditor must promulgate written procedures regarding the conduct of a recount.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-005, filed 5/30/07, effective 6/30/07.]

WAC 434-264-010: Recount.

(1) A recount is the process for retabulating the votes, including write-ins, for a specific office or issue on all valid ballots cast in a primary or election.
(2) All questions of voter registration, voter qualification, and voter intent previously considered during the original count shall not be reconsidered during a recount. If a ballot has been duplicated in accordance with WAC 434-261-005, the duplicate shall be counted.
(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.
(4) Prior to beginning the recount, the county auditor shall exercise due diligence to confirm that all returned ballots have been identified and reconciled, and that no ballots have been erroneously omitted from the original count.
(5) If any ballots or votes are discovered during the recount process that were erroneously not counted

or canvassed during the original count or during a previous recount, the ballots shall be presented to the county canvassing board in accordance with RCW 29A.60.050, and the county canvassing board shall determine whether such ballots are to be included in the recount.
[Statutory Authority: RCW 29A.04.611. WSR 24-07-018, § 434-264-010, filed 3/8/24, effective 5/4/24; WSR 12-14-074, § 434-264-010, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-264-010, filed 1/18/10, effective 2/18/10; WSR 07-12-032, § 434-264-010, filed 5/30/07, effective 6/30/07.]

WAC 434-264-030: Observers.

(1) Observers must be permitted to witness activities associated with the recount.
(2) In addition to the admittance of two observers for each side of a recount as required by RCW 29A.64.041, a county canvassing board is encouraged to request additional observers from each of the two major political parties, as space allows. If provided, the additional party observers may be stationed to observe each counting board's process and must be considered official observers of the recount.(3) Priority for viewing space shall be given in the following order:
(a) Candidates or their designated representative, or the designated representative for the proponents and opponents of a ballot measure;
(b) Counsel for a candidate or ballot measure campaign;
(c) Designated party observers;
(d) Media;
(e) General public.
(4) Any questions or objections by observers must be directed toward the county canvassing board, supervisory personnel or another designated staff person present at the recount. Under no circumstance may an observer interrupt the recount process in objection to the decision to count or not count a ballot.
The county auditor shall provide any additional guidelines that are established by the county canvassing board to each observer.
The county canvassing board or its designated representative may ask any observer who is causing a disruption to the recount process to leave the area.
[Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-264-030, filed 7/2/12, effective 8/2/12; WSR 07-12-032, § 434-264-030, filed 5/30/07, effective 6/30/07.]

WAC 434-264-055: Machine recount of votes cast on digital scan ballots.

In a machine recount of votes cast on digital scan ballots, the tabulating equipment must be programmed to identify all ballots that include an undervoted office or ballot measure subject to the recount. All ballots identified must be inspected to confirm that no vote was cast. If the inspection detects a vote cast that was not correctly counted by the tabulating equipment, the county auditor shall refer the ballot to the county canvassing board consistent with WAC 434-261-070.
[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-264-055, filed 7/11/08, effective 8/11/08.]

WAC 434-264-060: Machine recount of votes cast on direct recording electronic devices.

Machine recounts must be conducted by reloading individual ballot data packs or cartridges. The county auditor must verify all data packs or cartridges have been loaded.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-060, filed 5/30/07, effective 6/30/07.]

WAC 434-264-070: Manual recount of votes cast on direct recording electronic devices.

In a manual recount, the county auditor must compare the paper records with the electronic results cast on direct recording electronic devices.
(1) Written procedures to perform manual recounts of direct recording electronic devices must be promulgated by the county auditor. The procedures for manually tabulating results must be conducted using a process that includes the following elements:
(a) A continuous paper record must be utilized; the paper record must not be cut into separate individual records;
(b) If a paper record indicates a ballot has been canceled, the ballot must be exempt from the recount;

and
(c) If the paper records are incomplete, the ballot images stored on the direct recording electronic device must be printed and then compared to the electronic results recorded on the direct recording electronic device.
(2) If there is a discrepancy between the electronic results and the paper record results, the canvassing board must take necessary action to investigate and resolve the discrepancy. The canvassing board must prepare a public report that outlines the discrepancy and how it was resolved. The results as determined by the canvassing board must replace the electronic results in the official certification.
(3) If there is a discrepancy that cannot be resolved:
(a) The secretary of state must be notified immediately; and
(b) The vendor must be notified and required to provide a satisfactory explanation for the discrepancy within thirty days.
[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-264-070, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-070, filed 5/30/07, effective 6/30/07.]

WAC 434-264-080: Recount—Irregular votes.

For optical and digital scan ballots in which voter intent was not previously determined, the validity of the vote will be determined according to the statewide standards on determining voter intent manual required by WAC 434-261-086.
The county canvassing board must make the final determination of voter intent on ballots referred to the county canvassing board not addressed by the statewide standards on determining voter intent.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-080, filed 5/30/07, effective 6/30/07.]

WAC 434-264-090: Manual recount—Sorting.

All ballots must be sorted by precinct. If a results report from the original count or the previous machine recount can be produced by batch, ballots may be sorted by batch instead of precinct.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-090, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-090, filed 5/30/07, effective 6/30/07.]

WAC 434-264-100: Manual recount—Counting boards.

Each county auditor shall establish the number of counting boards to conduct the recount. Each board shall be comprised of no less than two members, made up of:
(1) One representative from each of the two major political parties; or
(2) Two staff persons.
[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-264-100, filed 10/1/07, effective 11/1/07; WSR 07-12-032, § 434-264-100, filed 5/30/07, effective 6/30/07.]

WAC 434-264-110: Manual recount—Process.

The counting board may only count the responses for one race or measure at a time. The following process to count the ballots shall be used during a recount.
(1) Each counting board shall be given the ballots one precinct or batch at a time. The results from the original count shall not be given to the counting board with the ballots. The precinct or batch number must be made available to any observers.
(2) The counting board shall sort the ballots into separate stacks for each of the candidates or side of a ballot measure. Additional stacks may be created for overvotes, undervotes, and write-ins.
(3) Members of the counting board must manually count each sorted stack at least twice to confirm the number of votes. The results of the manual count shall not be shared until each stack's count has been confirmed.
(4) If the manual stack counts match, the counting board shall report the results to the designated staff person and the results shall be compared to the precinct or batch results previously certified.
(5) If the manual counts do not match the precinct or batch results previously certified, the ballots shall be counted by the same counting board one more time. If the manual counts still do not match the precinct or batch results previously certified, the discrepancy must be reported to the designated staff

person and the ballots referred to another counting board to be confirmed.
(6) Once the results are confirmed, the canvassing board shall amend both the cumulative and precinct abstracts to reflect the results of the recount as required by RCW 29A.64.061.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-264-110, filed 4/19/18, effective 5/20/18; WSR 09-12-078, § 434-264-110, filed 5/29/09, effective 6/29/09; WSR 07-12-032, § 434-264-110, filed 5/30/07, effective 6/30/07.]

WAC 434-264-120: Recount—Interruption.

If the recount must be stopped prior to its completion for any reason, the ballots must be placed in secure storage until the resumption of the recount. The observers must be allowed to witness the sealing of the ballots and the recording of the seal numbers. Observers must also be allowed to witness the confirmation of the seal numbers at the resumption of the recount.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-120, filed 5/30/07, effective 6/30/07.]

WAC 434-264-130: Recount—Completion.

On completion of the recount:
(1) The county auditor must prepare an amended abstract of the recounted ballots for the county canvassing board. The amended abstract must include a revised cumulative summary, as well as the votes cast in each precinct for the office or measure that was recounted.
(2) The results must be formally reviewed and approved by the county canvassing board.
(3) If the results of the manual count do not match the results of the original count, the county canvassing board must verify all ballots have been recounted. The county canvassing board shall take all necessary steps to investigate and resolve any discrepancies.
(4) The county canvassing board must certify the amended abstract that, for each precinct, displays the results of the office that has been recounted. The new abstract must be included in the amended certified canvass report.
(5) Copies of the certified amended abstract must be distributed to the same persons or agencies as the original certified abstract of votes.
(6) The amended certified canvass report must be available to the public by the next business day following the recount.
(7) Interim reports of the recount may be published at the discretion of the county canvassing board.
(8) If the recount involves ballots from more than one county, the secretary of state may require that amended abstracts be certified by each county canvassing board on a uniform date.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-264-130, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-264-130, filed 5/30/07, effective 6/30/07.]

CHAPTER 434-291 WAC: SPECIAL ELECTIONS FOR MAJOR PUBLIC ENERGY PROJECT BOND MEASURES

Sections

WAC 434-291-010: Purpose.
WAC 434-291-020: Submission of a preliminary and a final cost-effectiveness study of a major public energy project.
WAC 434-291-030: Request for an election pursuant to RCW 80.52.040.
WAC 434-291-040: Designation of the bond issue on the ballot.
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WAC 434-291-070: Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.

WAC 434-291-080: Certification of the request for a special election to the county auditors.
WAC 434-291-090: Recommendations for committees to draft statements for the voters pamphlet.
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WAC 434-291-120: Submission of arguments and rebuttals.
WAC 434-291-130: Permissible costs in allocation of election expenses.
WAC 434-291-140: Allocation of costs.
WAC 434-291-150: Documentation of charges for proportional share of election costs.
WAC 434-291-160: Proportional costs of voters pamphlet and other costs to the secretary of state.
WAC 434-291-170: Reimbursement to counties for proportional share of election costs.

WAC 434-291-010: Purpose.

The regulations in this chapter are adopted to implement the special election provisions of chapter 6, Laws of 1981 2nd ex. sess. (Initiative Measure 394) and chapter 88, Laws of 1982, in a manner reasonably consistent with the laws and procedures for referring initiatives, referendums, and constitutional amendments at a state general election.

[WSR 98-08-010, recodified as § 434-291-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-010, filed 5/25/82.]

WAC 434-291-020: Submission of a preliminary and a final cost-effectiveness study of a major public energy project.

(1) Any public agency which intends to hold a special election pursuant to RCW 80.52.040 shall file with the secretary of state a preliminary, independent cost-effectiveness study of the project under consideration. This study shall be available for public inspection, review, and copying as provided by WAC 434-12A-040 through 434-12A-140.

(2) Any person who wishes to comment on the contents and conclusions of the preliminary cost-effectiveness study shall submit such comments in writing to the secretary of state no later than thirty days after the preliminary cost-effectiveness study was filed with the secretary of state. Copies of all such comments shall be promptly forwarded to the public agency which filed the preliminary cost-effectiveness study.

(3) After the thirty day period for public comment has expired, the public agency shall prepare a final draft of the cost-effectiveness study which includes any public comment on the preliminary draft of that study. The final cost-effectiveness study and a summary of the final cost-effectiveness study shall be filed with the secretary of state no later than the date on which the public agency requests a special election pursuant to RCW 80.52.040.

[WSR 98-08-010, recodified as § 434-291-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-020, filed 5/25/82.]

WAC 434-291-030: Request for an election pursuant to RCW 80.52.040.

Any public agency which desires to hold a special election pursuant to RCW 80.52.040 shall submit to the secretary of state a certified copy of the ordinance, resolution, order, or other evidence of legislative action requesting such an election and specifying:

(1) The name, location, and type of major public energy project, expressed in common terms;

(2) The dollar amount and type of bonds being requested;

(3) If the bond revenues are intended to finance the acquisition of all or a portion of a major public energy project, the anticipated total cost of the acquisition of the project;

(4) If the bond revenues are intended to finance the planning or construction of all or a portion of a major public energy project, the anticipated total cost of construction of the project;

(5) The projected average rate increase for consumers of the electricity to be generated by the project (that amount necessary to repay the total indebtedness incurred for the project, including estimated interest);

(6) A summary of the final cost effectiveness study as required by RCW 80.52.050(4);

(7) The anticipated functional life of the project;
(8) The anticipated decommissioning costs of the project;
(9) The reasons for requesting a special election; and
(10) If the applicant is a joint operating agency, a list of all of the participating public agencies which are a part of that joint operating agency and the names of the counties which contain all or parts of each of these public agencies.
[WSR 98-08-010, recodified as § 434-291-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-030, filed 5/25/82.]

WAC 434-291-040: Designation of the bond issue on the ballot.

When a public agency submits a request for a special election pursuant to RCW 80.52.040, the secretary of state shall sequentially number each bond measure to appear on the ballot, beginning with the number "101," and shall designate each bond measure with the title, "Major Public Energy Project Bond Measure" to distinguish it from other major public energy project bond measures and from other types of state measures. Such measure may be further designated on the ballot and in connection with the voters pamphlet arguments for and against the measure by any project name or number by which it is publicly known and identified.
[WSR 98-08-010, recodified as § 434-291-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-040, filed 5/25/82.]

WAC 434-291-050: Ballot title.

Within seven days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the attorney general shall prepare and file with the secretary of state a ballot title for each major public energy project bond measure formulated as required by RCW 80.52.060.
[WSR 98-08-010, recodified as § 434-291-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-050, filed 5/25/82.]

WAC 434-291-060: Notice of the content of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title.

The secretary of state shall furnish copies of the preliminary cost-effectiveness study, the final cost-effectiveness study, the summary of the final cost-effectiveness study, or the ballot title promptly upon receipt to any individual who has submitted a written request for such notification.
[WSR 98-08-010, recodified as § 434-291-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-060, filed 5/25/82.]

WAC 434-291-070: Actions to contest contents of the ballot title or summary of the final cost-effectiveness study.

Any registered voter may appeal to the superior court of Thurston County to review the contents of the ballot title or the summary of the final cost-effectiveness study on a major public energy project bond measure up to ten days following the filing of such document with the secretary of state. Such appeals shall be conducted in the same manner as appeals of ballot titles on initiatives as provided in RCW 29A.72.080.
[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-070, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-070, filed 5/25/82.]

WAC 434-291-080: Certification of the request for a special election to the county auditors.

Within ten days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall certify the title of the measure and the ballot title to the county auditor in each county containing a portion of the public agency requesting the election.

[WSR 98-08-010, recodified as § 434-291-080, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-080, filed 5/25/82.]

WAC 434-291-090: Recommendations for committees to draft statements for the voters pamphlet.

Any person who wishes to be appointed to serve on a committee to draft the arguments in favor of or in opposition to a major public energy project bond measure or any person who wishes to recommend any individual to serve on such a committee may submit such request or recommendation in writing to the secretary of state up to ten days following the receipt of a request to hold a special election pursuant to WAC 434-91-030.

[WSR 98-08-010, recodified as § 434-291-090, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-090, filed 5/25/82.]

WAC 434-291-100: Appointment of committees.

Within fifteen days of the receipt of a request to hold a special election pursuant to RCW 80.52.040, the secretary of state shall appoint a committee of three persons to write the arguments and rebuttals in favor of the major public energy project bond measure and a committee of three persons to write the arguments and rebuttals in opposition to the major public energy project bond measure. The secretary of state shall designate one of the members of each committee to serve as the chairperson of that committee.

[WSR 98-08-010, recodified as § 434-291-100, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-100, filed 5/25/82.]

WAC 434-291-110: Advisory committees.

The persons appointed to a committee to write arguments and rebuttals on a major public energy project may, within fifteen days of their appointment, select an advisory committee of up to five persons to assist them in drafting the arguments and rebuttals on that measure. The names of the members of the advisory committee shall be certified to the secretary of state by the chairperson of that committee within three days of their selection.

[WSR 98-08-010, recodified as § 434-291-110, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-110, filed 5/25/82.]

WAC 434-291-120: Submission of arguments and rebuttals.

At least sixty days prior to the special election on the major public energy project bond measure, each committee appointed pursuant to WAC 434-91-100 shall submit an argument for or against that measure to the secretary of state in the form and style prescribed for other voters pamphlet statements in WAC 434-81-060 through 434-81-070. As soon as both arguments on a major public energy bond measure have been received, the secretary of state shall transmit each argument to the opposing committee.

At least fifty days prior to the special election on the major public energy project bond measure, each committee shall submit a rebuttal of the opposing argument in the form and style prescribed for other voters pamphlet rebuttals in WAC 434-81-060 through 434-81-070.

[WSR 98-08-010, recodified as § 434-291-120, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-120, filed 5/25/82.]

WAC 434-291-130: Permissible costs in allocation of election expenses.

County auditors may include in the election costs to be allocated pursuant to RCW 29A.04.420 any of the following types of charges:

(1) Salaries, wages, and benefits for precinct officers and part-time or temporary employees whose responsibilities are directly attributable to the election, and for that portion of the time of regular employees (other than the county auditor) which is directly attributable the election;

(2) Supplies specifically required for the election, including stationery, forms, other office supplies, and items for the repair and maintenance of equipment;

(3) Telephone and postage costs which are directly attributable to the election;

(4) Cartage or freight charges for moving or delivering voting machines, voting devices, voting booths, or delivery of precinct supplies and travel expenses for delivery of precinct returns;
(5) Legal notices and published instructions in connection with the election, closing of registration, or canvassing;
(6) Printing of ballots, poll books, tally books, instructions, signs, and other precinct supplies;
(7) Repairs and maintenance of voting and vote tallying equipment;
(8) Rentals for polling places and storage facilities for voting machines or devices;
(9) Depreciation for voting equipment so long as such charges over the useful life of such equipment do not exceed the original value of the equipment;
(10) That portion of the overhead cost of buildings or office space which is equal to the total of such costs multiplied by the ratio of the number of employee hours directly attributable to the major public energy project bond measure and the total number of employee hours for that office;
(11) Data processing costs for programming related to the election and for machine time for program testing, and vote tallying.
[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-130, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-130, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-130, filed 5/25/82.]

WAC 434-291-140: Allocation of costs.

The portion of total election costs in each county which shall be allocated to the public agency requesting a special election pursuant to RCW 80.52.040 shall be equal to the total cost of conducting that election multiplied by a quotient the numerator of which is the product of the number of registered voters in that county eligible to vote on the major public energy project bond measure or measures and the number of such measures submitted at that election and the denominator of which is the sum of the products of the number of registered voters in each jurisdiction for which candidates or measures appeared on the ballot at that election and the number of offices or issues attributable to that jurisdiction.
[WSR 98-08-010, recodified as § 434-291-140, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-140, filed 5/25/82.]

WAC 434-291-150: Documentation of charges for proportional share of election costs.

The county auditor of each county in which a major public energy project bond measure appeared on the ballot shall submit to the secretary of state a summary of the total cost of the election in that county, a description of the allocation of that cost among the jurisdiction participating in that election and an invoice voucher for the proportional share of those costs attributable to the major public energy bond measure or measures. The secretary of state shall review and audit all such claims and combine them into one or more billings for the public agency which requested the election.
[WSR 98-08-010, recodified as § 434-291-150, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-150, filed 5/25/82.]

WAC 434-291-160: Proportional costs of voters pamphlet and other costs to the secretary of state.

The secretary of state may include in the election costs to be allocated pursuant to RCW 80.52.050(5) any of the following types of charges:
(1) That portion of the salaries, wages, and benefits for regular employees (other than the secretary of state) and part-time or temporary employees which is directly attributable to the preparation and distribution of the voters pamphlet or other aspects of the administration and conduct of the major public energy project bond election;
(2) That portion of the cost of office supplies, equipment, telephones, postage, freight, travel, and data processing which is equal to the total of such costs multiplied by the ratio of the number of employee hours of the employees of the administrative division and the elections division of the office of the secretary of state directly attributable to the major public energy project bond measure and the total number of employee hours for such employees over the same period of time;

(3) That portion of the costs of typesetting, composition, printing, postage, and distribution of the voters pamphlet which is equal to the total of such costs multiplied by the ratio of the number of pages of the pamphlet directly attributable to the major public energy project bond measure and the total number of pages in the pamphlet; and
(4) The costs of any litigation related to the administration and conduct of a special election on a major public energy project bond measure other than for such actions which have been commenced prior to July 1, 1982.
The secretary of state shall include a detailed summary of any costs attributable to the major public energy project bond measure in one or more of the billings for the public agency which requested the election.
[WSR 98-08-010, recodified as § 434-291-160, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-160, filed 5/25/82.]

WAC 434-291-170: Reimbursement to counties for proportional share of election costs.

Upon receipt of payment by the applicant, the secretary of state shall disburse the appropriate amounts to each county in the same manner as election costs are reimbursed pursuant to RCW 29A.04.420.
[Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-291-170, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-291-170, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.080 and 29.81.070. WSR 82-12-022 (Order 82-1), § 434-91-170, filed 5/25/82.]

CHAPTER 434-324 WAC: STATEWIDE VOTER REGISTRATION DATABASE

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WAC 434-324-125: Voter registration database manual.
WAC 434-324-130: Lists of registered voters for the public.
WAC 434-324-140: Requests for list of registered voters.

WAC 434-324-150: Retaining voter registration records.
WAC 434-324-165: Disaster recovery and security plans.

CHANGE IN 2025: WAC 434-324-005: Definitions.

As used in this chapter:
(1) "Accepted" means the voter's ballot has been signature verified and is ready for initial processing.
(2) "Active status" means a designation assigned to voters with complete voter registration records signifying that the voter is eligible to vote.
(3) "Applicant" means a person who has applied, or is applying, to become a registered voter in the state of Washington.
(4) "Auditor" or "county auditor" means the county auditor in a noncharter county or the officer in a charter county, irrespective of title, having the overall responsibility to maintain voter registration to conduct state and local elections.
(5) "Automatic voter registration" means the process in which applicants for government services are automatically registered to vote upon completing a transaction that requires proof of United States citizenship.
(6) "Conditional registration" means an in-person voter registration application submitted when the voter registration system is unable to process applications. Conditionally registered voters are issued a current ballot for their precinct whenever possible; they are not issued a provisional ballot.
(7) "Current ballot" means the ballot which matches the precinct, precinct portion or split in which the voter is currently registered to vote. This is the most recently issued ballot type or style.
(8) "Electronic registration" means the electronic submission of voter registration applications.
(9) "Extraction," as used in this chapter, means the creation of an electronic list of specific information from the entire official statewide voter registration database.
(10) "Future voter" means a participant in the future voter program established under RCW 29A.08.170.
(11) "New county" means a county in Washington state that a registered voter is moving to from another county within Washington state.
(12) "Pending status" means a voter registration record is not yet complete, and the applicant is not yet a registered voter or the registration is a potential felon, potential duplicate match, prospective registration applicant, or a future voter.
(13) "Previous county" means a county in Washington state that a registered voter lived in prior to moving to a new county.
(14) "Qualified tribal identification" means tribal identification from an issuer of tribal identification that has agreed to make digitized signature information available for the purpose of voter registration.
(15) "Received" means the voter's ballot has been returned to the county and entered into the election management system, but not yet accepted.
(16) "Registered voter" means any elector who has completed the statutory registration procedures established by Title 29A RCW.
(17) "Registration number" means a unique identifier assigned to each registered voter, pursuant to RCW 29A.08.125.
(18) "Reissued ballot" means a new ballot issued to a voter due to an address update within the state that changes the voter's ballot type or style. A reissued ballot becomes the current ballot and all other ballots are suspended.
(19) "Replacement ballot" means a ballot that is the same type or style as the most recently issued. The request for a replacement ballot does not update the voter's current ballot type or style.
(20) "Secretary" means secretary of state or any other person authorized by the secretary of state to act on the secretary's behalf.
(21) "Suspended ballot" means any ballot that is not the current ballot. The suspended ballot may be accepted when the current ballot is not received or accepted.
[Statutory Authority: RCW 29A.04.611. WSR 24-16-019, § 434-324-005, filed 7/25/24, effective 8/25/24; WSR 20-13-043, § 434-324-005, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-324-005, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-005, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-005, filed 9/1/09, effective 10/2/09; WSR 07-24-044. §

434-324-005, filed 11/30/07, effective 12/31/07; WSR 07-12-032, § 434-324-005, filed 5/30/07, effective 6/30/07; WSR 05-24-039, § 434-324-005, filed 11/30/05, effective 12/31/05.]

WAC 434-324-008: Election management system.

The secretary of state shall provide an election management system that has the capability to:
(1) Store information required in WAC 434-324-010;
(2) Generate a list of registered voters in a county and their registration statuses;
(3) Track information specific to single elections, including the issuance and return of ballots;
(4) Scan voter registration forms; and
(5) Store and provide access to images of signatures of registered voters.
The election management system must conform to all of the requirements of state law and of these regulations.
[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-008, filed 6/10/20, effective 7/11/20. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-008, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-008, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-008, filed 11/30/05, effective 12/31/05.]

WAC 434-324-010: Election management system—Applications for voter registration.

(1) Each auditor must enter and maintain voter registration records in the official statewide voter registration database by using the election management system. Each record must contain at least the following information from the voter registration application in a format compatible with the official statewide voter registration database:
(a) Name;
(b) Complete residential address;
(c) Complete mailing address;
(d) Voter registration number;
(e) Gender;
(f) Date of birth;
(g) Date of original registration;
(h) Applicable district and precinct codes;
(i) Elections in which the individual was eligible to vote and if the voter voted, if available;
(j) Washington state driver license number, Washington state identification card number, valid tribal identification card, and/or the last four digits of the applicant's Social Security number; and
(k) An electronic scanned image file of the applicant's signature.
(2) In the case of an applicant who provides a copy of one of the alternative forms of identification listed in RCW 29A.08.107 for registration purposes, the auditor must either maintain a scanned image of the identifying document or make a notation in the registration record indicating which alternative form of identification was provided to the auditor. Pursuant to RCW 29A.08.710, a scanned image of the identification is not available for public inspection or copying.
(3)(a) If a voter registration application is incomplete, the county auditor may use other government resources and public records to confirm the missing information, except if the missing information is the applicant's signature or confirmation of United States citizenship. The county auditor may also attempt to contact the applicant by phone, email or other means to obtain identification information.
(b) If, after these attempts, the county auditor is still unable to obtain the incomplete information, the county auditor must send the applicant a verification notice as defined by RCW 29A.08.030.
(4) When the county auditor enters an applicant's information into the secretary of state's voter registration database, the auditor must check for potential duplicate registrations found by the system.
(5) Each auditor must use quality assurance procedures to maintain accurate data entry into the statewide voter registration database.
[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-010, filed 6/10/20, effective 7/11/20. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-010, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-010, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-010, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-010, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-010, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-010, filed 11/30/05, effective 12/31/05. Statutory

Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-010, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-010, filed 6/3/74; Order 6, § 434-24-010, filed 3/3/72.]

WAC 434-324-020 County codes.

All auditors shall use the following system of two character codes for designating the county in which the voter is registered:

(1) Adams: AD;
(2) Asotin: AS;
(3) Benton: BE;
(4) Chelan: CH;
(5) Clallam: CM;
(6) Clark: CR;
(7) Columbia: CU;
(8) Cowlitz: CZ;
(9) Douglas: DG;
(10) Ferry: FE;(11) Franklin: FR;
(12) Garfield: GA;
(13) Grant: GR;
(14) Grays Harbor: GY;
(15) Island: IS;
(16) Jefferson: JE;
(17) King: KI;
(18) Kitsap: KP;
(19) Kittitas: KS;
(20) Klickitat: KT;
(21) Lewis: LE;
(22) Lincoln: LI;
(23) Mason: MA;
(24) Okanogan: OK;
(25) Pacific: PA;
(26) Pend Oreille: PE;
(27) Pierce: PI;
(28) San Juan: SJ;
(29) Skagit: SK;
(30) Skamania: SM;
(31) Snohomish: SN;
(32) Spokane: SP;
(33) Stevens: ST;
(34) Thurston: TH;
(35) Wahkiakum: WK;
(36) Walla Walla: WL;
(37) Whatcom: WM;
(38) Whitman: WT; and
(39) Yakima: YA.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-020, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-020, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-020, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-020, filed 6/3/74; Order 6, § 434-24-020, filed 3/3/72.]

CHANGE IN 2025: WAC 434-324-026 Voter registration form.

[image on page 266]

Fold and seal, or use an envelope

Instructions

Use this form to register to vote or update your current registration.

Print all information clearly using a black or blue pen. Your signature will be used to verify your ballot. Mail this completed form to your county elections office (address on back).

Deadline
This registration will be in effect for the next election if received by the elections office at least eight days before election day. If it is within seven days of an election, register in person at a voting center. Locations are listed at **www.sos.wa.gov/elections/auditors**

Notice
You must be a United States citizen in order to register to vote.

If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both.

Future Voters
If you are at least 16 years old, use this form to sign up as a Future Voter. You'll be automatically registered to vote when you qualify. You may vote if you will be at least 18 years old by the next general election, or are at least 18 years old for special elections.

Public Information
Your registration name, address, gender, and year of birth will be public information when you become eligible to vote.

Voting
You will receive your ballot in the mail. Contact your county elections office for accessible voting options.

Public Benefits Offices
If you received this form from a public benefits office, where you received the form will remain confidential. Registering or declining to register will not affect the assistance provided to you by that agency.

If you believe someone interfered with your right to register, or your right to privacy in deciding whether to register, you may file a complaint with the Washington State Elections Division.

Contact Information
If you would like help with this form, contact the Washington State Elections Division.

web www.sos.wa.gov/elections
call 1 (800) 448-4881
email elections@sos.wa.gov
mail PO Box 40229
Olympia, WA 98504-0229

fold in half →

Washington State Voter Registration Form

Register online at www.VoteWA.gov.

1 Personal Information

last name | first | middle | suffix (Sr., Jr., etc.)

date of birth (mm/dd/yyyy) | gender (optional)

residential address in Washington state (cannot be a PO Box or PMB) | apt/unit #

city | ZIP

mailing address, if different from above | apt/unit #

city | state and ZIP

phone number (optional) | email address (optional)

2 Citizenship

I am a citizen of the United States.
○ yes ○ no If you answered *no*, do not complete this form.

3 Military or Overseas Status

I am actively serving in the military.
Includes National Guard or Reserves, and spouses or dependents away from home due to service.
○ yes ○ no

I currently live outside the country.
○ yes ○ no

4 Identification — Washington Driver License, Permit, or ID; or SSN

☐☐☐☐☐☐☐☐☐☐☐☐

If you do not have a Washington driver license, permit, or ID, you may use the last four digits of your Social Security number to register.

× × × - × × - ☐☐☐☐

5 Previous Name or Address

This information will be used to update your registration, if applicable.

previous last name | first | middle

previous residential address | city | state and ZIP

6 Declaration and Signature

I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am a Washington state resident, and I am at least sixteen years old. I am not disqualified from voting due to a court order, and I am not currently serving a sentence of total confinement under the jurisdiction of the department of corrections for a Washington felony conviction, and I am not currently incarcerated for a federal or out-of-state felony conviction.

For official use:

sign here | **date here**

7/2024

[Statutory Authority: RCW 29A.04.611. WSR 24-16-019, § 434-324-026, filed 7/25/24, effective 8/25/24; WSR 21-21-001, § 434-324-026, filed 10/6/21, effective 11/6/21; WSR 20-13-043, § 434-324-026, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-324-026, filed 6/5/19, effective 7/6/19; WSR 17-12-090, § 434-324-026, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-324-026, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-324-026, filed 7/2/12, effective 8/2/12; WSR 10-03-072, § 434-324-026, filed 1/18/10, effective 2/18/10.]

WAC 434-324-028: Date of application.

Consistent with RCW 29A.08.020, the date of receipt by an elections official is considered the date of voter registration application.

[Statutory Authority: RCW 29A.04.611. WSR 19-12-115, § 434-324-028, filed 6/5/19, effective 7/6/19; WSR 14-06-040, § 434-324-028, filed 2/26/14, effective 3/29/14.]

WAC 434-324-031: Electronic voter registration.

(1) The secretary of state's electronic voter registration web page must have the capability to:

(a) Reject applicants without a Washington state driver's license, state identification card, or valid tribal identification as required by RCW 29A.08.123;

(b) Require the applicant to affirmatively assent to the use of the applicant's driver's license, state identification card, or valid tribal identification card signature for voter registration purposes;

(c) Require the applicant to attest to the truth of the information provided on the application;

(d) Retrieve a digital copy of each applicant's driver's license or state identification card signature from the department of licensing or from an issuer of tribal identification that has agreed to make digitized signature information available for this purpose, and include it with the other information required for each applicant's voter registration; and

(e) Electronically transfer all information required for each applicant's voter registration to their county auditor for entry into the statewide voter registration database.

(2) The same timelines and processes used for registration by mail apply to electronic registration. A county auditor shall accept online and by mail applications no later than eight days before an election, and in-person applications at locations designated by the county auditor until 8:00 p.m. on election day.

[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-324-031, filed 7/7/23, effective 8/7/23; WSR 20-13-043, § 434-324-031, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-324-031, filed 6/5/19, effective 7/6/19. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-031, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 07-24-044, § 434-324-031, filed 11/30/07, effective 12/31/07.]

WAC 434-324-034: Confidentiality of protected records voter information.

All records pertaining to a protected records voter shall be maintained in a manner that ensures that the records are accessible only to authorized personnel. Information for a protected records voter shall not be maintained on any voter registration database and shall not be publicly accessible, except as provided by chapter 40.24 RCW.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-324-034, filed 1/21/09, effective 2/21/09.]

WAC 434-324-040: Processing voter registrations.

(1) Upon entry of a new voter registration, the statewide voter registration database must assign a registration identification number to the registration.

(2) If the applicant provided a Washington driver's license number, state identification card number or valid tribal identification card, the applicant's identity is verified with the department of licensing. If the applicant provided the last four digits of their Social Security number, the applicant's identity is verified with the Social Security Administration through the department of licensing.

(3) If the applicant's identity is not verified or cannot be verified in the automated verification process, the county auditor must confirm the accuracy of the information entered from the voter registration application. The county auditor must correct any errors and again attempt to verify the applicant's identity automatically.

(4) If the applicant provided a Washington driver's license number, state identification number, or valid tribal identification number and the identity is not verified in the automated verification process, the county auditor may check department of licensing records to verify the applicant's identity. If the county auditor has the voter's Washington driver's license number, state identification number, or valid tribal identification card number, information on the application may be considered a "match" if it is clear to the county auditor that the information on the application describes the person on the department of licensing record. Reasons that the county auditor may conclude that the information on the application describes the person on the department of licensing record include, but are not limited to, the

following:
(a) The first, middle, or last name on the application is a variation of the first, middle, or last name in the department of licensing record;
(b) The first, middle, or last name has transposed letters or another typographical error on the application or in the department of licensing record;
(c) The first and last names are transposed on the application or in the department of licensing record;
(d) The first and middle names are transposed on the application or in the department of licensing record;
(e) The applicant has a compound or hyphenated name which is not accurately or completely set forth on the application or in the department of licensing record;
(f) The first or middle name is abbreviated with initials on the application or in the department of licensing record;
(g) The last name on the application and the last name in the department of licensing record are not the same but, based on other information, the county auditor concludes that one of the names is a maiden name or a former name of the same person; or
(h) The month and day of the applicant's date of birth are transposed on the application or in the department of licensing record.
If the county auditor concludes that the information on the application describes the person on the department of licensing record, the county auditor must override the failure to verify through the automated verification process and must note the reason it is considered a match. The county auditor must place the applicant on the official list of registered voters in active status.
(i) If the applicant's identity is not verified in the automated verification process and the voter's identification could not be confirmed through the department of licensing, the applicant must be provisionally registered pursuant to RCW 29A.08.107. The registration record must be flagged as still requiring verification of the applicant's identity before the applicant's ballot may be counted.
[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-040, filed 6/10/20, effective 7/11/20; WSR 09-18-098, § 434-324-040, filed 9/1/09, effective 10/2/09; WSR 07-24-044, § 434-324-040, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-040, filed 1/3/07, effective 2/3/07; WSR 06-14-050, § 434-324-040, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-040, filed 11/30/05, effective 12/31/05.]

WAC 434-324-045: Verification of applicant's identity.

(1) If the applicant is provisionally registered pursuant to WAC 434-324-040, the county auditor may use other government resources and public records to confirm the applicant's driver's license or state identification card number, valid tribal identification card, or the last four digits of the applicant's Social Security number. The county auditor may also attempt to contact the applicant by phone, email or other means to obtain identification information.
(2) If, after these attempts, the county auditor is still unable to verify the applicant's identity, the county auditor must send the applicant an identification notice at the time of registration that includes a postage prepaid, preaddressed form by which the applicant may verify or send additional information. The identification notice must include:
(a) A statement explaining that because the applicant's identity cannot be verified with the information provided on the application, they have been provisionally registered to vote.
(b) A statement explaining that if this additional information is not provided, the applicant's ballot will not be counted.
(c) A statement explaining that federal law requires the applicant to provide their driver's license number, state identification card number, valid tribal identification card number or the last four digits of their Social Security number, or a copy of one of the following forms of identification, either before or when they vote:
(i) Valid photo identification;
(ii) A valid enrollment card of a federally recognized tribe in Washington;
(iii) A current utility bill, or a current bank statement;
(iv) A current government check;
(v) A current paycheck; or

(vi) A government document, other than a voter registration card, which shows both the registrant's name and current address.
(3) If the applicant responds with updated driver's license, state identification card, valid tribal identification card, or Social Security information, or with a copy of one of the alternative forms of identification, the flag on the voter registration record must be removed, allowing the applicant's ballot to otherwise be counted the first time they vote after registering.
(4) If the applicant fails to respond with adequate documentation to verify the applicant's identity, the applicant's voter registration record must remain flagged. The applicant must be notified at the time of each election that the ballot will not be counted unless adequate verification of identity is provided.
(5) A provisional registration must remain on the official list of registered voters for at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified or provided information to verify identity, the provisional registration shall be canceled.
(6) The county auditor shall mail an identification notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.
(7) The county auditor shall not mail an identification notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-324-045, filed 7/7/23, effective 8/7/23; WSR 22-10-041, § 434-324-045, filed 4/27/22, effective 5/28/22; WSR 20-13-043, § 434-324-045, filed 6/10/20, effective 7/11/20; WSR 14-06-040, § 434-324-045, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-045, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-045, filed 9/1/09, effective 10/2/09; WSR 09-12-078, § 434-324-045, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-324-045, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-324-045, filed 11/30/07, effective 12/31/07; WSR 07-02-100, § 434-324-045, filed 1/3/07, effective 2/3/07.]

WAC 434-324-055: Duplicate voter registration search conducted by secretary.

Upon receipt of an applicant's electronic voter registration record from the auditor, and on a daily basis, the secretary must search for potential duplicate registration records in the official statewide voter registration database by comparing the applicant's name and date of birth or other identifying information provided by the applicant on the voter registration form. Duplicates will be determined by comparing the signatures on all available records. If a voter is transferring their registration to a new county or if any other information on the application has been updated, the auditor of the new county must update the registration record in the state database.
[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-055, filed 6/10/20, effective 7/11/20; WSR 07-02-100, § 434-324-055, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-055, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-055, filed 11/30/05, effective 12/31/05.]

CHANGE IN 2025: WAC 434-324-076: Voter registration updates.

(1) Pursuant to RCW 29A.08.140, a person already registered to vote in Washington may update their registration by submitting an address change using a registration application or making notification via any non-in-person method that is physically received by an election official no later than eight days before election day, or by appearing in person no later than 8:00 p.m. on election day.
(2) The earliest date the voter registration update is received by an election official will be used as the registration date for the purpose of meeting the registration cutoff deadline.
(3) The county auditor may request additional identifying information before processing a voter registration update submitted on behalf of a family or household member.
(4) If a voter submits a registration transfer to a new county by the deadline in RCW 29A.08.140, but the voter's previous county issued the voter a ballot before the transfer is processed and the voter's ballot issued by the previous county was received but not yet accepted, the previous county must mail the suspended ballot to the voter's new county. If any races or issues on the suspended ballot from the previous county are applicable to the voter's residential address in the new county, the votes on those races and issues should be counted by the new county only when the voter does not vote and return a current ballot, or when the current ballot cannot be processed due to incorrect or incomplete information on the ballot envelope.
(5) If a participant in the future voter program established under RCW 29A.08.170 submits an address

change, the county auditor must update the address listed on the application.
[Statutory Authority: RCW 29A.04.611. WSR 25-09-168, s 434-324-076, filed 4/23/25, effective 6/1/25; WSR 20-13-043, § 434-324-076, filed 6/10/20, effective 7/11/20; WSR 19-12-115, § 434-324-076, filed 6/5/19, effective 7/6/19; WSR 14-06-040, § 434-324-076, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.08.420, 29A.24.131, 29A.40.110, 29A.46.020, and 29A.80.041. WSR 10-14-091, § 434-324-076, filed 7/6/10, effective 8/6/10.]

WAC 434-324-085: Acknowledgment notice.

(1) The auditor must send an acknowledgment notice to an individual by nonforwardable, address correction requested mail if an individual:
(a) Registers to vote;
(b) Transfers their registration record within the county;
(c) Transfers their registration record from another county within Washington state; or
(d) Changes from one precinct to another because of a change in precinct boundaries.
(2) The acknowledgment notice must include:
(a) Voter's full name;
(b) Mailing address;
(c) County name;
(d) Precinct name and/or number; and
(e) The date the voter registered.
(3) The county auditor shall mail an acknowledgment notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.(4) The county auditor shall not mail an acknowledgment notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.
[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-324-085, filed 4/27/22, effective 5/28/22; WSR 20-13-043, § 434-324-085, filed 6/10/20, effective 7/11/20; WSR 09-18-098, § 434-324-085, filed 9/1/09, effective 10/2/09; WSR 07-02-100, § 434-324-085, filed 1/3/07, effective 2/3/07; WSR 06-11-041, § 434-324-085, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-085, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-085, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-085, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-085, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-085, filed 6/3/74.]

CHANGE IN 2025: WAC 434-324-087: Confirmation notice.

(1) When a voter is placed on inactive status, the county auditor must send a confirmation notice to the voter by first-class forwardable mail, and must include a response form that:
(a) Is preaddressed and postage prepaid;
(b) Includes the voter's registration number;
(c) Asks the voter to verify their current address; and
(d) Asks the voter to sign affirming the information is accurate.
(2) When the voter sends the county auditor a response to the confirmation notice, the auditor must:
(a) Transfer the voter's registration and send the voter an acknowledgment notice if the response indicates that the voter has moved within the county.
(b) Forward the confirmation notice to the voter's new county by mail or electronically if the response indicates that the voter has moved to another county within Washington.
The county auditor in the voter's new county must update the voter's registration and send the voter an acknowledgment notice.
(c) Cancel the voter's registration if the response indicates that the voter has moved out-of-state and the response is signed. Prior to cancellation, the county auditor must ensure the signature matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-261-051.
(d) Keep the voter on inactive status according to RCW 29A.08.635 if the response indicates that the voter has moved out-of-state but is not signed.
(3) The county auditor shall mail a confirmation notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.
(4) The county auditor shall not mail a confirmation notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

[Statutory Authority: RCW 29A.04.611. WSR 25-09-168, s 434-324-087, filed 4/23/25, effective 6/1/25; WSR 22-10-041, § 434-324-087, filed 4/27/22, effective 5/28/22; WSR 20-13-043, § 434-324-087, filed 6/10/20, effective 7/11/20; WSR 12-14-074, § 434-324-087, filed 7/2/12, effective 8/2/12.]

WAC 434-324-090: Cancellation due to death—Process.

(1) An auditor must cancel the voter registration records of a deceased voter as authorized by RCW 29A.08.510.

(2) In addition to comparing a list of deceased persons prepared by the registrar of vital statistics with voter registration records pursuant to RCW 29A.08.510, the secretary may also compare voter registration records with deceased persons' information from the Social Security Administration. Comparisons must be conducted on a monthly basis. For any potential matches identified through the registrar of vital statistics or Social Security Administration, the secretary must confirm that the dates of birth are identical. The secretary must generate a county list of matching names, identified as potentially deceased voters, and provide the names to each auditor electronically. The auditor must review the list and approve or reject the proposed cancellations. The secretary may assist the auditor with this review.

(3) The county auditor must remove a participant from the future voter program established under RCW 29A.08.170 upon receipt of documentation from Vital Statistics, Social Security Administration, official death certificate, or written confirmation from another registered voter that the participant is deceased.

[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-324-090, filed 1/10/24, effective 2/10/24; WSR 20-13-043, § 434-324-090, filed 6/10/20, effective 7/11/20; WSR 09-18-098, § 434-324-090, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-090, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-090, filed 11/30/05, effective 12/31/05.]

WAC 434-324-095: Cancellation due to death—Forms.

Pursuant to RCW 29A.08.510, the auditor must furnish to the public upon request forms for the purpose of permitting registered voters to request that the voter registration record of any person, whom they personally know to be deceased, be canceled.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-095, filed 9/1/09, effective 10/2/09; WSR 05-24-039, § 434-324-095, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-095, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-095, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-095, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-095, filed 6/3/74.]

WAC 434-324-103: Verification notices.

A verification notice must be sent when a voter registration application does not contain all the minimum information required in RCW 29A.08.010. The notice must be sent by first-class forwardable mail and must include a response form that:

(1) Is preaddressed and postage paid or is accompanied by a preaddressed and postage paid return envelope.

(2) Requests that the applicant provide the missing information only.

(3) Requests that the applicant provide the missing information within 45 days from the date the verification notice was mailed.

If the applicant does not respond by the 45 day deadline, the voter registration application is considered void.

(4) The county auditor shall mail a verification notice to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.

(5) The county auditor shall not mail a verification notice to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

[Statutory Authority: RCW 29A.04.611. WSR 22-10-041, § 434-324-103, filed 4/27/22, effective 5/28/22; WSR 20-13-043, § 434-324-103, filed 6/10/20, effective 7/11/20. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-324-103, filed 6/13/16, effective 7/14/16.]

CHANGE IN 2025: WAC 434-324-104: Automatic voter registration acknowledgment notice packages.

(1) Upon receipt of a complete automatic voter registration application, the county auditor must send the automatic voter registration applicant an acknowledgment notice package as defined in RCW 29A.08.030 within five business days. The voter registration transaction can include initial registration, name change, residential address change, mailing address change, or reactivation of an inactive voter registration. The notice package must be sent by nonforwardable, address correction requested mail, and include:

(a) A postage prepaid, preaddressed return automatic voter registration opt-out form as prescribed by the office of the secretary of state or in substantially the same format;

(b) An acknowledgment notice as defined in RCW 29A.08.030 and WAC 434-324-085; and

(c) Other information deemed necessary by the secretary.

(2) If the automatic voter registration application does not contain the minimum information required in RCW 29A.08.010, the county auditor shall mail a verification notice and automatic voter registration opt-out form simultaneously to the prospective registration applicant, following procedure as set forth in RCW 29A.08.110 and WAC 434-324-103.

(3) The county auditor shall mail an automatic voter registration acknowledgment notice package to a primary-only voter, as defined in WAC 434-232-010, no earlier than 90 days before the primary that they are eligible to participate in.

(4) The county auditor shall not mail an automatic voter registration acknowledgment notice package to a participant in the future voter program established under RCW 29A.08.170 until the participant becomes a registered voter.

(5) In addition to mailing the automatic voter registration acknowledgment package, the county auditor may provide notification to the registration applicant by:

(a) Telephone, leaving a voicemail if the automatic voter registration applicant does not answer and voicemail is available (if the automatic voter registration applicant has provided a phone number);

(b) Text message (if the automatic voter registration applicant has opted into text message notifications); or

(c) Email, enclosing a copy of the automatic voter registration acknowledgment notice package (if the automatic voter registration applicant has provided an email address).

(6) If the automatic voter registration information provided by the government agency where the voter applied to government services is for a currently registered voter and does not contain a change to the voter's name or address(es), the county auditor may choose whether to send the voter an automatic voter registration acknowledgment notice package.

(7) Prior to removal from the statewide voter registration database of a new voter registration record upon receipt of the automatic voter registration opt-out form, the county auditor must ensure that the signature on the automatic voter registration opt-out form matches the signature in the voter registration record by utilizing criteria outlined in WAC 434-261-052.

(a) If the signature on the automatic voter registration opt-out form matches the signature on the voter registration record, the registration is removed from the statewide voter registration database, and the prospective registration applicant is deemed to have never registered to vote.

(b) If the signature on the automatic voter registration opt-out form does not match the signature on the voter registration record, the county auditor must attempt to contact the prospective registration applicant consistent with subsection (5) of this section. To be deemed as never having registered to vote, the prospective registration applicant must either:

(i) Appear in person and sign an automatic voter registration opt-out form no later than close of business 15 days following the date the package was mailed by the county auditor; or

(ii) Sign an automatic voter registration opt-out form and return it to the county auditor no later than close of business 15 days following the date the package was mailed by the county auditor.

(8) Upon receipt of an automatic voter registration opt-out form from a currently registered voter, the county auditor must ensure that the signature on the form matches the signature in the voter registration record by utilizing criteria outlined in WAC 434-261-052.

(a) If the signature on the automatic voter registration opt-out form matches the signature on the voter

registration record, the automatic voter registration application changes are nullified, and the voter registration record will revert to the data in the record prior to the application being processed.
(b) If the signature on the automatic voter registration opt-out form does not match the signature on the voter registration record, the county auditor must attempt to contact the voter consistent with subsection (5) of this section. To nullify the voter registration record changes, the voter must either:
(i) Appear in person and sign an automatic voter registration opt-out form no later than close of business 15 days following the date the package was mailed by the county auditor; or
(ii) Sign an automatic voter registration opt-out form and return it to the county auditor no later than close of business 15 days following the date the package was mailed by the county auditor.
(9) The date of registration is the date an election official receives the information to register the person to vote. If an automatic voter registration application is received in the eight days prior to election day, the date of registration is the day after the election, and the county auditor must mail the automatic voter registration acknowledgment package within five business days following election day.
(10) The county auditor must keep a record of the voter opt-out forms sent and received. The record must contain the date on which the notice package was mailed, the date on which the voter was contacted in other means if applicable, as well as the date on which the voter subsequently submitted an automatic voter registration opt-out form to cancel the pending automatic voter registration record.
[Statutory Authority: RCW 29A.04.611. WSR 24-16-019, § 434-324-104, filed 7/25/24, effective 8/25/24.]

WAC 434-324-106: Felony screening process—Potential match check.

(1) The right to vote is restored following a felony conviction that includes serving a sentence of total confinement upon release from total confinement as established in RCW 29A.08.520.
(2)(a) The secretary of state must compare lists of persons held in total confinement for a felony conviction with the list of registered voters, to identify individuals appearing on both lists.
(b) Upon receiving new data, or at least on a monthly basis, the secretary must compare the voter registration records to lists of persons who have been:
(i) Convicted of a felony in Washington state court and are serving a sentence of total confinement under the jurisdiction of the Washington state department of corrections, when lists of such persons are provided by the department of corrections.
(ii) Convicted by a federal court or any state court other than a Washington state court and currently serving a sentence of total confinement, when lists of such persons are provided by federal or other state authorities.
(3) The secretary must create a list of voters potentially convicted of a felony as identified in subsection (1) of this section by matching the first name, last name, date of birth, and other identifying information.
(4)(a) For each voter identified through the process set forth in subsections (1) and (2) of this section, the secretary must change the voter's registration status to "pending" with a status reason that indicates the record is for a person who is potentially ineligible to vote due to serving a sentence of total confinement for a felony conviction, or incarcerated for a felony conviction in a state other than Washington state or federal court.
(b) Voters with a pending status must not be issued a ballot.
[Statutory Authority: RCW 29A.04.611. WSR 21-24-052, § 434-324-106, filed 11/24/21, effective 12/25/21; WSR 20-13-043, § 434-324-106, filed 6/10/20, effective 7/11/20. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-106, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-324-106, filed 1/18/10, effective 2/18/10; WSR 09-18-098, § 434-324-106, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-106, filed 11/15/06, effective 12/16/06; WSR 05-24-039, § 434-324-106, filed 11/30/05, effective 12/31/05.]

WAC 434-324-1065: Felony screening process—Mailing to potential matches.

(1) The secretary must mail a notification letter to each registered voter identified through the process set forth in WAC 434-324-106.
(2) The notification letter must contain language informing the person:
(a) That they are potentially a voter whose status is pending cancellation;
(b) That they must contact their county auditor's office to contest the pending cancellation;
(c) That they may request a provisional ballot for any pending elections;

(d) That a person serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction, or currently incarcerated due to a felony conviction in another state or federal court loses the right to vote until the right is restored;
(e) Of the reason the person has been declared ineligible to vote;
(f) That the person's voter registration will be canceled due to their total confinement under the jurisdiction of the department of corrections for a felony conviction or incarceration in another state or federal prison for a felony conviction if they do not respond within 30 days from the date of the letter; and
(g) How to contest the pending cancellation.
(3) The notification letter must be sent to the person's last known registration mailing address and to the person's address on file with the department of corrections indicatingthat their voter registration is about to be canceled.
(4) The notification letter must contain language informing the person that for a felony conviction in a Washington state court, the right to vote is restored as long as the person is not serving a sentence of total confinement under the jurisdiction of the department of corrections. For a felony conviction in another state or federal court, the right to vote is restored as long as the person is no longer incarcerated;
(5) The secretary must send to each auditor the voter registration status information for each matched person registered to vote in that county who has been identified as pending cancellation by this section.
[Statutory Authority: RCW 29A.04.611. WSR 21-24-052, § 434-324-1065, filed 11/24/21, effective 12/25/21; WSR 20-13-043, § 434-324-1065, filed 6/10/20, effective 7/11/20.]

WAC 434-324-107: Felony screening process—Contesting cancellation or canceling.

(1) If a person sent a notification by the secretary under the processes set forth in WAC 434-324-1065 fails to contact the auditor within 30 days of the date of the letter, that person's voter registration must be canceled. If an election in which the person would otherwise be eligible to vote is scheduled to occur during the 30 days, the person must be allowed to vote a provisional ballot. Any unreturned ballot issuances for the voter must be suspended and, if returned, held until the question of the person's eligibility can be resolved.
(2) The question of the person's eligibility to vote may be resolved and the pending status reversed if:
(a) The person provides verifiable information that the person is not serving a sentence of total confinement;
(b) The person's voting rights have been restored;
(c) The conviction is not a felony;
(d) The person convicted is not the registered voter;
(e) The person is no longer incarcerated due to a felony conviction in another state or federal court; or
(f) The person is otherwise eligible to vote.
(3) If a ballot is received from a voter whose status was changed to "pending" in accordance with WAC 434-324-106 after ballots were issued, the ballot must be held until the question of the person's eligibility can be resolved.
The disposition of the ballot can be decided in the following ways:
(a) If the question of the voter's eligibility is resolved as stated in subsection (2) of this section, the ballot should be counted if otherwise valid.
(b) If the voter is verified as serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is currently incarcerated due to a felony conviction in a state other than Washington state or federal court, then the ballot should not be counted.
(c) If the voter's eligibility has not been resolved, then the canvassing board, prosecuting attorney, or their designees should attempt to acquire documentation and/or contact the department of corrections or other institution to verify whether the individual is serving a sentence of total confinement under the jurisdiction of the department of corrections for a felony conviction or is incarcerated due to a felony conviction in a state other than Washington state or federal court.
(d) If the voter's status cannot be verified, then the ballot should be counted if otherwise valid.
(4) The auditor must notify the voter and the secretary of state when their pending status is removed.

The secretary must flag the voter registration record to prevent future cancellation on the same basis.
[Statutory Authority: RCW 29A.04.611. WSR 21-24-052, § 434-324-107, filed 11/24/21, effective 12/25/21; WSR 20-13-043, § 434-324-107, filed 6/10/20, effective 7/11/20.]

WAC 434-324-108: Incapacitated persons lacking voting rights—Notice from court.

Upon receipt of a court order declaring an incapacitated person does not retain voting rights as outlined in RCW 11.130.310, the auditor must search the state election management system to determine whether the person is a registered voter. If the auditor determines the incapacitated person's name and other identifying information match, they must cancel the incapacitated person's voter registration and send a cancellation notice to the incapacitated person using the last known address.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-324-108, filed 7/7/23, effective 8/7/23; WSR 20-13-043, § 434-324-108, filed 6/10/20, effective 7/11/20; WSR 12-14-074, § 434-324-108, filed 7/2/12, effective 8/2/12; WSR 06-11-041, § 434-324-108, filed 5/10/06, effective 6/10/06.]

WAC 434-324-111: Voluntary cancellation of voter registration.

A voter may cancel their own voter registration by submitting a signed written notification to the auditor for the county in which the voter is registered to vote. Prior to cancellation of such a registration record, the auditor must ensure the signature on the notification matches the signature in the voter registration file by utilizing criteria outlined in WAC 434-261-051. A county auditor may not process a voluntary cancellation between the deadline in RCW 29A.08.140 for updating a registration and certification of the primary or election.

A participant in the future voter program established under RCW 29A.08.170 may be removed from the program by submitting a signed written notification to the auditor for the county in which they live. The auditor shall process the notification in the same manner as other voluntary cancellations.
[Statutory Authority: RCW 29A.04.611. WSR 24-07-018, § 434-324-111, filed 3/8/24, effective 5/4/24; WSR 20-13-043, § 434-324-111, filed 6/10/20, effective 7/11/20; WSR 14-06-040, § 434-324-111, filed 2/26/14, effective 3/29/14; WSR 05-24-039, § 434-324-111, filed 11/30/05, effective 12/31/05.]

WAC 434-324-113: Lacking the qualifications necessary to vote.

(1) If, at any time, the secretary finds that a registered voter does not possess the qualifications required by state law to exercise their right to vote for reasons not listed in this chapter, the secretary must refer such information to the appropriate county auditor and county prosecutor.

(2) If, at any time, the auditor finds that a registered voter does not possess the qualifications required by state law to exercise their right to vote for reasons not listed in this chapter, the auditor must notify the county prosecutor.
[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-113, filed 6/10/20, effective 7/11/20; WSR 09-18-098, § 434-324-113, filed 9/1/09, effective 10/2/09; WSR 08-15-052, § 434-324-113, filed 7/11/08, effective 8/11/08; WSR 06-11-041, § 434-324-113, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-113, filed 11/30/05, effective 12/31/05.]

WAC 434-324-115: Challenge of voter's registration.

(1) All county auditors and the secretary of state shall furnish to the public on request forms that allow a registered voter to challenge the registration of another voter pursuant to RCW 29A.08.810 through 29A.08.850. The secretary of state must make the form available on its website.

(2) Voter registration challenges filed with the county auditor shall be published on the county auditor's website as required by RCW 29A.08.835. The final decision of the county auditor or canvassing board shall also be posted on the county auditor's website. The challenge and final decision must remain on the county auditor's website for one month after the final decision was made.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-324-115, filed 4/19/18, effective 5/20/18; WSR 14-06-040, § 434-324-115, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-115, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-115, filed 6/28/06, effective 7/29/06. Statutory Authority: RCW 29A.08.850. WSR 05-17-094, § 434-324-115, filed 8/15/05, effective 9/15/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-115, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-115, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-115, filed 6/3/74.]

WAC 434-324-125: Voter registration database manual.

The secretary of state and each county auditor must conduct voter registration list maintenance, process online voter registrations, motor voter registrations and agency-based registrations, and update registrations according to procedures and instructions in the statewide voter registration database manual.

[Statutory Authority: RCW 29A.04.611. WSR 20-13-043, § 434-324-125, filed 6/10/20, effective 7/11/20. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-324-125, filed 12/6/11, effective 1/6/12.]

WAC 434-324-130: Lists of registered voters for the public.

(1) Pursuant to the provisions of RCW 29A.08.710, 29A.08.720 and 29A.08.740, the auditor or secretary must furnish to any person, upon request, the current list of registered voters at actual reproduction cost. The auditor or secretary may also provide a list of canceled voters. Auditors may combine these lists. The auditor or secretary may, upon request, select names and addresses from the voter registration records on the basis of the precinct code, the district code, date of registration, or voting history of each individual voter in that portion of the voter registration file. Such lists must contain the information prescribed in RCW 29A.08.710 for each registered voter and may be in printed or electronic form.

(2) Such voter registration lists may not be used for commercial purposes. The person making the request must be provided a copy of RCW 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-130, filed 9/1/09, effective 10/2/09; WSR 06-23-094, § 434-324-130, filed 11/15/06, effective 12/16/06; WSR 06-11-041, § 434-324-130, filed 5/10/06, effective 6/10/06; WSR 05-24-039, § 434-324-130, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-130, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 98-03-033, § 434-324-130, filed 1/13/98, effective 2/13/98; WSR 97-21-045, recodified as § 434-324-130, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-130, filed 6/3/74; Order 6, filed 3/3/72.]

WAC 434-324-140: Requests for list of registered voters.

The auditor or secretary may require each person who requests a list of registered voters under the authority of RCW 29A.08.720 and WAC 434-324-130 to sign a request which includes penalty requirements as set forth in RCW 29A.08.720 and 29A.08.740.

[Statutory Authority: RCW 29A.04.611. WSR 05-24-039, § 434-324-140, filed 11/30/05, effective 12/31/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-324-140, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-324-140, filed 10/13/97, effective 11/13/97; Order 74-4, § 434-24-140, filed 6/3/74. Formerly WAC 434-24-130.]

WAC 434-324-150: Retaining voter registration records.

The secretary and each county must retain the voter registration records according to a retention schedule approved by the state or local records committee and promulgated by the archives division of the secretary's office. On an annual basis, the secretary must copy all voter registration records from the statewide voter registration database after each general election. By December 31st of each year, the secretary must transfer the copy to the state archives division for permanentretention. This copy will contain all voter registration records in the statewide voter registration database, including active, inactive, and canceled records.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-324-150, filed 6/28/06, effective 7/29/06; WSR 05-24-039, § 434-324-150, filed 11/30/05, effective 12/31/05.]

WAC 434-324-165: Disaster recovery and security plans.

The secretary must maintain disaster recovery and security plans for the voter registration database. A copy of the plans must be stored offsite. Both plans are exempt from public disclosure pursuant to RCW 42.56.420.

[Statutory Authority: RCW 29A.04.611. WSR 09-18-098, § 434-324-165, filed 9/1/09, effective 10/2/09; WSR 06-11-041, § 434-324-165, filed 5/10/06, effective 6/10/06.]

CHAPTER 434-335 WAC:
VOTING SYSTEMS

Sections

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STATE CERTIFICATION OF VOTING SYSTEMS

Sections

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WAC 434-335-625: Signature verification system acceptance testing.
WAC 434-335-635: Signature verification system approval report.

WAC 434-335-005: Broken or missing seals.

If a seal is missing or broken without authority, all subsequent steps taken must be documented and included in a report to the canvassing board.

[Statutory Authority: RCW 29A.04.611. WSR 06-14-050, § 434-335-005, filed 6/28/06, effective 7/29/06.]

WAC 434-335-010: Certification of voting equipment.

All voting systems, voting devices, and vote tallying systems must meet applicable federal standards and be certified and approved by the secretary of state before they can be used in Washington state pursuant to RCW 29A.12.020.

[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-010, filed 5/30/07, effective 6/30/07; WSR 06-14-050, § 434-335-010, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-010, filed 8/29/05, effective 9/29/05.]

WAC 434-335-020: Voting systems review board.

The voting systems review board may review voting systems for certification and make recommendations to the secretary of state based upon those reviews. The voting systems review board consists of five members, and may include independent experts in computer science or information technology, recognized experts in election administration, and representatives of the public at large. Members of the voting systems review board are appointed by the secretary of state to staggered two year terms. Appointees may be reappointed to serve more than one term. The secretary of state may appoint a new member to fill any vacancy on the board for the remainder of the unexpired term. The duties of the voting systems review board include reviewing an application for certification, as provided in WAC 434-335-090, conducting a public hearing on the application, as provided in WAC 434-335-100, and making recommendations on the application to the secretary of state, as provided in WAC 434-335-110.

[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-020, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-020, filed 8/29/05, effective 9/29/05.]

WAC 434-335-030: Initial application for certification.

Any person or corporation (applicant) owning or representing a voting system or a vote tabulating system, part of a system, equipment, materials or procedure may apply in writing to the secretary of state for certification.

(1) The application must include, but is not limited to, the following information:

(a) A description of the applicant, business address, and list of election products;

(b) A description of the equipment or software under review, the equipment or software version numbers and operating and maintenance manuals.

(2) The secretary of state may request the applicant provide additional information such as:

(a) Customer references, training materials, and technical and operational specifications;

(b) A copy of a letter from the applicant to each voting systemtest laboratory which authorizes the voting system test laboratory to discuss testing procedures and findings with the secretary of state.

(3) All documents, or portions of documents, containing proprietary information are not subject to

public disclosure. The secretary of state must agree to use proprietary information solely for the purpose of analyzing and testing the system, and to the extent permitted by law, may not use the proprietary information or disclose it to any other person or agency without the prior written consent of the applicant.

[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-030, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-030, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-030, filed 11/30/07, effective 12/31/07; WSR 07-20-074, § 434-335-030, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-335-030, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-030, filed 8/29/05, effective 9/29/05.]

WAC 434-335-040: Voting system requirements.

(1) No voting device or its component software may be certified by the secretary of state unless it:

(a) Secures to the voter secrecy in the act of voting;

(b) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;

(c) Correctly registers all votes cast for any and all persons and for or against any and all measures;

(d) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for President and Vice President of the United States;

(e) Produces a machine countable and human readable paper record for each vote that may be accepted or rejected by the voter before finalizing his or her vote. The paper record of an electronic vote may not be removed from the device by the voter. If the voting device is programmed to display the ballot in multiple languages, the paper record produced must be printed in the language used by the voter; and

(f) Has been tested and approved by the appropriate voting system test laboratory approved by the United States election assistance commission.

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

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

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

(c) Accumulates a count of the specific number of ballots tallied for each precinct, total votes by candidate for each office, and total votes for and against each ballot measure on the ballot in that precinct;

(d) Produces precinct and cumulative totals in printed form; and

(e) Produces legislative and congressional district totals for statewide races and issues in electronic and printed form.

(3) A vote tabulating system must:

(a) Be capable of being secured with lock and seal when not in use;

(b) Be secured physically and electronically against unauthorized access;

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

(d) Not use wireless communications in any way.

[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-040, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-040, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-335-040, filed 7/11/08, effective 8/11/08; WSR 06-11-042, § 434-335-040, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-040, filed 8/29/05, effective 9/29/05.]

WAC 434-335-050: Closing an incomplete application.

Upon receipt of an application, the secretary of state examines the application for completeness. If the application is not complete, the secretary of state must notify the applicant in writing of the information required to complete the application. Notification must occur within thirty days of receipt of the application. If all requested information is not received within thirty days of the written notification,

the secretary of state deems the application closed. Closure of an application does not prevent the applicant from submitting a new application to the secretary of state.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-050, filed 8/29/05, effective 9/29/05.]

WAC 434-335-060: Examination of equipment.

Secretary of state staff will initiate an examination of the applicant's equipment after receiving a completed application and a working model of the equipment, documentation, and software to be reviewed.
The examination verifies that the system or equipment meets all applicable federal guidelines, and consists of a series of functional application tests designed to ensure that the system or equipment meets Washington state law and rules. The software tested shall be the approved software from the voting system test laboratory.
The examination may include an additional voting system test laboratory test at the discretion of the secretary of state. The examination shall include the set-up and conduct of mock elections, including a machine recount. The elections must feature at least ten precincts, with at least ten ballots in each precinct, and must test split precincts, partisan and nonpartisan offices, and contests that allow the voter to vote for multiple candidates. The tests must include ballots of various ballot styles, and include multiple candidates, write-in candidates and overvoted contests.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-060, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-060, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-060, filed 1/21/09, effective 2/21/09; WSR 07-24-044, § 434-335-060, filed 11/30/07, effective 12/31/07; WSR 05-18-022, § 434-335-060, filed 8/29/05, effective 9/29/05.]

WAC 434-335-070: Additional information and equipment required.

The vendor shall provide a working model of the equipment under review for the duration of the examination.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-070, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-070, filed 8/29/05, effective 9/29/05.]

WAC 434-335-090: Voting systems review board evaluation.

The voting systems review board evaluation must include, but is not limited to:
(1) A review of statutory requirements;
(2) A review of applicable federal standards;
(3) A review of the approved qualification test results released directly to the secretary of state by the federally approved voting system test laboratory;
(4) If applicable, a review of reports or other materials from prior hearings on the proposed system, procedure, or modification, either in whole or in part;
(5) A review of the report produced by the secretary of state upon completion of the examination of the voting system;
(6) If applicable, a review of any procedures manuals, guidelines, or other materials issued for use with the system;
(7) A review of any effect the application will have on the security of the voting system;
(8) A review of any effect the application will have on the accuracy of the voting system;
(9) A review of any effect the application will have on the ease and convenience with which voters use the system;
(10) A review of any effect the application will have on the timeliness of vote reporting; and
(11) A review of any effect the application will have on the overall efficiency of the voting system.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-090, filed 1/21/09, effective 2/21/09; WSR 08-05-120, § 434-335-090, filed 2/19/08, effective 3/21/08.]

WAC 434-335-100: Public hearing.

The voting systems review board must conduct a public hearing, scheduled at the convenience of the secretary of state and voting systems review board. At the public hearing, the applicant may

demonstrate the equipment and explain its function. The applicant must be available to answer questions from the voting systems review board and the public. The applicant may be asked to submit answers in writing if the voting systems review board is not satisfied with the completeness of answers given at the hearing.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-100, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-100, filed 8/29/05, effective 9/29/05.]

WAC 434-335-110: Voting systems review board report.

Following the review and public hearing, the voting systems review board may recommend for or against certification of the voting system under review. The board may also recommend that certification be contingent upon fulfillment of specific conditions or procedures with the purchase or use of the voting system in this state.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-110, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-110, filed 8/29/05, effective 9/29/05.]

WAC 434-335-120: Certification may be conditioned.

Certification of a voting system may be contingent upon fulfillment of additional conditions or procedures.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-120, filed 8/29/05, effective 9/29/05.]

WAC 434-335-130: Issuance of certification.

Based on the examination of the voting system and the recommendations of the secretary of state staff and the voting systems review board, the secretary of state may issue a certification of the system if the secretary of state determines that the system meets all requirements for certification. The certification must include any conditions or procedures that the secretary of state deems necessary for the system to comply with Washington state law and practice. The secretary of state must notify all county auditors of the certification within thirty days.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-130, filed 8/29/05, effective 9/29/05.]

WAC 434-335-140: Failure to meet certification requirements.

If the secretary of state determines that the voting system fails to meet any of the requirements for certification, the applicant must be notified and allowed thirty days to submit another version of the voting system for examination and testing.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-140, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-140, filed 8/29/05, effective 9/29/05.]

WAC 434-335-150: Modification of certified equipment.

After a voting system is certified, any improvements or changes to the system must be submitted to the secretary of state for certification. The secretary of state will determine if the modifications require state testing and a review board hearing, or if the changes may be certified administratively.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-150, filed 1/18/10, effective 2/18/10; WSR 05-18-022, § 434-335-150, filed 8/29/05, effective 9/29/05.]

WAC 434-335-160: Modification of certified equipment, guidelines for administrative approval.

The secretary of state may approve an application for modification of certified equipment administratively if the modification does not:
(1) Materially affect the lawful conduct, accuracy, efficiency, capacity or security of elections;
(2) Materially and adversely affect the convenience to the voter of the elections process; or
(3) Otherwise result in significant modification to existing procedures used in Washington by extending the equipment's functionality.
A modification approved administratively does not require examination or review by the voting

systems review board.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-160, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-160, filed 8/29/05, effective 9/29/05.]

WAC 434-335-170: Application for certification of modified voting systems or devices.

The application to certify a modification of an existing certified system must include, but is not limited to, the following information:
(1) Description of the applicant;
(2) Description of the equipment or software under review, the modification, and all version numbers;
(3) All changes to the operating and maintenance manuals;
(4) Reports for all tests conducted on the modification by a voting system test laboratory;
(5) Documentation that the modification meets all applicable federal voting equipment guidelines;
(6) A complete description, in operational and technical detail, of all differences between the previously certified equipment or system and the modified equipment or system, prepared by the applicant.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-170, filed 1/18/10, effective 2/18/10; WSR 09-03-110, § 434-335-170, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-170, filed 8/29/05, effective 9/29/05.]

WAC 434-335-180: Recertification of modified voting systems or devices.

If the system, or its components, is found to be sufficiently modified under the guidelines of WAC 434-335-160 that it requires an examination of the equipment by the voting systems review board and a public hearing, the secretary of state must notify the applicant in writing that the applicant must initiate the certification process outlined in WAC 434-335-030 through 434-335-130.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-180, filed 8/29/05, effective 9/29/05.]

WAC 434-335-190: Restricted period.

No modification, change, or other alteration to voting or vote tabulating system, equipment, or component may be installed in a county between June 15th and November 30th of the same year without permission from the secretary of state. Such permission must be specific to the change and to the county making the change.
[Statutory Authority: RCW 29A.04.611. WSR 07-20-074, § 434-335-190, filed 10/1/07, effective 11/1/07. Statutory Authority: RCW 29A.04.611, 2006 c 344. WSR 07-09-035, § 434-335-190, filed 4/11/07, effective 5/12/07. Statutory Authority: RCW 29A.04.611. WSR 06-11-042, § 434-335-190, filed 5/10/06, effective 6/10/06; WSR 05-18-022, § 434-335-190, filed 8/29/05, effective 9/29/05.]

WAC 434-335-210: Application information for emergency approval.

A county auditor may apply in writing to the secretary of state for emergency approval of a modification of an existing certified system. The application must include a complete description of the modification that is required and an explanation of why failure to modify the system materially affects the lawful conduct, efficiency, accuracy, or security of the upcoming election. The application must also explain why the emergency cannot be adequately remedied with procedural processes.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-210, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-210, filed 8/29/05, effective 9/29/05.]

WAC 434-335-212: Emergency approval.

Emergency approval for a modification of an existing voting or vote tabulating system or equipment may be obtained from the secretary of state if failure to modify the system could materially affect the lawful conduct, efficiency, accuracy, or security of an upcoming election.
If, after reviewing the application, the secretary of state determines that an emergency exists, the examination and testing of the proposed modification is expedited to meet the needs of the upcoming election. The secretary of state develops a test plan and audit procedures to ensure the modified system does not adversely affect the lawful conduct, efficiency, accuracy, or security of the upcoming elections. The secretary of state may consult with the voting systems review board. The requirement that the modification be certified by a voting system test laboratory is waived for an emergency approval. An

emergency approval of a modification must state the time period it is in effect.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-212, filed 1/21/09, effective 2/21/09; WSR 05-18-2022, § 434-335-212, filed 8/29/05, effective 9/29/05.]

WAC 434-335-214: Public notice of emergency approval.

The secretary of state must notify all county auditors of the emergency approval within five days of approving the application. Such notice shall also be posted to a public forum such as the secretary of state's website.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-214, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-214, filed 8/29/05, effective 9/29/05.]

WAC 434-335-220: Final approval.

Pursuant to WAC 434-335-150, the applicant must submit to the secretary of state a modification that incorporates a permanent fix to the problem covered by the emergency approval. The modification must be submitted in time to be approved under the normal modification application procedures provided in WAC 434-335-150 through 434-335-180.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-220, filed 8/29/05, effective 9/29/05.]

WAC 434-335-230: Judicial review of agency action.

Any of the following decisions entered pursuant to this chapter are final decisions of the secretary of state as to which no further review by the agency is available, subject to judicial review pursuant to chapter 34.05 RCW:
(1) The issuance or denial of certification pursuant to WAC 434-335-130;
(2) The issuance or denial of administrative approval of a modification pursuant to WAC 434-335-160;
(3) The issuance or denial of recertification of a modified system or component pursuant to WAC 434-335-180 and 434-335-220.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-230, filed 8/29/05, effective 9/29/05.]

WAC 434-335-240: Acceptance testing of voting systems and equipment.

Whenever a county auditor acquires a new system or an upgrade to an existing system that has been certified by the secretary of state, the county must perform acceptance tests of the equipment before it may be used to count votes at any election. The equipment must operate correctly, pass all tests, and be substantially the same as the equipment certified by the secretary of state. The minimum testing standards are described as follows:
(1) The model number, version number, release number, and any other number, name or description that identifies the product must be the same as the identifying numbers for the product already certified by the secretary of state.
(2) The county must receive all manuals and training necessary for the proper operation of the system.
(3) For new hardware or hardware upgrades, the county must test the functionality of the hardware to verify the hardware works as designed. The test must include operating the hardware and submitting it to a series of assessments that determine the hardware works, performs, and functions as intended.
Acceptance testing and installation of the equipment may occur only between December 1st and September 15th of each year.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-240, filed 1/18/10, effective 2/18/10; WSR 09-12-078, § 434-335-240, filed 5/29/09, effective 6/29/09; WSR 05-18-022, § 434-335-240, filed 8/29/05, effective 9/29/05.]

WAC 434-335-250: Inclusion of the Election Assistance Commission standards for voting equipment.

The Election Assistance Commission standards concerning voting systems and software escrow are hereby included by reference, except where otherwise modified by these rules and the Revised Code of Washington.
[Statutory Authority: RCW 29A.04.611. WSR 09-12-078, § 434-335-250, filed 5/29/09, effective 6/29/09; WSR 09-03-110, § 434-335-250, filed 1/21/09, effective 2/21/09; WSR 05-18-022, § 434-335-250, filed 8/29/05, effective 9/29/05.]

WAC 434-335-260: Decertification of voting systems and vote tabulating systems.

(1) The secretary of state may decertify a voting system or vote tabulating system or any component thereof and withdraw authority for its future use or sale in Washington if, at any time after certification the secretary of state determines that:

(a) The system or component fails to meet the standards set forth in applicable federal guidelines or state statutes or rules;

(b) The system or component was materially misrepresented in the certification application;

(c) The applicant has installed unauthorized modifications to the certified software or hardware; or

(d) The system or component was operated or accessed in Washington state at any time by anyone other than an authorized staff member of the office of the secretary of state, an authorized individual employed by the county that has been delegated any task under RCW 29A.60.140(2), for the purposes of preparation, maintenance, and operation under RCW 29A.12.060, an independent testing authority designated by the United States election assistance commission, or an independent testing authority and the test plan has received approval by both the county auditor and secretary of state.

(i) County auditors shall not provide physical, electronic, or internal access to third parties seeking to copy and/or conduct an examination of state-certified voting systems, or any components of such systems including, but not limited to: Voting software and systems, tabulators, scanners, counters, automatic tabulating equipment, voting devices, servers, ballot marking devices, paper ballot printers, portable memory media devices, and any other hardware, software, or devices being used as part of the voting system.

(ii) If access described in (d)(i) of this subsection occurs, those pieces of voting equipment will be considered no longer secure or reliable to use in subsequent elections. As a result, the incidents will be treated as a security breach under RCW 29A.12.180 and the office of the secretary of state may decertify the use of the system or component.

(2) The secretary of state must provide written notice of intent to decertify to the original applicant or its successor, if known, to all county auditors, and to the public. The notice must specify the reasons why the certification of the system may be rescinded. The applicant or successor or any county auditor may, within thirty days after the issuance of the notice, file with the secretary of state a written explanation as to why the system or component should not be decertified. The secretary of state may extend or shorten the time for filing of a written explanation for good cause. After reviewing the explanation, the secretary of state may either discontinue the decertification process, in which case the system or component remains certified, or schedule a public hearing pursuant to subsection (3) of this section. If no explanation is timely filed, the secretary of state may either discontinue the decertification process or issue a final order pursuant to subsection (4) of this section.

(3) A decertification proceeding shall constitute an adjudicative proceeding pursuant to chapter 34.05 RCW.

(a) The secretary of state adopts the model rules of procedure as set forth in chapter 10-08 WAC, except as they may be inconsistent with this chapter. The proceeding may be conducted as an emergency adjudicative proceeding pursuant to RCW 34.05.479 if the secretary of state finds that immediate action is required to preserve the integrity of the electoral process.

(b) The secretary of state shall designate the presiding officer.

(c) The certification remains valid pending resolution of the administrative proceeding, unless the secretary of state finds, following notice and opportunity for written or oral input, which may be expedited, that the public interest requires that the decertification should take effect on a temporary basis pending hearing.

(d) The argument in favor of decertification may be presented by an employee of the secretary of state or by an assistant attorney general. Other parties may be represented by a certified election administrator or by any person permitted to appear by the county auditor.

(4) The presiding officer or secretary shall enter an order specifying the system or component at issue, whether or not it is decertified, the effective date of any decertification, and explain the basis for the decision. The effective date of decertification shall not be less than five days after the entry of the order, but may be delayed to any reasonable date. An order issued by the secretary pursuant to subsection (2) of this section is a final order. An order issued by the presiding officer is regarded as an initial

order unless the secretary of state, assistant secretary of state, deputy secretary of state, or director of elections presides, in which case the decision of the presiding officer shall be final and no further review is available within the agency.
[Statutory Authority: RCW 29A.04.611. WSR 22-16-120, § 434-335-260, filed 8/3/22, effective 9/3/22; WSR 05-18-022, § 434-335-260, filed 8/29/05, effective 9/29/05.]

WAC 434-335-270: Definition of official logic and accuracy test.

As used in this chapter, "official logic and accuracy test" means the test performed in accordance with RCW 29A.12.130.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-270, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-270, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-270, filed 8/29/05, effective 9/29/05.]

WAC 434-335-275: Pretest.

The county auditor must pretest all programming and tabulation equipment to be used in the primary or election prior to the official logic and accuracy test.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-275, filed 2/26/14, effective 3/29/14.]

WAC 434-335-280: Logic and accuracy test conduct.

The county must provide adequate personnel to properly operate the ballot tabulation system. Whenever possible, the system shall be operated during the test by the same person or persons who will be responsible for operating the system on election day. The official logic and accuracy test shall be conducted as follows:
(1) Every ballot tabulator and scanner to be used in the primary or election shall be tested. Digital scan test decks shall be scanned during the official logic and accuracy test.
(2) Undervotes recorded by a digital scan system used to resolve or adjudicate ballots digitally shall be auto-resolved. Some undervotes may be manually resolved to demonstrate the process.
(3) Optical scan tabulators and digital scan tabulators not used to resolve or adjudicate ballots digitally shall be set to out-stack blank ballots, overvotes, and write-in votes.
(4) A printout of the test results shall be produced and compared to the expected test results. If the test results do not match the expected test results, the reason for the discrepancy must be satisfactorily determined and corrections made, if necessary.
(5) The upload of results to the secretary of state's office shall be tested and verified. If the upload of results cannot be completed, the results shall be transmitted to the office of the secretary of state through other means, and the county auditor shall work with the secretary of state to upload the results as soon as practicable.
[Statutory Authority: RCW 29A.04.611. WSR 23-15-018, § 434-335-280, filed 7/7/23, effective 8/7/23. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-335-280, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-280, filed 2/26/14, effective 3/29/14; WSR 05-18-022, § 434-335-280, filed 8/29/05, effective 9/29/05.]

WAC 434-335-290: Logic and accuracy test observers.

The official logic and accuracy test must be observed by at least one representative of each major political party, if representatives have been appointed by the parties and are present at the test. The party observers must be instructed as election observers by the county auditor. The official logic and accuracy test must be open to candidates, the press, and the public. If any observer hinders or disturbs the logic and accuracy test process, the observer may be removed from the test area. An observer who has been removed from a logic and accuracy test may also be barred from future tests. The absence of observers may not delay or stop the test from being conducted.
[Statutory Authority: RCW 29A.04.611. WSR 05-18-022, § 434-335-290, filed 8/29/05, effective 9/29/05.]

WAC 434-335-300: Logic and accuracy testing of vote tabulation systems.

At least three days before each state primary or general election, the office of the secretary of state shall observe the official logic and accuracy test of the vote tabulation system prepared by the county

auditor. The test must verify that the system will correctly count the votes cast for all candidates and all measures appearing on the ballot.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-300, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-300, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-300, filed 8/29/05, effective 9/29/05.]

WAC 434-335-310: Procedures for conducting an emergency logic and accuracy test.

If the official logic and accuracy test cannot be completed at the scheduled time and place, an emergency test must be scheduled by the county auditor. The emergency test must be conducted and properly completed prior to processing any official ballots through the vote tabulation system. If a representative of the office of the secretary of state is unable to attend the emergency test, the county auditor and another member of the county canvassing board or their designated representative must observe the test and certify the results. Observers and notification must be provided pursuant to WAC 434-335-290 and 434-335-320.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-310, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-310, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-310, filed 8/29/05, effective 9/29/05.]

WAC 434-335-320: Scheduling the logic and accuracy test—State primary and general election.

The office of the secretary of state must contact each county auditor at least forty-five days before a state primary or general election to schedule the official logic and accuracy test. After the test has been scheduled, the county auditor shall notify the parties, press, public, and candidates of the date and time of the test.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-320, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-320, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-320, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-320, filed 8/29/05, effective 9/29/05.]

WAC 434-335-323: Preparing the logic and accuracy test.

(1) Each county shall prepare a matrix of the test pattern used to mark the test deck of ballots for the official logic and accuracy test. The matrix shall consist of a spreadsheet listing the number of votes cast for each candidate and responses for and against each measure in each precinct or ballot style. The matrix shall include:
(a) For every precinct or ballot style, the first response position of every race or measure shall be marked so the total votes cast for the first candidate of a race or the first response to a measure equals the total number of precincts or ballot styles being tested for that contest or measure;
(b) Two votes for the second response position, three votes for the third response position, four votes for the fourth response position, continuing the pattern for all of the response positions including the response position for write-ins when a write-in response position is present;
(c) One overvote in each race or measure;
(d) For each tabulator's test deck:
(i) One blank ballot; and
(ii) At least one of each type of ballot to be used during the election including ballots on demand, alternative language ballots, electronically marked ballots, and electronically duplicated ballots.
(e) Unique results for all responses within a race or measure, including write-ins. Additional ballots must be added to the test deck in the following circumstances:
(i) Within a race or measure, more than one response has thesame results;
(ii) A candidate appears in two different races on the same ballot; and
(iii) More than one measure appears on a ballot within the same jurisdiction.
(2) A copy of the county's test matrix and a sample ballot shall be sent to the office of the secretary of state by the fourteenth day prior to the official logic and accuracy test for a state primary or general election. The office of the secretary of state shall review the provided matrix to determine if it is prepared in accordance with this section.
(3) The county auditor shall produce a test deck of ballots based on the test matrix to be used in the official logic and accuracy test for every primary and election.

[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-335-323, filed 10/6/21, effective 11/6/21. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-335-323, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-323, filed 2/26/14, effective 3/29/14.]

WAC 434-335-325: Exception to logic and accuracy test pattern.

A county auditor may file an exception request with the secretary of state to modify the test pattern provided in WAC 434-335-323. The county auditor must provide a description of the modification in detail, a sample test matrix, and the reasons for an exception. The exception request must be filed with the secretary of state no later than July 1st. The secretary of state must accept or reject the request in writing within thirty days. Accepted test patterns may be used in all future elections.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-325, filed 2/26/14, effective 3/29/14.]

WAC 434-335-330: Logic and accuracy test certification.

(1) The official logic and accuracy test shall be certified by the county auditor or deputy, the secretary of state representative, and any political party observers for a state primary or general election in accordance with RCW 29A.12.130. Additionally, the county auditor must verify in writing that the version numbers for all software, firmware, and hardware of the voting system used have not changed from the certified versions.
(2) The county auditor shall provide the secretary of state representative copies of the following documents:
(a) Test results;
(b) A zero report;
(c) Signed verification of the version numbers;
(d) Signed certification of the official logic and accuracy test;
(e) A test log of:
(i) The number of accessible voting units to be used in the primary or election; and
(ii) The electronic duplication system, if electronic duplication will be used in the primary or election; and
(f) Any other documentation requested by the secretary of state representative in advance of the official test.
(3) Copies of the certification documents must be retained by the secretary of state and the county auditor. All test results, test ballots, the signed certification, and a copy of the tabulation programming or the actual tabulation equipment must be kept in secure storage as defined in WAC 434-261-045 until ballots are to be tabulated.
(4) If, for any reason, changes are made to the ballot counting programming after the official logic and accuracy test, an emergency logic and accuracy test must be conducted pursuant to WAC 434-335-310.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-335-330, filed 4/19/18, effective 5/20/18. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-335-330, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-330, filed 2/26/14, effective 3/29/14; WSR 08-05-120, § 434-335-330, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-330, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-330, filed 8/29/05, effective 9/29/05.]

WAC 434-335-335: Other primaries and elections.

For a primary or election that is not a state primary or election, the county auditor must conduct the official logic and accuracy test in the same manner as though it is a state primary or election.
[Statutory Authority: RCW 29A.04.611. WSR 14-06-040, § 434-335-335, filed 2/26/14, effective 3/29/14.]

WAC 434-335-510: Definitions.

"Calibration" is the touch screen setting on an accessible voting unit with touch screen capability that controls the target area.
"Direct recording electronic device" is a device that electronically records a voter's choices.
"Electronic ballot marker" is a device that physically marks a voter's choices on a preprinted paper ballot.

"Target area" is each area on the ballot where the voter's choices are recorded.
"Touch screen" is a type of computer interface on a voting device that allows the voter to make a choice by touching the screen.
[Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-510, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-510, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-510, filed 8/29/05, effective 9/29/05.]

WAC 434-335-520: Logic and accuracy testing of accessible voting units.

(1) The logic and accuracy test of accessible voting units must be completed before they may be used for marking or casting ballots. Counties must complete the testing to have in-person accessible voting available starting eighteen days before the day of a primary or election.
(2) This test serves as the official logic and accuracy test. A log must be created during the test, recording the time of each test, the precinct numbers, the seal number, the machine number, and the initials of each person testing the system. The log must be included in the official logic and accuracy test materials. This process is open to observation and subject to all notices and observers pursuant to WAC 434-335-290 and 434-335-320.
[Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-335-520, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-335-520, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-520, filed 2/19/08, effective 3/21/08; WSR 06-14-048, § 434-335-520, filed 6/28/06, effective 7/29/06; WSR 05-18-022, § 434-335-520, filed 8/29/05, effective 9/29/05.]

WAC 434-335-540: Touch screen calibration adjustment standards and tests.

Prior to each state primary and election, the calibration settings of each device using touch screen technology must be tested to ensure that the target areas are functioning within system standards.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-335-540, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-540, filed 8/29/05, effective 9/29/05.]

WAC 434-335-550: Direct recording electronic target area tests.

Each county employing a direct recording electronic voting device must conduct a test to confirm that the target area indicated on each ballot face is programmed correctly. If the direct recording electronic device is going to be employed as an electronic ballot marker, the county must follow the requirements of WAC 434-335-560. Otherwise, the county must test each device to ensure that the programming is correctly counting and accumulating every office, measure, and selection by the voter.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-335-550, filed 4/19/18, effective 5/20/18; WSR 10-03-072, § 434-335-550, filed 1/18/10, effective 2/18/10; WSR 08-05-120, § 434-335-550, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-550, filed 8/29/05, effective 9/29/05.]

WAC 434-335-560: Electronic ballot marker test.

Each county employing an electronic ballot marker must conduct a test to confirm the target area indicated on each ballot face is programmed correctly. The county must test all ballot styles using the ballot marker programming and test all devices to ensure each device is marking ballots correctly.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-335-560, filed 4/19/18, effective 5/20/18; WSR 08-05-120, § 434-335-560, filed 2/19/08, effective 3/21/08; WSR 05-18-022, § 434-335-560, filed 8/29/05, effective 9/29/05.]

WAC 434-335-605: Initial application for approval.

Any vendor requesting approval of an automated signature verification system for use with a specific election management system must complete and submit an application to the secretary of state. The secretary of state shall coordinate its review of the system with the vendor and the participating county.
[Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-335-605, filed 1/21/09, effective 2/21/09; WSR 07-12-032, § 434-335-605, filed 5/30/07, effective 6/30/07.]

WAC 434-335-615: Examination of signature verification system.

Prior to its use or purchase by any Washington county, an automated signature verification system must be reviewed and approved by the secretary of state for use with that county's particular election management system.

Prior to approval, an automated signature verification system must:
(1) Be able to integrate with the election management system in use by the test county and the ballot accountability processes implemented by the county;
(2) Have variable levels of confidence which the county may adjust and set to the level as subscribed by the secretary of state in the system's approval report; and
(3) Provide a setting that must not accept a signature that an election worker with required signature training should not accept.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-615, filed 5/30/07, effective 6/30/07.]

WAC 434-335-625: Signature verification system acceptance testing.

An agreement by a county auditor to purchase a signature verification system is subject to that system passing an acceptance test that demonstrates the system is operating as it was when it was approved by the secretary of state. The minimum acceptance test standards are listed below.
(1) The version number of the signature verification software must be the same as the version number of the software approved by the secretary of state. Any hardware must be the same model number and contain the same version of firmware that is certified by the secretary of state.
(2) The county auditor must receive all training and manuals necessary for the proper operation of the system.
(3) The county auditor must perform a series of tests to verify that the software is not accepting signatures that the county auditor's trained signature verification personnel would not accept. The test should include the county auditor's own signature envelopes, and be run against the county auditor's election management system signatures.
(4) The county auditor must perform a series of tests to verify the system integrates with the county election management system and ballot accountability processes.
(5) The county auditor must include the secretary of state where the signature verification system is being integrated with an election management system that has not been previously approved for that system.
(6) When participation by the secretary of state is not required under these rules, the county auditor must certify the results of the acceptance tests to the secretary of state. The certification must include version numbers of hardware, software and firmware installed and tested and ballot accountability procedures which incorporate the signature verification system.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-625, filed 5/30/07, effective 6/30/07.]

WAC 434-335-635: Signature verification system approval report.

No more than fourteen days following the approval of an automated signature verification system, the secretary of state must issue a written approval report that specifies the approved use of the system and conditions of its use. The approval must include the prescribed setting for the confidence level for either accepting or rejecting signatures. Signature verification systems are only approved for use with election management systems included in the approval report.
[Statutory Authority: RCW 29A.04.611. WSR 07-12-032, § 434-335-635, filed 5/30/07, effective 6/30/07.]

CHAPTER 434-369 WAC: MAPS AND CENSUS CORRESPONDENCE LISTINGS

Sections

WAC 434-369-005: Authority and purpose.
WAC 434-369-010: Definitions.
WAC 434-369-020: Precinct maps—Distributions.
WAC 434-369-030: Precinct lists—Preparation and filing.
WAC 434-369-040: Base maps, census overlay maps, and related information—Duties of the secretary of state.

WAC 434-369-050: Precinct overlay maps—Preparation.
WAC 434-369-060: Census correspondence listings—Preparation.
WAC 434-369-070: Detail maps and census correpsondence listings—Maintenance, distribution, and filing.

WAC 434-369-005: Authority and purpose.

These rules are adopted under authority of RCW 29A.04.611 to implement RCW 29A.76.040, the census mapping project administered by the secretary of state for the U.S. Census Bureau.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-005, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-005, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-005, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-005, filed 4/8/80.]

WAC 434-369-010: Definitions.

As used in this chapter:

(1) "Census mapping project" includes all functions performed by the secretary of state and each county auditor in the preparation, maintenance, distribution, and filing of precinct maps, detail maps, and census correspondence listings pursuant to RCW 29A.76.040.

(2) "Secretary of state" includes the secretary of state, assistant secretary of state, deputy secretary of state, or any other person authorized by the secretary of state to act in his or her behalf in the census mapping project.

(3) "County auditor" includes each county auditor, county elections official, or any other person authorized by the county auditor to act in his or her behalf in the census mapping project.

(4) "Census maps" refers to the maps provided by the U.S. Census Bureau which indicate census unit boundaries and numeric identification of such census units.

(5) "Census units" refers to the census geographic area designations for which the population count will be reported including census tracts, block groups, blocks, enumeration districts, and county census divisions.

(6) "Precinct maps" refers to the maps prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the boundaries and numeric identification of each precinct in that county.

(7) "Precinct lists" refers to the lists prepared by each county auditor pursuant to RCW 29A.16.050(3) which indicate the names and consecutively assigned numbers of each precinct in that county.

(8) "Base maps" refers to the maps of each county which are provided by the secretary of state on which final detail maps will be prepared.

(9) "Census overlay maps" refers to the overlay maps prepared by the secretary of state which indicate census unit boundaries and numeric identification for the area covered by each base map.

(10) "Precinct overlay maps" refers to the overlay maps prepared by each county auditor which indicate precinct boundaries and numeric identification for the area covered by each base map.

(11) "Detail map" refers to the sets of maps produced by the combination of the base maps with the corresponding census and precinct overlay maps for each county.

(12) "Census correspondence listings" refers to the lists prepared by each county auditor pursuant to RCW 29A.76.040 which indicate the census units or portions of census units contained in each precinct in that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-010, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-010, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-010, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-010, filed 4/8/80.]

WAC 434-369-020: Precinct maps—Distribution.

(1) Each county auditor shall maintain precinct maps of that county.

(2) Upon request, each county auditor shall transmit to the secretary of state one complete set of precinct maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-020, filed 2/19/08, effective 3/21/08. Statutory

Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-020, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-020, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-020, filed 4/8/80.]

WAC 434-369-030: Precinct lists—Preparation and filing.

Upon request, each county auditor shall prepare and transmit to the secretary of state a precinct list of that county. Precinct names shall be listed in alphabetical order or numbered consecutively.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-030, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-030, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-030, filed 4/8/80.]

WAC 434-369-040: Base maps, census overlay maps, and related information—Duties of the secretary of state.

The secretary of state shall prepare and transmit to each county auditor the following:

(1) A set of base maps of that county;

(2) A set of census overlay maps for each base map of that county; and

(3) A sequential census unit listing, provided by the U.S. Census Bureau, which indicates all census units delineated on the census and base maps of that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-040, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-040, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-040, filed 4/8/80.]

WAC 434-369-050: Precinct overlay maps—Preparation.

Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare precinct overlay maps for each base map of the county and each city and town within that county.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-050, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-050, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-050, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-050, filed 4/8/80.]

WAC 434-369-060: Census correspondence listings—Preparation.

Pursuant to the provisions of RCW 29A.76.040, each county auditor shall prepare a census correspondence listing according to the following procedures:

(1) Record the census tracts or county census divisions (CCD) and the smallest census units in each area for which population counts are to be reported from the sequential census unit listing supplied by the U.S. Census Bureau. The order of census information on the census correspondence listing shall be identical to the sequential census unit listing.

(2) Record the number or numbers, as assigned pursuant to RCW 29A.16.050(3), of each precinct that is wholly or partially coextensive with the census unit.

(3) Where census unit or precinct boundaries are not coincident, estimate for each portion of a split census unit, the proportion of the total number of registered voters residing in each precinct containing a portion of the split census unit. Each county auditor shall refer to current voter registration lists and other available information to determine such estimated proportion of registered voters. Such estimates shall be expressed to at least the nearest 10 percent of the total number of registered voters within the precinct.

[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-060, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-369-060, filed 7/16/04, effective 8/16/04. WSR 98-08-010, recodified as § 434-369-060, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-060, filed 4/8/80.]

WAC 434-369-070: Detail maps and census correspondence listings—Maintenance, distribution, and filing.

(1) Upon request, each county auditor shall send to the secretary of state the complete set of detail

maps and census correspondence listings for that county;
(2) The secretary of state shall maintain the original sets of detail maps of each county;
(3) The secretary of state shall reproduce and distribute copies of detail maps to each county auditor for the actual cost ofreproduction; and
(4) Each county auditor shall maintain copies of precinct maps, detail maps, and census correspondence listings of the county. Such maps shall be available for public inspection during normal office hours. Copies shall be made available to the public at actual reproduction cost.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-369-070, filed 2/19/08, effective 3/21/08. WSR 98-08-010, recodified as § 434-369-070, filed 3/18/98, effective 3/18/98. Statutory Authority: RCW 29.04.140. WSR 80-05-013 (Order 80-2), § 434-69-070, filed 4/8/80.]

CHAPTER 434-379 WAC: INITIATIVES AND REFERENDA

Sections

WAC 434-379-005: Filing of an initiative or referendum—Fee—Required documents.
WAC 434-379-007: Certificate of review.
WAC 434-379-0071: Maintenance of initiative and referendum series and assignment of serial numbers.
WAC 434-379-0073: Transmittal to the attorney general.
WAC 434-379-0077: Withdrawal of an initiative or referendum.
WAC 434-379-008: Petition requirements.
WAC 434-379-009: Processing filed petitions.
WAC 434-379-010: Random sampling procedure.
WAC 434-379-012: Acceptance of signatures.
WAC 434-379-020: Signature verification standard.

WAC 434-379-005: Filing of an initiative or referendum—Fee—Required documents.

(1) A person desiring to file with the secretary of state a proposed initiative to the people, initiative to the legislature, or referendum measure may do so by filing the following documents:
(a) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;
(b) A signed affidavit declaring under penalty of perjury:
(i) That the person submitting the proposed measure is over 18 years of age and competent to testify;
(ii) That the person submitting the proposed measure is a registered voter in the state of Washington;
(iii) Whether the proposed measure is an initiative to the people, initiative to the legislature, or referendum; and
(iv) The subject of the initiative, or the bill number of the legislation being referred; and
(c) A nonrefundable filing fee of $156 for each measure submitted.
(2) The secretary may update the amount of the filing fee in subsection (1)(c) of this section at the beginning of each calendar year prior to the first day for initial filing of proposed initiatives to the people for that year.
(a) The filing fee amount may be updated by applying the federal bureau of labor statistics consumer price index inflation calculator rate, or its successor, to the original filing fee of five dollars set in 1913 for the state initiative and referendum process.
(b) Once the year's filing fee is determined, it shall be rounded down to the nearest whole dollar amount and posted online on the office of the secretary of state website, prior to the first day for initiative filing of proposed initiatives for that year.
(c) This filing fee amount shall be used for all initiative and referendum filings until the next fee adjustment is made.
(3) The proposed measure is not considered filed with the secretary of state until all documents and fees

are filed, including any original versions required.
(4) Once the proposed text to an initiative or referendum is filed, the secretary of state shall submit the text with required information to the code reviser within one business day.
[Statutory Authority: RCW 29A.04.611. WSR 24-04-097, § 434-379-005, filed 2/7/24, effective 3/9/24; WSR 17-12-090, § 434-379-005, filed 6/6/17, effective 7/7/17; WSR 09-03-110, § 434-379-005, filed 1/21/09, effective 2/21/09; WSR 06-23-094, § 434-379-005, filed 11/15/06, effective 12/16/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-005, filed 5/31/05, effective 7/1/05.]

WAC 434-379-007: Certificate of review.

After filing the documents listed in WAC 434-379-005, a copy of the documents is sent to the code reviser. The code reviser shall issue a certificate of review certifying that he or she has reviewed the measure and that any recommendations have been communicated to the sponsor. Within fifteen working days after the date that the secretary of state submits the proposed measure to the code reviser's office, the sponsor shall file the measure and the certificate of review with the secretary of state for assignment of a serial number. The secretary of state shall refuse to make such assignment unless the measure is accompanied by a certificate of review that has substantially the same topic as the measure.
[Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-007, filed 5/31/05, effective 7/1/05.]

WAC 434-379-0071: Maintenance of initiative and referendum series and assignment of serial numbers.

(1) The secretary of state shall maintain a separate series of serial numbers for initiatives to the people, initiatives to the legislature, referendum bills, and referendum measures.
(a) The series for initiatives to the legislature shall be eight characters in length, commencing with the letters IL, followed by the last two digits of the calendar year in which the initiative to the legislature will be heard by the legislature and/or voted upon by the people, a hyphen after the last two digits of the calendar year, followed by a unique, randomly-selected three-digit number, as prescribed by subsection (2) of this section.
(b) The series for initiatives to the people shall be eight characters in length, commencing with the letters IP, followed by the last two digits of the calendar year in which the initiative to the people will be voted upon by the people, a hyphen after the last two digits of the calendar year, followed by a unique, randomly-selected three-digit number, as prescribed by subsection (2) of this section.
(c) The series for referendum measures shall commence with the letters RM, followed by a unique number which is the next on the list of referendum measure numbers sequentially.
(d) The series for referendum bills shall commence with the letters RB, followed by a unique number which is the next on the list of referendum bill numbers sequentially.
(2) For each annual series of serial numbers, there are 1,000 potential numbers to assign. The randomly-selected three-digit number shall be added to the five characters identifying the initiative type, year, and hyphen. As each available number is assigned, it shall be removed from the list. The secretary of state shall select the random three-digit serial number for each initiative to the legislature and initiative to the people using one of the following processes:
(a) A roll of three 10-sided dice numbered zero through nine shall determine the number for each digit of the number starting with the one's place, then the 10s place, and then the 100s place. Once selected, this number shall be used in creating the serial number for the proposed initiative following the two-character designation (IL or IP) and year, and the hyphen.
(i) If the digit zero is rolled for the one's, the 10s place, and the 100s place, the dice shall be rolled again to select a number between one and 999.
(ii) If the selected number has been previously assigned and is no longer available on the list, the roll of the dice must be repeated until a unique number is selected; or
(b) Another method approved by the secretary of state.
(3) Random number selection shall not occur until the final text has been submitted by the sponsor and prior to transmitting the proposed initiative to the attorney general per WAC 434-379-0073.
(a) The dice roll shall be conducted at the office of the secretary of state and recorded.

(b) The recording showing the dice roll shall be posted online to the secretary of state website.
[Statutory Authority: RCW 29A.04.611. WSR 24-04-097, § 434-379-0071, filed 2/7/24, effective 3/9/24.]

WAC 434-379-0073: Transmittal to the attorney general.

Once the proposed text and certificate of review to an initiative or referendum is received, the secretary of state shall place the assigned serial number and the date filed on the top of the initiative or referendum text submitted by the sponsor. The secretary of state will submit the text with required information to the attorney general within one business day of the sponsor filing the proposed text.
[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-379-0073, filed 6/13/16, effective 7/14/16.]

WAC 434-379-0077: Withdrawal of an initiative or referendum.

A sponsor may withdraw an initiative or referendum by submitting a written request to the secretary of state. The sponsor may withdraw an initiative or referendum until the time when the measure's ballot title and summary are finally established. The ballot title and summary are considered finally established five days after the attorney general submits the ballot title and summary to the secretary of state or, in the case of an appeal, when the court has rendered a final order. The sponsor cannot withdraw an initiative or referendum after it is finally established.
[Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-379-0077, filed 6/13/16, effective 7/14/16.]

WAC 434-379-008: Petition requirements.

(1) Petitions must be at least eleven inches wide by fourteen inches long.
(2) Petitions must include:
(a) The initiative or referendum number;
(b) The ballot title, which must include:
(i) The subject, not more than ten words;
(ii) The concise description, not more than thirty words; and
(iii) The question.(c) The form and text required by:
(i) RCW 29A.72.110 for an initiative to the legislature;
(ii) RCW 29A.72.120 for an initiative to the people; or
(iii) RCW 29A.72.130 for a referendum measure.
(d) The warning in RCW 29A.72.140, printed on the front to cover at least four square inches;
(e) Numbered lines, not more than twenty, with space for each person to provide his or her:
(i) Original signature;
(ii) Printed name; and
(iii) Address, city, and zip code where registered to vote.
(f) A blank space on the bottom left hand corner of the front side, one and one-half inch square;
(g) The full text of the measure printed on the back;
(h) The circulator's declaration printed on the back; and
(i) Petition sheets printed with a one-inch margin on the bottom may be submitted through December 31, 2016.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-379-008, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 29A.04.611 and 29A.04.620. WSR 16-13-063, § 434-379-008, filed 6/13/16, effective 7/14/16. Statutory Authority: RCW 29A.04.611. WSR 12-14-074, § 434-379-008, filed 7/2/12, effective 8/2/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-379-008, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 06-23-094, § 434-379-008, filed 11/15/06, effective 12/16/06; WSR 06-11-043, § 434-379-008, filed 5/10/06, effective 6/10/06.]

WAC 434-379-009: Processing filed petitions.

(1) To allow for sufficient personnel to accept and process signed petitions, the sponsor of an initiative or referendum must make an appointment to file the signed petitions at least two business days in advance. Pursuant to RCW 29A.72.170, the secretary of state must reject petitions until a sufficient number that meet the minimum signature requirement are filed together. If the petitions are accepted and filed, additional petitions may be submitted until the applicable deadline established by RCW 29A.72.160. When submitting the petitions, the sponsor must also provide the text of the measure,

exactly as it was printed on the circulated petitions, in electronic Microsoft Word format.
(2) Upon receipt of the petitions, the office of the secretary of state shall count the number of petitions received, and provide that total to the sponsor.
(3) A petition may not be rejected merely because it includes stray marks, scribbles, notes, or highlighting as long as the printed text on the petition is not illegible.
(4) A petition may not be rejected merely because the circulator's declaration on the back side of the petition is unsigned, or is signed with a stamp. AGO 2006 No. 13; Washington Families Standing Together v. Secretary of State Sam Reed, Thurston County Superior Court No. 09-2-02145-4, September 8, 2009.
(5) Once a petition is submitted to the office of the secretary of state, a person may not withdraw his or her signature from a petition. Letters submitted to the secretary of state requesting the removal of a signature from a petition must be retained by the secretary as part of the public record for the petition.
(6) Each petition must be reviewed for fraud, such as patterns of similar handwriting indicating forged signatures.
(7) Each signature line must be reviewed to invalidate:
(a) Obscenities;
(b) Text that is not a name;
(c) Duplicate names;
(d) Lines that are crossed out and not readable;
(e) Lines that include a name and address that both appear to be fictitious; or
(f) Lines that are blank or unfilled.
(8) The following characteristics of a signature line do not, by themselves, invalidate the signature:
(a) A name that is fictitious with an address that does not appear to be fictitious. Lines that include a name that appears to not be fictitious but an address that does appear to be fictitious, or vice versa;
(b) Lines that are crossed out but still readable;
(c) Lines that are missing a printed name;
(d) Lines that are missing any portion of the address;
(e) Multiple lines that have similar handwriting, as long as the signature handwriting is not similar;
(f) Lines in which the signature, printed name, or address is written in the wrong field; or
(g) Signatures, printed names, or addresses written in the margin.
(9) After each signature line has been reviewed, the remaining signatures must be counted to obtain the total number of signatures submitted. That total must be provided to the sponsor.
(10) The secretary of state must verify either a random sample of the signatures submitted using the statistical formula authorized by RCW 29A.72.230 and established in WAC 434-379-010, or all of the signatures submitted. If the measure does not qualify for the ballot based on a random sample, the secretary of state must proceed to a full check of all signatures submitted. The secretary of state must follow WAC 434-379-020 to verify signatures.
[Statutory Authority: RCW 29A.04.611. WSR 17-12-090, § 434-379-009, filed 6/6/17, effective 7/7/17; WSR 14-06-040, § 434-379-009, filed 2/26/14, effective 3/29/14; WSR 12-14-074, § 434-379-009, filed 7/2/12, effective 8/2/12.]

WAC 434-379-010: Random sampling procedure.

In the verification of signatures on initiative and referendum petitions, under RCW 29A.72.230, the following statistical test may be employed:
(1) Take a minimum three percent random sample of the signatures submitted;
(2) Check each signature sampled to determine the numberof valid signatures in the sample, the number of signatures in the sample which are invalid because the individual signing is not registered to vote or the signature is improper in form, and the number of signatures which are duplicated in the sample;
(3) Calculate an allowance for the chance error of sampling by multiplying the square root of the number of invalid signatures in the sample by 1.5;
(4) Estimate the upper limit of the number of signatures in the population which are invalid by dividing the sum of the invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio, i.e., the number of signatures sampled divided by the number of signatures

submitted;
(5) Determine the maximum allowable number of pairs of signatures in the population by subtracting the sum of the number of signatures required by Article II, Section 1 of the Washington state Constitution and the estimate of the upper limit of the number of invalid signatures in the population from the number of signatures submitted;
(6) Determine the expected number of pairs of signatures in the sample by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures in the population;
(7) Determine the acceptable number of pairs of signatures in the sample by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample;
(8) If the number of pairs of signatures in the sample is greater than the acceptable number of pairs of signatures in the sample, each signature shall be canvassed to determine the exact number of valid signatures;
(9) If the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, the petition shall be deemed to contain sufficient signatures and the serial number and ballot title shall be certified to the state legislature as provided in RCW 29A.72.230 or to the county auditors as provided in RCW 29A.72.250.
[Statutory Authority: RCW 29A.04.611. WSR 19-19-033, § 434-379-010, filed 9/11/19, effective 10/12/19; WSR 14-06-040, § 434-379-010, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-010, filed 5/31/05, effective 7/1/05. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-379-010, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.04.080, 29.04.210, 29.36.150 and 29.79.200. WSR 97-21-045, recodified as § 434-379-010, filed 10/13/97, effective 11/13/97. Statutory Authority: RCW 29.79.200 and 29.04.080. WSR 97-17-035, § 434-79-010, filed 8/13/97, effective 9/13/97. Statutory Authority: RCW 29.79.200. WSR 78-08-032 (Order 78-2), § 434-79-010, filed 7/17/78.]

WAC 434-379-012: Acceptance of signatures.

(1) The secretary of state must determine if the person who signed a petition is registered to vote. The information may be researched in voter registration records using first name, last name, address, or any combination thereof. A signature may not be rejected merely because:
(a) The person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting is clearly the same;
(b) The last name on the petition differs from the last name in the voter registration records, as long as the addresses and the handwriting on the first name are clearly the same;
(c) The last name on the petition or in the voter registration records is hyphenated while the last name in the other source is not;
(d) The first name and last name on the petition are reversed in the voter registration records;
(e) The address on the petition does not match the address in the voter registration records;
(f) The handwriting on the printed name or address does not match the handwriting on the signature; or
(g) The voter is on inactive status.
(2) If the secretary of state is unable to locate the person in the voter registration records, the signature shall be rejected as not registered to vote.
(3) If the person is registered to vote, the signature on the petition sheet must be matched to the signature in the person's voter registration record using the standards in WAC 434-379-020. If the signature on the petition:
(a) Is handwritten and matches the signature in the voter registration record according to the standards in WAC 434-379-020, the signature must be accepted.
(b) Does not match the signature in the voter registration record, the signature must be rejected.
(c) Matches the signature in the voter registration record but another signature on the petition has already been accepted for that voter, the subsequent signature must be rejected as a duplicate.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-379-012, filed 4/19/18, effective 5/20/18; WSR 12-14-074, § 434-379-012, filed 7/2/12, effective 8/2/12.]

WAC 434-379-020: Signature verification standard.

A signature on a petition sheet must be matched to the signature on file in the voter registration

records. The following characteristics must be utilized to evaluate signatures to determine whether they are by the same writer:
(1) The signature is handwritten.
(2) Agreement in style and general appearance, including basic construction, skill, alignment, fluency, and a general uniformity and consistency between signatures;
(3) Agreement in the proportions of individual letters, height to width, and heights of the upper to lower case letters;
(4) Irregular spacing, slants, or sizes of letters that are duplicated in both signatures;
(5) After considering the general traits, agreement of themost distinctive, unusual traits of the signatures.
A single distinctive trait is insufficient to conclude that the signatures are by the same writer. There must be a combination or cluster of shared characteristics. Likewise, there must be a cluster of differences to conclude that the signatures are by different writers.
[Statutory Authority: RCW 29A.04.611. WSR 18-10-003, § 434-379-020, filed 4/19/18, effective 5/20/18. Statutory Authority: RCW 29A.04.611, 29A.04.530. WSR 06-02-028, § 434-379-020, filed 12/28/05, effective 1/28/06. Statutory Authority: RCW 29A.04.611 and 43.07.120. WSR 05-12-116, § 434-379-020, filed 5/31/05, effective 7/1/05.]

CHAPTER 434-381 WAC: STATE VOTERS' PAMPHLET

Sections
WAC 434-381-110: Candidate and committee contacts.
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WAC 434-381-130: Size and quality of photographs.
WAC 434-381-140: Restriction on photographs.
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WAC 434-381-200: Political party preference information.

WAC 434-381-110: Candidate and committee contacts.
Every candidate or committee appearing in the state voters' pamphlet shall designate a contact person with whom the secretary shall communicate all matters related to the pamphlet. Within five business days of the appointment of the initial members, the committee shall provide a name, mailing address, telephone number, fax number and email address as applicable. In the case of candidates the secretary shall use the information on the declaration of candidacy unless the candidate provides different information pursuant to this section.
[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-110, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-110, filed 12/28/01, effective 1/28/02.]

WAC 434-381-120: Deadlines.
(1) Candidate statements and photographs shall be submitted to the secretary of state no later than 11 days following the last day of the filing period.
(a) A declared primary election write-in candidate may submit a statement and photograph to the secretary of state no later than the Tuesday following the primary election.
(b) An unopposed candidate on the primary ballot may submit a revised statement only when a write-in candidate for the same position files a declaration of candidacy. The revised statement must be received no later than the Tuesday following the primary election.

(2) For ballot measures, including initiatives, referenda, alternatives to initiatives to the legislature, and constitutional amendments, the following documents shall be filed with the secretary of state on or before the following deadlines:
(a) Appointments of the initial two members of committees to prepare arguments for and against measures:
(i) For an initiative to the people or referendum measure: No later than seven business days after the submission of signed petitions to the secretary of state;
(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, no later than seven business days after the adjournment of the regular or special session at which the legislature approved or referred the measure to the ballot;
(b) Appointment of additional members of committees to prepare arguments for and against ballot measures, no later than the date the committee submits its initial argument to the secretary of state;
(c) For arguments for or against a ballot measure:
(i) For an initiative to the people or referendum measure: No later than 10 business days following appointment of the initial committee members;
(ii) For an initiative to the legislature, with or without an alternative, constitutional amendment or referendum bill, no later than 14 business days following appointment of the initial committee members;
(d) Rebuttals of arguments for or against a ballot measure, no later than five business days following the transmittal of the final statement to the committees by the secretary. The secretary shall not transmit arguments to opposing committees for the purpose of rebuttals until both arguments are complete.
(3) If a ballot measure is the product of a special session of the legislature and the secretary of state determines that the deadlines set forth in subsection (2) of this section are impractical due to the timing of that special session, then the secretary of state may establish a schedule of deadlines unique to that measure.
(4) The deadlines stated in this rule are intended to promote the timely publication of the voters' pamphlet. Nothing in this rule shall preclude the secretary of state from accepting a late filing when, in the secretary's judgment, it is reasonable to do so. Once statements or arguments are submitted to the secretary, changes by the candidate or committee will not be accepted unless requested by the secretary.
[Statutory Authority: RCW 29A.04.611. WSR 24-03-053, § 434-381-120, filed 1/10/24, effective 2/10/24; WSR 14-06-040, § 434-381-120, filed 2/26/14, effective 3/29/14. Statutory Authority: RCW 29A.04.611, 29A.04.620, and 29A.04.630. WSR 11-24-064, § 434-381-120, filed 12/6/11, effective 1/6/12. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-120, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 09-03-110, § 434-381-120, filed 1/21/09, effective 2/21/09; WSR 08-15-052, § 434-381-120, filed 7/11/08, effective 8/11/08; WSR 08-05-120, § 434-381-120, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29A.04.610. WSR 04-15-089, § 434-381-120, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-120, filed 12/28/01, effective 1/28/02.]

WAC 434-381-130: Size and quality of photographs.

Candidate photographs submitted for inclusion in the voters'pamphlet must have been taken within the past five years. Photos must be limited to the head and shoulders, with a light-colored background, but not a white background. Color photos are preferred, though black and white photos are acceptable. The photo size must be no smaller than two and one-half inches by three inches, and no larger than eight inches by ten inches. Photos submitted digitally must be a resolution no less than 300 dpi and not digitally altered. Lab processed no gloss prints meeting the size and quality specifications may also be submitted. The secretary may adjust or crop photos as necessary to fit the publication format. Photos not meeting the specifications may be rejected.
[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-130, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-130, filed 12/28/01, effective 1/28/02.]

WAC 434-381-140: Restriction on photographs.

No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto

other than the flag of the state of Washington, or other similar indicia of public office.
[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-140, filed 12/28/01, effective 1/28/02.]

WAC 434-381-150: Rejection of photographs.

The secretary may reject candidate photographs that do not meet the guidelines outlined by rule.
(1) The secretary will notify candidates whose photographs are being rejected;
(2) Candidates whose photographs are rejected by the secretary will be allowed to submit a new photograph;
(3) Replacement photographs must be submitted by the date specified by the secretary.
[Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-150, filed 12/28/01, effective 1/28/02.]

WAC 434-381-160: Listing committee names and contact information.

Committee names and contact information shall be submitted to the secretary of state.
(1) Names for publication in the voters pamphlet shall be listed in the order submitted by the committee;
(2) Each committee member may use up to eight words as a title or identification. No words that are obscene or otherwise prohibited for distribution through the mail may be used;
(3) The secretary will make every effort to maintain consistency in form and style for publications;
(4) State legislators will be identified in the following manner: State representative or state senator, with each title constituting two words;
(5) State elected officials will be identified as follows: Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands and insurance commissioner, with each title counting as many words as in that title;
(6) Additional titles or descriptions may be added to reach the maximum title length; and
(7) Each committee may submit contact information for inclusion in the voters pamphlet consisting of: A telephone number, an email, and an internet address which will not count toward the maximum word allowance.
[Statutory Authority: RCW 29A.04.611. WSR 08-05-120, § 434-381-160, filed 2/19/08, effective 3/21/08. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-160, filed 12/28/01, effective 1/28/02.]

WAC 434-381-170: Statement and argument format.

(1) Statements or arguments submitted for inclusion in the voters pamphlet shall not exceed the word limit set by statute.
(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will count toward the maximum word count set for arguments. Rebuttals may not contain headings;
(b) The four headings may not exceed fifteen words for each heading;
(c) Photographs or charts may be used in statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs).
(2) Statements and arguments submitted to the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.
(a) Statements and arguments will be laid out in a standard font without the use of boldface, underlining, or all caps;
(b) Italics may be used to add emphasis to statements or arguments;
(c) Argument headings will be laid out in boldface letters; and
(d) Statements are limited to one paragraph per fifty words. Arguments are limited to four paragraphs. Rebuttals are limited to one paragraph.
[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-170, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29A.04.611. WSR 10-03-072, § 434-381-170, filed 1/18/10, effective 2/18/10. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-170, filed 12/28/01, effective 1/28/02.]

WAC 434-381-180: Editing statements and arguments.

The secretary of state is not responsible for the content of arguments or statements and shall not edit the content of statements or arguments:

(1) The secretary may correct obvious errors in grammar,spelling or punctuation;

(2) The secretary shall promptly attempt to notify any candidate or committee, by any means the secretary deems reasonable under the circumstances, if a statement or argument exceeds the maximum number of words. If the candidate or committee does not provide the secretary with a revised statement or argument that meets the word limit within one business day after being notified by the secretary, then the secretary shall modify the statement to fit the limit by removing full sentences, starting at the end, until the maximum word limit is reached;

(3) The secretary shall notify any committee that submits a title or identification for their members that does not conform to WAC 434-381-160(2). If the committee does not provide the secretary with a revised title or identification that meets the requirements established in WAC 434-381-160(2) within one business day after being notified by the secretary, the secretary shall publish the name without any title or identification;

(4) Prior to publishing the pamphlet the secretary shall make a reasonable effort to provide a proof copy to the candidate or committee as it will appear showing any changes to the statement or argument; and

(5) Candidates or committees may only correct obvious errors or inaccuracies made by the secretary that they discover in their own proof copy. Changes in content are not allowed. Changes must be received by the secretary within three business days after proofs are sent by the secretary.

[Statutory Authority: RCW 29A.04.611. WSR 21-21-001, § 434-381-180, filed 10/6/21, effective 11/6/21. Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-180, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-180, filed 12/28/01, effective 1/28/02.]

WAC 434-381-190: Prevention of art work, photographs or other material by candidate.

(1) The secretary shall be prohibited from using the art work, photography, or other materials provided by candidates for public office in the voters' pamphlet in which the candidate's name appears, except that required by law or rule for the candidate's statements or, information provided by the office that publishes the pamphlet;

(2) Prior to final printing of the voters' pamphlet, the secretary will review complete "camera ready" copies of each edition of the voters' pamphlet;

(3) Language shall be placed into contracts, with the office of the secretary of state to produce the voters' pamphlet, to certify that those providing content materials for the voters' pamphlet are not candidates for public office and those individuals will not run for public office while their materials are being used in a state or local pamphlet produced in conjunction with the state voters' pamphlet.

[Statutory Authority: RCW 29A.04.611, 29A.04.255. WSR 11-05-008, § 434-381-190, filed 2/3/11, effective 3/6/11. Statutory Authority: RCW 29.81.320. WSR 02-02-067, § 434-381-190, filed 12/28/01, effective 1/28/02.]

WAC 434-381-200: Political party preference information.

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

[Statutory Authority: RCW 29A.04.611. WSR 08-15-052, § 434-381-200, filed 7/11/08, effective 8/11/08.]

Constitution

Washington State

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CONSTITUTION OF THE STATE OF WASHINGTON

This Constitution was framed by a convention of seventy-five delegates, chosen by the people of the Territory of Washington at an election held May 14, 1889, under section 3 of the Enabling Act. The convention met at Olympia on the fourth day of July, 1889, and adjourned on the twenty-second day of August, 1889. The Constitution was ratified by the people at an election held on October 1, 1889, and on November 11, 1889, in accordance with section 8 of the Enabling Act, the president of the United States proclaimed the admission of the State of Washington into the Union.

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(A) Constitution of the State of Washington
(B) Constitutional Amendments (in order of adoption)
(C) Index to State Constitution.

In part (A), for convenience of the reader, the latest constitutional amendments have been integrated with the currently effective original sections of the Constitution with the result that the Constitution is herein presented in its currently amended form.

All current sections, whether original sections or constitutional amendments, are carried in Article and section order and are printed in regular type. Following each section which has been amended, the original section and intervening amendments (if any) are printed in italics.

Appended to each amendatory section is a history note stating the amendment number and date of its approval as well as the citation to the session law wherein may be found the legislative measure proposing the amendment; e.g. "[AMENDMENT 27, 1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]"

In part (B), the constitutional amendments are also printed separately, in order of their adoption.

(A) Constitution of the State of Washington

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ARTICLE I: DECLARATION OF RIGHTS

Sections

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5: Freedom of speech.
6: Oaths — Mode of administering.
7: Invasion of private affairs or home prohibited.
8: Irrevocable privilege, franchise or immunity prohibited.
9: Rights of accused persons.
10: Administration of justice.
11: Religious freedom.
12: Special privileges and immunities prohibited.
13: Habeas corpus.
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PREAMBLE

We, the people of the State of Washington, grateful to the Supreme Ruler of the universe for our liberties, do ordain this constitution.

ARTICLE I: DECLARATION OF RIGHTS

Sections

1: Political power.
2: Supreme law of the land.
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27: Treason, defined, etc.
28: Hereditary privileges abolished.
29: Constitution mandatory.
30: Rights reserved.
31: Standing army.
32: Fundamental principles.
33: Recall of elective officers.
34: Same.
35: Victims of crimes — Rights.

Section 1 Political power.
All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights.

Section 2 Supreme law of the land.
The Constitution of the United States is the supreme law of the land.

Section 3 Personal rights.
No person shall be deprived of life, liberty, or property, without due process of law.

Section 4 Right of petition and assemblage.
The right of petition and of the people peaceably to assemble for the common good shall never be abridged.

Section 5 Freedom of speech.
Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right.

Section 6 Oaths — Mode of administering.
The mode of administering an oath, or affirmation, shall be such as may be most consistent with and binding upon the conscience of the person to whom such oath, or affirmation, may be administered.

Section 7 Invasion of private affairs or home prohibited.
No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

Section 8 Irrevocable privilege, franchise or immunity prohibited.
No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature.

Section 9 Rights of accused persons.
No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense.

Section 10 Administration of justice.
Justice in all cases shall be administered openly, and without unnecessary delay.

Section 11 Religious freedom.
Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a county's or public hospital district's hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.
[AMENDMENT 88, 1993 House Joint Resolution No. 4200, p 3062. Approved November 2, 1993.]
NOTES:
Amendment 34 (1957) — Art. 1 Section 11 RELIGIOUS FREEDOM — Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [AMENDMENT 34, 1957 Senate Joint Resolution No. 14, p 1299. Approved November 4, 1958.]
Amendment 4 (1904) — Art. 1 Section 11 RELIGIOUS FREEDOM — Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment.

Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony. [AMENDMENT 4, 1903 p 283 Section 1. Approved November, 1904.]
Original text — Art. 1 Section 11 RELIGIOUS FREEDOM — Absolute freedom of conscience in all matters of religious sentiment, belief, and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person, or property, on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for, or applied to any religious worship, exercise or instruction, or the support of any religious establishment. No religious qualification shall be required for any public office, or employment, nor shall any person be incompetent as a witness, or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

Section 12 Special privileges and immunities prohibited.
No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations.

Section 13 Habeas corpus.
The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it.

Section 14 Excessive bail, fines and punishments.
Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Section 15 Convictions, effect of.
No conviction shall work corruption of blood, nor forfeiture of estate.

Section 16 Eminent domain.
Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: Provided, That the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use. [AMENDMENT 9, 1919 p 385 Section 1. Approved November, 1920.]
NOTES:
Original text — Art. 1 Section 16 EMINENT DOMAIN — Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes or ditches on or across the lands of others for agricultural, domestic or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having first been made, or paid into court for the owner, and no right of way shall be appropriated to the use of any corporation other than municipal, until full compensation therefor be first made in money, or ascertained and paid into the court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such without regard to any legislative assertion that the use is public.

Section 17 Imprisonment for debt.
There shall be no imprisonment for debt, except in cases of absconding debtors.

Section 18 Military power, limitation of.
The military shall be in strict subordination to the civil power.

Section 19 Freedom of elections.
All Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Section 20 Bail, when authorized.
All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption

great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.

[AMENDMENT 104, 2010 Engrossed Substitute House Joint Resolution No. 4220, p 3129. Approved November 2, 2010.]

NOTES:

Original text — Art. 1 Section 20 BAIL, WHEN AUTHORIZED — All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

Section 21 Trial by jury.

The right of trial by jury shall remain inviolate, but the legislature may provide for a jury of any number less than twelve in courts not of record, and for a verdict by nine or more jurors in civil cases in any court of record, and for waiving of the jury in civil cases where the consent of the parties interested is given thereto.

Section 22 Rights of the accused.

In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: Provided, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

[AMENDMENT 10, 1921 p 79 Section 1. Approved November, 1922.]

NOTES:

Original text — Art. 1 Section 22 RIGHTS OF ACCUSED PERSONS — In criminal prosecution, the accused shall have the right to appear and defend in person, and by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed, and the right to appeal in all cases; and, in no instance, shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

Section 23 Bill of attainder, ex post facto law, etc.

No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed.

Section 24 Right to bear arms.

The right of the individual citizen to bear arms in defense of himself, or the state, shall not be impaired, but nothing in this section shall be construed as authorizing individuals or corporations to organize, maintain or employ an armed body of men.

Section 25 Prosecution by information.

Offenses heretofore required to be prosecuted by indictment may be prosecuted by information, or by indictment, as shall be prescribed by law.

Section 26 Grand jury.

No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall so order.

Section 27 Treason, defined, etc.

Treason against the state shall consist only in levying war against the state, or adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Section 28 Hereditary privileges abolished.

No hereditary emoluments, privileges, or powers, shall be granted or conferred in this state.

Section 29 Constitution mandatory.

The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise.

Section 30 Rights reserved.

The enumeration in this Constitution of certain

rights shall not be construed to deny others retained by the people.

Section 31 Standing army.
No standing army shall be kept up by this state in time of peace, and no soldier shall in time of peace be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

Section 32 Fundamental principles.
A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government.

Section 33 Recall of elective officers.
Every elective public officer of the state of Washington expect [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.
[AMENDMENT 8, 1911 p 504 Section 1. Approved November, 1912.]

Section 34 Same.
The legislature shall pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: Provided, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of lawmaking nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.
[AMENDMENT 8, 1911 p 504 Section 1. Approved November, 1912.]

Section 35 Victims of crimes — Rights.
Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.
Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.
[AMENDMENT 84, 1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.]

ARTICLE II: LEGISLATIVE DEPARTMENT

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Section 1 Legislative powers, where vested. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as

between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted: Provided, That the legislature may not order a referendum on any initiative measure enacted by the legislature under the foregoing subsection (a). The number of valid signatures of registered voters required on a petition for referendum of an act of the legislature or any part thereof, shall be equal to or exceeding four percent of the votes cast for the office of governor at the last gubernatorial election preceding the filing of the text of the referendum measure with the secretary of state.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

(d) The filing of a referendum petition against one or more items, sections, or parts of any act, law, or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the next succeeding regular general election following the filing of the measure with the secretary of state, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.

(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election.

[AMENDMENT 72, 1981 Substitute Senate Joint Resolution No. 133, p 1796. Approved November 3, 1981.]

NOTES:

Referendum procedures regarding salaries: Art. 28 Section 1.

Amendment 7 (1911) — Art. 2 Section 1 Legislative Powers, Where Vested — The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.

(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by

such petition, and every such petition shall include the full text of the measure so proposed. [Note: Signature requirements were superseded by Art. 2 Sec. 1(a), AMENDMENT 30.] Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.
(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition. [Note: Signature requirements were superseded by Art. 2 Sec. 1(a), AMENDMENT 30.]
(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. [Note: Subsection (c) was expressly superseded by Art. 2 Sec. 41, AMENDMENT 26.]
(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. [Note: Cf. Art. 2 Sec. 1(a), AMENDMENT 30.] All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon. [Note: This paragraph was expressly superseded by subsection (e) of this section, which was added by AMENDMENT 36.]
(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state. [AMENDMENT 7, 1911 House Bill No. 153 p 136. Approved November, 1912; Subsection (e) added by AMENDMENT 36, 1961 Senate Joint Resolution No. 9, p 2751. Approved November, 1962.]
Original text — Art. 2 Section 1 LEGISLATIVE POWERS, WHERE VESTED — The legislative powers shall be vested in a senate and house of representatives, which shall be called the legislature of the State of Washington.
Note:
Art. 2 Sec. 31 was also stricken by AMENDMENT 7.

Section 1(a) Initiative and referendum, signatures required.

[Stricken by AMENDMENT 72, 1981 Substitute Senate Joint Resolution No. 133, p 1796. Approved November 3, 1981.]
NOTES:
Amendment 30 (1956) — Art. 2 Section 1(a) INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED — Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon

a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state. [AMENDMENT 30, 1955 Senate Joint Resolution No. 4, p 1860. Approved November 6, 1956.]

Section 2 House of representatives and senate.
The house of representatives shall be composed of not less than sixty-three nor more than ninety-nine members. The number of senators shall not be more than one-half nor less than one-third of the number of members of the house of representatives. The first legislature shall be composed of seventy members of the house of representatives, and thirty-five senators.

Section 3 The census.
[Repealed by AMENDMENT 74, 1983 Substitute Senate Joint Resolution No. 103, p 2202. Approved November 8, 1983.]
NOTES:
Original text — Art. 2 Section 3 THE CENSUS — The legislature shall provide by law for an enumeration of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter; and at the first session after such enumeration, and also after each enumeration made by the authority of the United States, the legislature shall apportion and district anew the members of the senate and house of representatives, according to the number of inhabitants, excluding Indians not taxed, soldiers, sailors and officers of the United States army and navy in active service.

Section 4 Election of representatives and term of office.
Members of the house of representatives shall be elected in the year eighteen hundred and eighty-nine at the time and in the manner provided by this Constitution, and shall hold their offices for the term of one year and until their successors shall be elected.

Section 5 Elections, when to be held.
The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.

Section 6 Election and term of office of senators.
After the first election the senators shall be elected by single districts of convenient and contiguous territory, at the same time and in the same manner as members of the house of representatives are required to be elected; and no representative district shall be divided in the formation of a senatorial district. They shall be elected for the term of four years, one-half of their number retiring every two years. The senatorial districts shall be numbered consecutively, and the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the senators, elected in the even numbered districts, shall go out of office at the end of the third year.

Section 7 Qualifications of legislators.
No person shall be eligible to the legislature who shall not be a citizen of the United States and a qualified voter in the district for which he is chosen.

Section 8 Judges of their own election and qualification — Quorum.
Each house shall be the judge of the election, returns and qualifications of its own members, and a majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.

Section 9 Rules of procedure.
Each house may determine the rules of its own proceedings, punish for contempt and disorderly behavior, and, with the concurrence of two-thirds of all the members elected, expel a member, but no member shall be expelled a second time for the same offense.

Section 10 Election of officers.
Each house shall elect its own officers; and when the lieutenant governor shall not attend as president, or shall act as governor, the senate shall choose a temporary president. When presiding, the lieutenant governor shall have the deciding

vote in case of an equal division of the senate.

Section 11 Journal, publicity of meetings — Adjournments.
Each house shall keep a journal of its proceedings and publish the same, except such parts as require secrecy. The doors of each house shall be kept open, except when the public welfare shall require secrecy. Neither house shall adjourn for more than three days, nor to any place other than that in which they may be sitting, without the consent of the other.

Section 12 Sessions, when — Duration.
(1) Regular Sessions. A regular session of the legislature shall be convened each year. Regular sessions shall convene on such day and at such time as the legislature shall determine by statute. During each odd-numbered year, the regular session shall not be more than one hundred five consecutive days. During each even-numbered year, the regular session shall not be more than sixty consecutive days.
(2) Special Legislative Sessions. Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the governor pursuant to Article III, section 7 of this Constitution. Special legislative sessions may also be convened for a period of not more than thirty consecutive days by resolution of the legislature upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, which vote may be taken and resolution executed either while the legislature is in session or during any interim between sessions in accordance with such procedures as the legislature may provide by law or resolution. The resolution convening the legislature shall specify a purpose or purposes for the convening of a special session, and any special session convened by the resolution shall consider only measures germane to the purpose or purposes expressed in the resolution, unless by resolution adopted during the session upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, an additional purpose or purposes are expressed. The specification of purpose by the governor pursuant to Article III, section 7 of this Constitution shall be considered by the legislature but shall not be mandatory.
(3) Committees of the Legislature. Standing and special committees of the legislature shall meet and conduct official business pursuant to such rules as the legislature may adopt.
[AMENDMENT 68, 1979 Substitute Senate Joint Resolution No. 110, p 2286. Approved November 6, 1979.]
NOTES:
Extraordinary sessions to reconsider vetoes: Art. 3 Section 12.
Sessions to convene on the second Monday in January: RCW 44.04.010.
Original text — Art. 2 Section 12 SESSIONS, WHEN — DURATION — The first legislature shall meet on the first Wednesday after the first Monday in November, A. D., 1889. The second legislature shall meet on the first Wednesday after the first Monday in January, A. D., 1891, and sessions of the legislature shall be held biennially thereafter, unless specially convened by the governor, but the times of meeting of subsequent sessions may be changed by the legislature. After the first legislature the sessions shall not be more than sixty days.

Section 13 Limitation on members holding office in the state.
No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created during the term for which he was elected. Any member of the legislature who is appointed or elected to any civil office in the state, the emoluments of which have been increased during his legislative term of office, shall be compensated for the initial term of the civil office at the level designated prior to the increase in emoluments.
[AMENDMENT 69, 1979 Senate Joint Resolution No. 112, p 2287. Approved November 6, 1979.]
NOTES:
Original text — Art 2 Section 13 LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE — No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created, or the emoluments of which shall have been increased, during the term for which he was elected.

Section 14 Same, federal or other office.
No person, being a member of congress, or holding any civil or military office under the United States or any other power, shall be eligible to be a member of the legislature; and if any person after his election as a member of the legislature, shall be elected to congress or be appointed to any other office, civil or military, under the government of the United States, or any other power, his acceptance thereof shall vacate his seat, provided, that officers in the militia of the state who receive no annual salary, local officers and postmasters, whose compensation does not exceed three hundred dollars per annum, shall not be ineligible.

Section 15 Vacancies in legislature and in

partisan county elective office. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the county legislative authority of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and has qualified: Provided, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

[AMENDMENT 96, 2003 House Joint Resolution No. 4206, p 2819. Approved November 4, 2003.]

NOTES:

Governmental continuity during emergency periods: Art. 2 Section 42.

Vacancies in county, etc., offices, how filled: Art. 11 Section 6.

Amendment 52, part (1967) — Art. 2 Section 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE — Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [AMENDMENT 52, part, 1967 Senate Joint Resolution No. 24, part; see 1969 p 2976. Approved November 5, 1968.]

Amendment 32 (1956) — Art. 2 Section 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE — Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a

person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated. [AMENDMENT 32, 1955 Senate Joint Resolution No. 14, p 1862. Approved November 6, 1956.]
Amendment 13 (1930) — Art. 2 Section 15 VACANCIES IN LEGISLATURE — Such vacancies as may occur in either house of the legislature shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, the vacancy shall be filled by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial district. [AMENDMENT 13, 1929 p 690. Approved November, 1930.]
Original text — Art. 2 Section 15 WRITS OF ELECTION TO FILL VACANCIES — The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Section 16 Privileges from arrest.
Members of the legislature shall be privileged from arrest in all cases except treason, felony and breach of the peace; they shall not be subject to any civil process during the session of the legislature, nor for fifteen days next before the commencement of each session.

Section 17 Freedom of debate.
No member of the legislature shall be liable in any civil action or criminal prosecution whatever, for words spoken in debate.

Section 18 Style of laws.
The style of the laws of the state shall be: "Be it enacted by the Legislature of the State of Washington." And no laws shall be enacted except by bill.

Section 19 Bill to contain one subject.
No bill shall embrace more than one subject, and that shall be expressed in the title.

Section 20 Origin and amendment of bills.
Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

Section 21 Yeas and nays.
The yeas and nays of the members of either house shall be entered on the journal, on the demand of one-sixth of the members present.

Section 22 Passage of bills.
No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor.
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.

Section 23 Compensation of members.
Each member of the legislature shall receive for his services five dollars for each day's attendance during the session, and ten cents for every mile he shall travel in going to and returning from the place of meeting of the legislature, on the most usual route.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 24 Lotteries and divorce.
The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.
[AMENDMENT 56, 1971 Senate Joint Resolution No. 5, p 1828. Approved November 7, 1972.]
NOTES:
Original text — Art. 2 Section 24 LOTTERIES AND DIVORCE — The legislature shall never authorize any lottery or grant any divorce.

Section 25 Extra compensation prohibited.
The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted.
[AMENDMENT 35, 1957 Senate Joint Resolution No. 18, p 1301. Approved November 4, 1958.]
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1.
Increase during term of certain officers, authorized: Art. 30 Section 1.
Increase or diminution of compensation during term of office prohibited.
county, city, town or municipal officers: Art. 11 Section 8.
judicial officers: Art. 4 Section 13.
state officers: Art. 3 Section 25.
Original text — Art. 2 Section 25 EXTRA COMPENSATION,

PROHIBITED — The legislature shall never grant any extra compensation to any public officer, agent, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office.

Section 26 Suits against the state.
The legislature shall direct by law, in what manner, and in what courts, suits may be brought against the state.

Section 27 Elections — Viva voce vote.
In all elections by the legislature the members shall vote viva voce, and their votes shall be entered on the journal.

Section 28 Special legislation.
The legislature is prohibited from enacting any private or special laws in the following cases:
1. For changing the names of persons, or constituting one person the heir at law of another.
2. For laying out, opening or altering highways, except in cases of state roads extending into more than one county, and military roads to aid in the construction of which lands shall have been or may be granted by congress.
3. For authorizing persons to keep ferries wholly within this state.
4. For authorizing the sale or mortgage of real or personal property of minors, or others under disability.
5. For assessment or collection of taxes, or for extending the time for collection thereof.
6. For granting corporate powers or privileges.
7. For authorizing the apportionment of any part of the school fund.
8. For incorporating any town or village or to amend the charter thereof.
9. From giving effect to invalid deeds, wills or other instruments.
10. Releasing or extinguishing in whole or in part, the indebtedness, liability or other obligation, of any person, or corporation to this state, or to any municipal corporation therein.
11. Declaring any person of age or authorizing any minor to sell, lease, or encumber his or her property.
12. Legalizing, except as against the state, the unauthorized or invalid act of any officer.
13. Regulating the rates of interest on money.
14. Remitting fines, penalties or forfeitures.
15. Providing for the management of common schools.
16. Authorizing the adoption of children.
17. For limitation of civil or criminal actions.
18. Changing county lines, locating or changing county seats, provided, this shall not be construed to apply to the creation of new counties.

NOTES:
Corporations for municipal purposes shall not be created by special laws: Art. 11 Section 10.

Section 29 Convict labor.
The labor of inmates of this state shall not be let out by contract to any person, copartnership, company, or corporation, except as provided by statute, and the legislature shall by law provide for the working of inmates for the benefit of the state, including the working of inmates in state-run inmate labor programs. Inmate labor programs provided by statute that are operated and managed, in total or in part, by any profit or nonprofit entities shall be operated so that the programs do not unfairly compete with Washington businesses as determined by law.
[AMENDMENT 100, 2007 Senate Joint Resolution No. 8212, p 3143. Approved November 6, 2007.]

NOTES:
Original text — Art. 2 Section 29 CONVICT LABOR — After the first day of January eighteen hundred and ninety the labor of convicts of this state shall not be let out by contract to any person, copartnership, company or corporation, and the legislature shall by law provide for the working of convicts for the benefit of the state.

Section 30 Bribery or corrupt solicitation.
The offense of corrupt solicitation of members of the legislature, or of public officers of the state or any municipal division thereof, and any occupation or practice of solicitation of such members or officers to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or practice of solicitation, and shall not be permitted to withhold his testimony on the ground that it may criminate himself or subject him to public infamy, but such testimony shall not afterwards be used against him in any judicial proceeding - except for perjury in giving such testimony - and any person convicted of either of the offenses aforesaid, shall as part of the punishment therefor, be disqualified from ever holding any position of honor, trust or profit in this state. A member who has a private interest in any bill or measure proposed or pending before the

legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Section 31 Laws, when to take effect.

[This section stricken by AMENDMENT 7, 1911 House Bill No. 153, p 136. Approved November, 1912.]

NOTES:

Original text — Art. 2 Section 31 LAWS, WHEN TO TAKE EFFECT — No law, except appropriation bills, shall take effect until ninety days after the adjournment of the session at which it was enacted, unless in case of an emergency (which emergency must be expressed in the preamble or in the body of the act) the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house; said vote to be taken by yeas and nays and entered on the journals.

Effective dates of laws: Art. 2 Sections 1 and 41.

Section 32 Laws, how signed.

No bill shall become a law until the same shall have been signed by the presiding officer of each of the two houses in open session, and under such rules as the legislature shall prescribe.

Section 33 Alien ownership.

[Repealed by AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

NOTES:

Amendment 29 (1954) — Art. 2 Section 33 ALIEN OWNERSHIP —The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. [AMENDMENT 29, 1953 House Joint Resolution No. 16, p 853. Approved November 2, 1954.]

Amendment 24 (1950) — Art. 2 Section 33 ALIEN OWNERSHIP —The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition. [AMENDMENT 24, 1949 Senate Joint Resolution No. 9, p 999. Approved November, 1950.]

Original text — Art. 2 Section 33 OWNERSHIP OF LANDS BY ALIENS, PROHIBITED — Exceptions — The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly or in trust for such alien shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire-clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered on alien for the purposes of this prohibition.

Section 34 Bureau of statistics, agriculture and immigration.

There shall be established in the office of the secretary of state, a bureau of statistics, agriculture and immigration, under such regulations as the legislature may provide.

Section 35 Protection of employees.

The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of the same.

Section 36 When bills must be introduced.

No bill shall be considered in either house unless the time of its introduction shall have been at least ten days before the final adjournment of the legislature, unless the legislature shall otherwise direct by a vote of two-thirds of all the members elected to each house, said vote to be taken by yeas and nays and entered upon the journal, or unless the same be at a special session.

Section 37 Revision or amendment.

No act shall ever be revised or amended by mere reference to its title, but the act revised or the section amended shall be set forth at full length.

Section 38 Limitation on amendments.

No amendment to any bill shall be allowed which shall change the scope and object of the bill.

Section 39 Free transportation to public officer prohibited.

It shall not be lawful for any person holding public office in this state to accept or use a pass

or to purchase transportation from any railroad or other corporation, other than as the same may be purchased by the general public, and the legislature shall pass laws to enforce this provision.

Section 40 Highway funds.
All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:
(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;
(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;
(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;
(d) Refunds authorized by law for taxes paid on motor vehicle fuels;
(e) The cost of collection of any revenues described in this section:
Provided, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles.
[AMENDMENT 18, 1943 House Joint Resolution No. 4, p 938. Approved November, 1944.]

Section 41 Laws, effective date, initiative, referendum — Amendment or repeal.
No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state.
[AMENDMENT 26, 1951 Substitute Senate Joint Resolution No. 7, p 959. Approved November 4, 1952.]
NOTES:
Reviser's note: (1) In third sentence, comma between "general" and "regular" omitted in conformity with enrolled resolution.
(2) Subsection (c) of section 1 of this article was amended by Amendment 72, approved November 3, 1981.

Section 42 Governmental continuity during emergency periods.
The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from a catastrophic incident or enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of the emergency, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by a catastrophic incident or enemy attack only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;
Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;
Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;
Article 3, Section 13, Vacancies in State Offices;
Article 11, Section 6, Vacancies in County Offices;
Article 11, Section 2, Seat of County Government;
Article 3, Section 24, State Records.
[AMENDMENT 109, 2019 Senate Joint Resolution No. 8200. Approved November 5, 2019.]

NOTES:

Continuity of government act: Chapter 42.14 RCW.

Amendment 39 (1961) — Art. 2 Section 42 GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS — The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:
Article 14, Sections 1 and 2, Seat of Government;
Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;
Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;
Article 3, Section 13, Vacancies in State Offices;
Article 11, Section 6, Vacancies in County Offices;
Article 11, Section 2, Seat of County Government;
Article 3, Section 24, State Records. [AMENDMENT 39, 1961 House Joint Resolution No. 9, p 2758. Approved November, 1962.]

Section 43 Redistricting.

(1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.

(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.

(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.

(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.

(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than November 15th of each year ending in one. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations

provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.
(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.
(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.
(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.
(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.
(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.
[AMENDMENT 108, 2016 Senate Joint Resolution No. 8210. Approved November 8, 2016.]

NOTES:

Amendment 74 (1983) — Art. 2 Section 43 REDISTRICTING — (1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.
(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.
(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.
(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.
(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.
(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.
(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.
(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.
(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.
(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.
(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution. [AMENDMENT 74, 1983 Substitute Senate Joint Resolution No. 103, p 2202. Approved November 8, 1983.]

ARTICLE III:
THE EXECUTIVE

Sections

1: Executive department.
2: Governor, term of office.
3: Other executive officers, terms of office.
4: Returns of elections, canvass, etc.
5: General duties of governor.
6: Messages.
7: Extra legislative sessions.
8: Commander-in-chief.
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10: Vacancy in office of governor.
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15: Commissions, how issued.
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25: Qualifications, compensation, offices which may be abolished.

Section 1 Executive department.
The executive department shall consist of a governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and a commissioner of public lands, who shall be severally chosen by the qualified electors of the state at the same time and place of voting as for the members of the legislature.

Section 2 Governor, term of office.
The supreme executive power of this state shall be vested in a governor, who shall hold his office for a term of four years, and until his successor is elected and qualified.

Section 3 Other executive officers, terms of office.
The lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, and commissioner of public lands, shall hold their offices for four years respectively, and until their successors are elected and qualified.

Section 4 Returns of elections, canvass, etc.
The returns of every election for the officers named in the first section of this article shall be sealed up and transmitted to the seat of government by the returning officers, directed to the secretary of state, who shall deliver the same to the speaker of the house of representatives at the first meeting of the house thereafter, who shall open, publish and declare the result thereof in the presence of a majority of the members of both houses. The person having the highest number of votes shall be declared duly elected, and a certificate thereof shall be given to such person, signed by the presiding officers of both houses; but if any two or more shall be highest and equal in votes for the same office, one of them shall be chosen by the joint vote of both houses. Contested elections for such officers shall be decided by the legislature in such manner as shall be determined by law. The terms of all officers named in section one of this article shall commence on the second Monday in January after their election until otherwise provided by law.

Section 5 General duties of governor.
The governor may require information in writing from the officers of the state upon any subject relating to the duties of their respective offices, and shall see that the laws are faithfully executed.

Section 6 Messages.
He shall communicate at every session by message to the legislature the condition of the affairs of the state, and recommend such measures as he shall deem expedient for their action.

Section 7 Extra legislative sessions.
He may, on extraordinary occasions, convene the legislature by proclamation, in which shall be stated the purposes for which the legislature is convened.

NOTES:

Extraordinary sessions to reconsider vetoes: Art. 3 Section 12.

Section 8 Commander-in-chief.
He shall be commander-in-chief of the military in the state except when they shall be called into the service of the United States.

Section 9 Pardoning power.
The pardoning power shall be vested in the governor under such regulations and restrictions as may be prescribed by law.

Section 10 Vacancy in office of governor.
In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands.
In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term.
[AMENDMENT 6, 1909 p 642 Section 1. Approved November, 1910.]
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.
Original text — Art. 3 Section 10 VACANCY IN — In case of the removal, resignation, death, or disability of the governor, the duties of the office shall devolve upon the lieutenant governor, and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of governor shall devolve upon the secretary of state, who shall act as governor until the disability be removed or a governor elected.

Section 11 Remission of fines and forfeitures.
The governor shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the legislature at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted and the reasons for the remission.

Section 12 Veto powers.
Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within twenty days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the

same before the legislature at its next session in like manner as if it had been returned by the governor: Provided, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. If any bill presented to the governor contain several sections or appropriation items, he may object to one or more sections or appropriation items while approving other portions of the bill: Provided, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items. In case of objection he shall append to the bill, at the time of signing it, a statement of the section or sections, appropriation item or items to which he objects and the reasons therefor; and the section or sections, appropriation item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed.

[AMENDMENT 62, 1974 Senate Joint Resolution No. 140, p 806. Approved November 5, 1974.]

NOTES:

Veto power withheld from initiated and referred measures: Art. 2 Section 1.

Original text — Art. 3 Section 12 VETO POWER — Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within ten days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the governor. If any bill presented to the governor contain several sections or items, he may object to one or more sections or items while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the section, or sections; item or items to which he objects and the reasons therefor, and the section or sections, item or items so objected to, shall not take effect unless passed over the governor's objection, as hereinbefore provided.

Veto power does not extend to initiated or referred measures: Art. 2 Section 1(d).

Section 13 Vacancy in appointive office.

When, during a recess of the legislature, a vacancy shall happen in any office, the appointment to which is vested in the legislature, or when at any time a vacancy shall have occurred in any other state office, for the filling of which vacancy no provision is made elsewhere in this Constitution, the governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

NOTES:

Appointment of governing boards of educational, reformatory and penal institutions: Art. 13 Section 1.

Governmental continuity during emergency periods: Art. 2 Section 42.

Section 14 Salary.

The governor shall receive an annual salary of four thousand dollars, which may be increased by law, but shall never exceed six thousand dollars per annum.

NOTES:

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 15 Commissions, how issued.

All commissions shall issue in the name of the state, shall be signed by the governor, sealed with the seal of the state, and attested by the secretary of state.

Section 16 Lieutenant governor, duties and salary.

The lieutenant governor shall be presiding officer of the state senate, and shall discharge such other duties as may be prescribed by law. He shall receive an annual salary of one thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.

NOTES:

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 17 Secretary of state, duties and salary.

The secretary of state shall keep a record of the official acts of the legislature, and executive department of the state, and shall, when required, lay the same, and all matters relative thereto,

before either branch of the legislature, and shall perform such other duties as shall be assigned him by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 18 Seal.
There shall be a seal of the state kept by the secretary of state for official purposes, which shall be called, "The Seal of the State of Washington."
NOTES:
Design of the Seal: Art. 18 Section 1.
State seal: RCW 1.20.080.

Section 19 State treasurer, duties and salary.
The treasurer shall perform such duties as shall be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed four thousand dollars per annum.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 20 State auditor, duties and salary.
The auditor shall be auditor of public accounts, and shall have such powers and perform such duties in connection therewith as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed three thousand dollars per annum.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 21 Attorney general, duties and salary.
The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law. He shall receive an annual salary of two thousand dollars, which may be increased by the legislature, but shall never exceed thirty-five hundred dollars per annum.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 22 Superintendent of public instruction, duties and salary.
The superintendent of public instruction shall have supervision over all matters pertaining to public schools, and shall perform such specific duties as may be prescribed by law. He shall receive an annual salary of twenty-five hundred dollars, which may be increased by law, but shall never exceed four thousand dollars per annum.
NOTES:
Compensation of legislators, elected state officials, and judges: Art. 28 Section 1, Art. 30.

Section 23 Commissioner of public lands — Compensation.
The commissioner of public lands shall perform such duties and receive such compensation as the legislature may direct.

Section 24 Records, where kept, etc.
The governor, secretary of state, treasurer, auditor, superintendent of public instruction, commissioner of public lands and attorney general shall severally keep the public records, books and papers relating to their respective offices, at the seat of government, at which place also the governor, secretary of state, treasurer and auditor shall reside.
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.

Section 25 Qualifications, compensation, offices which may be abolished.
No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands. [AMENDMENT 31, 1955 Senate Joint Resolution No. 6, p 1861. Approved November 6, 1956.]
NOTES:
Authorizing compensation increase during term: Art. 30 Section 1.
Increase or diminution of compensation during term of office prohibited.
county, city, town or municipal officers: Art. 11 Section 8.
judicial officers: Art. 4 Section 13.
public officers: Art. 2 Section 25.
Original text — Art. 3 Section 25 QUALIFICATIONS — No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office, and the state treasurer shall be ineligible for the term succeeding that for which he was elected. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.

ARTICLE IV: THE JUDICIARY

Sections

1: Judicial power, where vested.
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2(a): Temporary performance of judicial duties.
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3(a): Retirement of supreme court and superior court judges.
4: Jurisdiction.
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Section 1 Judicial power, where vested.
The judicial power of the state shall be vested in a supreme court, superior courts, justices of the peace, and such inferior courts as the legislature may provide.

NOTES:

Court of appeals: Art. 4 Section 30.

Section 2 Supreme court.
The supreme court shall consist of five judges, a majority of whom shall be necessary to form a quorum, and pronounce a decision. The said court shall always be open for the transaction of business except on nonjudicial days. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decision shall be stated. The legislature may increase the number of judges of the supreme court from time to time and may provide for separate departments of said court.

Section 2(a) Temporary performance of judicial duties.
When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.
[AMENDMENT 38, 1961 House Joint Resolution No. 6, p 2757. Approved November, 1962.]

Section 3 Election and terms of supreme court judges.
The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice shall preside at all sessions of the supreme court. In case of the absence of the chief justice, the majority of the remaining court shall select one of their members to serve as acting chief justice. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding

their election. If a vacancy occur in the office of a judge of the supreme court the governor shall only appoint a person to ensure the number of judges as specified by the legislature, to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

[AMENDMENT 89, 1995 Substitute Senate Joint Resolution No. 8210, p 2905. Approved November 7, 1995.]

NOTES:

Original text — Art. 4 Section 3 ELECTION AND TERMS OF SUPREME COURT JUDGES — The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be the chief justice, and shall preside at all sessions of the supreme court, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice. In case of the absence of the chief justice, the judge having in like manner the shortest or next shortest term to serve shall preside. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

Section 3(a) Retirement of supreme court and superior court judges.

A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties.

[AMENDMENT 25, 1951 House Joint Resolution No. 6, p 960. Approved November 4, 1952.]

Section 4 Jurisdiction.

The supreme court shall have original jurisdiction in habeas corpus, and quo warranto and mandamus as to all state officers, and appellate jurisdiction in all actions and proceedings, excepting that its appellate jurisdiction shall not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars ($200) unless the action involves the legality of a tax, impost, assessment, toll, municipal fine, or the validity of a statute. The supreme court shall also have power to issue writs of mandamus, review, prohibition, habeas corpus, certiorari and all other writs necessary and proper to the complete exercise of its appellate and revisory jurisdiction. Each of the judges shall have power to issue writs of habeas corpus to any part of the state upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or before the supreme court, or before any superior court of the state or any judge thereof.

Section 5 Superior court — Election of judges, terms of, etc.

There shall be in each of the organized counties of this state a superior court for which at least one judge shall be elected by the qualified electors of the county at the general state election: Provided, That until otherwise directed by the legislature one judge only shall be elected for the counties of Spokane and Stevens; one judge for the county of Whitman; one judge for the counties of Lincoln, Okanogan, Douglas and Adams; one judge for the

counties of Walla Walla and Franklin; one judge for the counties of Columbia, Garfield and Asotin; one judge for the counties of Kittitas, Yakima and Klickitat; one judge for the counties of Clarke, Skamania, Pacific, Cowlitz and Wahkiakum; one judge for the counties of Thurston, Chehalis, Mason and Lewis; one judge for the county of Pierce; one judge for the county of King; one judge for the counties of Jefferson, Island, Kitsap, San Juan and Clallam; and one judge for the counties of Whatcom, Skagit and Snohomish. In any county where there shall be more than one superior judge, there may be as many sessions of the superior court at the same time as there are judges thereof, and whenever the governor shall direct a superior judge to hold court in any county other than that for which he has been elected, there may be as many sessions of the superior court in said county at the same time as there are judges therein or assigned to duty therein by the governor, and the business of the court shall be so distributed and assigned by law or in the absence of legislation therefor, by such rules and orders of court as shall best promote and secure the convenient and expeditious transaction thereof. The judgments, decrees, orders and proceedings of any session of the superior court held by any one or more of the judges of such court shall be equally effectual as if all the judges of said court presided at such session. The first superior judges elected under this Constitution shall hold their offices for the period of three years, and until their successors shall be elected and qualified, and thereafter the term of office of all superior judges in this state shall be for four years from the second Monday in January next succeeding their election and until their successors are elected and qualified. The first election of judges of the superior court shall be at the election held for the adoption of this Constitution. If a vacancy occurs in the office of judge of the superior court, the governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall be at the next succeeding general election, and the judge so elected shall hold office for the remainder of the unexpired term.

NOTES:

Supreme court may authorize superior court judge to perform judicial duties in any superior court: Art. 4 Section 2(a).

Section 6 Jurisdiction of superior courts. Superior courts and district courts have concurrent jurisdiction in cases in equity. The superior court shall have original jurisdiction in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

[AMENDMENT 87, 1993 House Joint Resolution No. 4201, p 3063. Approved November 2, 1993.]

NOTES:

Amendment 65, part (1977) — Art. 4 Section 6 Jurisdiction of Superior Courts — The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall

have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days. [AMENDMENT 65, part, 1977 Senate Joint Resolution No. 113, p 1714. Approved November 8, 1977.]

Amendment 65 also amended Art. 4 Section 10.

Amendment 28, part (1952) — Art. 4 Section 6 JURISDICTION OF SUPERIOR COURTS — The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days. [AMENDMENT 28, part, 1951 Substitute House Joint Resolution No. 13, p 962. Approved November 4, 1952.]

Note: Amendment 28 also amended Art. 4 Section 10.

ORIGINAL TEXT — ART. 4 Section 6 JURISDICTION OF SUPERIOR COURTS — The superior court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all other cases in which the demand, or the value of the property in controversy amounts to one hundred dollars, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization, and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justice's and other inferior courts in their respective counties as may be prescribed by law. They shall be always open except on non-judicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and non-judicial days.

Section 7 Exchange of judges — Judge pro tempore.

The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge pro tempore either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement. [AMENDMENT 94, 2001 Engrossed Senate Joint Resolution No. 8208, p 2327. Approved November 6, 2001.]

NOTES:

Amendment 80 — Art. 4 Section 7 EXCHANGE OF JUDGES — JUDGE PRO TEMPORE — The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.[Amendment 80, 1987 Senate Joint Resolution No. 8207, p 2815. Approved November 3, 1987.]

ORIGINAL TEXT — Art. 4 Section 7 EXCHANGE OF JUDGES — JUDGE PRO TEMPORE — The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case.

Section 8 Absence of judicial officer.
Any judicial officer who shall absent himself from the state for more than sixty consecutive days shall be deemed to have forfeited his office: Provided, That in cases of extreme necessity the governor may extend the leave of absence such time as the necessity therefor shall exist.

Section 9 Removal of judges, attorney general, etc.
Any judge of any court of record, the attorney general, or any prosecuting attorney may be removed from office by joint resolution of the legislature, in which three-fourths of the members elected to each house shall concur, for incompetency, corruption, malfeasance, or delinquency in office, or other sufficient cause stated in such resolution. But no removal shall be made unless the officer complained of shall have been served with a copy of the charges against him as the ground of removal, and shall have an opportunity of being heard in his defense. Such resolution shall be entered at length on the journal of both houses and on the question of removal the ayes and nays shall also be entered on the journal.
NOTES:
Removal, censure, suspension, or retirement of judges or justices: Art. 4 Section 31.

Section 10 Justices of the peace.
The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.
[AMENDMENT 65, part, 1977 Senate Joint Resolution No. 113, p 1714. Approved November 8, 1977.]
NOTES:
Amendment 65 also amended Art. 4 Section 6.
Amendment 28, part (1952) — Art. 4 Section 10 JUSTICES OF THE PEACE — The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. [AMENDMENT 28, part, 1951 Substitute House Joint Resolution No. 13, p 962. Approved November 4, 1952.]
Note: Amendment 28 also amended Art. 4 Section 6.
Original text — Art. 4 Section 10 JUSTICES OF THE PEACE — The legislature shall determine the number of justices of the peace to be elected in incorporated cities or towns and in precincts, and shall prescribe by law the powers, duties and jurisdiction of justices of the peace; Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. In incorporated cities or towns having more than five thousand inhabitants the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

Section 11 Courts of record.
The supreme court and the superior courts shall be courts of record, and the legislature shall have power to provide that any of the courts of this state, excepting justices of the peace, shall be courts of record.

Section 12 Inferior courts.
The legislature shall prescribe by law the jurisdiction and powers of any of the inferior courts which may be established in pursuance of this Constitution.

Section 13 Salaries of judicial officers — How paid, etc.
No judicial officer, except court commissioners and unsalaried justices of the peace, shall receive to his own use any fees or perquisites of office. The judges of the supreme court and judges of the superior courts shall severally at stated times, during their continuance in office, receive for their services the salaries prescribed by law therefor, which shall not be increased after their election, nor during the term for which they shall have been elected. The salaries of the judges of the supreme court shall be paid by the state. One-half of the salary of each of the superior court judges shall

be paid by the state, and the other one-half by the county or counties for which he is elected. In cases where a judge is provided for more than one county, that portion of his salary which is to be paid by the counties shall be apportioned between or among them according to the assessed value of their taxable property, to be determined by the assessment next preceding the time for which such salary is to be paid.

NOTES:

Authorizing compensation increase during term: Art. 30 Section 1.

Increase or diminution of compensation during term of office prohibited

county, city or municipal officers: Art. 11 Section 8.

public officers: Art. 2 Section 25.

state officers: Art. 3 Section 25.

Section 14 Salaries of supreme and superior court judges.
Each of the judges of the supreme court shall receive an annual salary of four thousand dollars ($4,000); each of the superior court judges shall receive an annual salary of three thousand dollars ($3,000), which said salaries shall be payable quarterly. The legislature may increase the salaries of judges herein provided.

NOTES:

Compensation of legislators, elected state officials, and judges: Art. 28 Section 1.

Section 15 Ineligibility of judges.
The judges of the supreme court and the judges of the superior court shall be ineligible to any other office or public employment than a judicial office, or employment, during the term for which they shall have been elected.

Section 16 Charging juries.
Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Section 17 Eligibility of judges.
No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice in the courts of record of this state, or of the Territory of Washington.

Section 18 Supreme court reporter.
The judges of the supreme court shall appoint a reporter for the decisions of that court, who shall be removable at their pleasure. He shall receive such annual salary as shall be prescribed by law.

Section 19 Judges may not practice law.
No judge of a court of record shall practice law in any court of this state during his continuance in office.

Section 20 Decisions, when to be made.
Every cause submitted to a judge of a superior court for his decision shall be decided by him within ninety days from the submission thereof; Provided, That if within said period of ninety days a rehearing shall have been ordered, then the period within which he is to decide shall commence at the time the cause is submitted upon such a hearing.

Section 21 Publication of opinions.
The legislature shall provide for the speedy publication of opinions of the supreme court, and all opinions shall be free for publication by any person.

Section 22 Clerk of the supreme court.
The judges of the supreme court shall appoint a clerk of that court who shall be removable at their pleasure, but the legislature may provide for the election of the clerk of the supreme court, and prescribe the term of his office. The clerk of the supreme court shall receive such compensation by salary only as shall be provided by law.

Section 23 Court commissioners.
There may be appointed in each county, by the judge of the superior court having jurisdiction therein, one or more court commissioners, not exceeding three in number, who shall have authority to perform like duties as a judge of the superior court at chambers, subject to revision by such judge, to take depositions and to perform such other business connected with the administration of justice as may be prescribed by law.

Section 24 Rules for superior courts.
The judges of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts.

Section 25 Reports of superior court judges.
Superior judges, shall on or before the first day of November in each year, report in writing to the judges of the supreme court such defects and omissions in the laws as their experience may

suggest, and the judges of the supreme court shall on or before the first day of January in each year report in writing to the governor such defects and omissions in the laws as they may believe to exist.

Section 26 Clerk of the superior court.
The county clerk shall be by virtue of his office, clerk of the superior court.

Section 27 Style of process.
The style of all process shall be, "The State of Washington," and all prosecutions shall be conducted in its name and by its authority.

Section 28 Oath of judges.
Every judge of the supreme court, and every judge of a superior court shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitution of the United States and the Constitution of the State of Washington, and will faithfully and impartially discharge the duties of judge to the best of his ability, which oath shall be filed in the office of the secretary of state.

Section 29 Election of superior court judges.
Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: Provided, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last date for withdrawal and the time when the election would be held but for the provisions of this section, and such other provisions as may be deemed necessary to implement the provisions of this section, may be enacted by the legislature.
[AMENDMENT 41, 1965 ex.s. Substitute Senate Joint Resolution No. 6, p 2815. Approved November 8, 1966.]

Section 30 Court of appeals.
(1) Authorization. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.
(2) Jurisdiction. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.
(3) Review of Superior Court. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.
(4) Judges. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.
(5) Administration and Procedure. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.
(6) Conflicts. The provisions of this section shall supersede any conflicting provisions in prior sections of this article.
[AMENDMENT 50, 1967 Senate Joint Resolution No. 6; see 1969 p 2975. Approved November 5, 1968.]
NOTES:
Reviser's note: This section which was adopted as Sec. 29 is herein renumbered Sec. 30 to avoid confusion with Sec. 29, supra.

Section 31 Commission on judicial conduct.
(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the limited jurisdiction court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.
(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for

conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.
(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.
(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.
(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.
(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.
(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.
(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.
(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.
(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

[AMENDMENT 97, 2005 Senate Joint Resolution No. 8207, pp 2799, 2800. Approved November 8, 2005.]

NOTES:

Removal by legislature: Art. 4 Section 9.

Amendment 85 (1989) — Art. 4 Section 31 COMMISSION ON JUDICIAL CONDUCT — (1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.
(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial

proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.
(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.
(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.
(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.
(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.
(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court.
A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.
(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.
(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.
(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.
[AMENDMENT 85, 1989 Substitute Senate Joint Resolution No. 8202, p 3000. Approved November 7, 1989.]
Amendment 77 (1986) — Art. 4 Section 31 COMMISSION ON JUDICIAL CONDUCT — REMOVAL, CENSURE, SUSPENSION, OR RETIREMENT OF JUDGES OR JUSTICES — PROCEEDINGS — There shall be a commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and four persons who are not attorneys appointed by the governor and confirmed by the senate.
The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.
The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.
Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.
Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.
The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings. [AMENDMENT 77, 1986 Senate Joint Resolution No. 136, p 1532. Approved November 4, 1986.]
Amendment 71 (1980) — Art. 4 Section 31 JUDICIAL QUALIFICATIONS COMMISSION — REMOVAL, CENSURE, SUSPENSION, OR RETIREMENT OF JUDGES OR JUSTICES — There shall be a judicial qualifications commission consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and two persons who are not attorneys appointed by the governor and confirmed by the senate.
The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.
The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court

may not discipline or retire a judge or justice until the judicial qualifications commission recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.
The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings. [AMENDMENT 71, 1980 Substitute House Joint Resolution No. 37, p 652. Approved November 4, 1980.]

ARTICLE V: IMPEACHMENT

Sections

1: Impeachment — Power of and procedure.
2: Officers liable to.
3: Removal from office.

Section 1 Impeachment — Power of and procedure.
The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be tried by the senate, and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Section 2 Officers liable to.
The governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

Section 3 Removal from office.
All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

ARTICLE VI: ELECTIONS AND ELECTIVE RIGHTS

Sections

1: Qualifications of electors.
1A: Voter qualifications for presidential elections.
2: School elections — Franchise, how extended.
3: Who disqualified.
4: Residence, contingencies affecting.
5: Voter — When privileged from arrest.
6: Ballot.
7: Registration.
8: Elections, time of holding.

Section 1 Qualifications of electors.
All persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections.
[AMENDMENT 63, 1974 Senate Joint Resolution No. 143, p 807. Approved November 5, 1974.]
NOTES:
Amendment 2 (1896) — Art. 6 Section 1
QUALIFICATIONS OF VOTERS — All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not effect [affect] the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section. [AMENDMENT 2, 1895 p 60 Section 1. Approved November, 1896.]
Original text — Art. 6 Section 1 QUALIFICATIONS OF ELECTORS — All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; They shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; Provided, that Indians not taxed shall never be allowed the elective franchise; Provided, further; that all male persons who at the time of the adoption of this Constitution are qualified electors of the Territory, shall be electors.

Section 1A Voter qualifications for presidential elections.

[Repealed by AMENDMENT 105, 2011 Senate Joint Resolution No. 8205, p 4281. Approved November 8, 2011.]

NOTES:

Original text — Art. 6 Section 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS — In consideration of those citizens of the United States who become residents of the state of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons who can meet all qualifications for voting as set forth in section 1 of this article, except for residence, to vote for presidential electors or for the office of President and Vice-President of the United States, as the case may be, but no other: Provided, That such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

Section 2 School elections — Franchise, how extended.

[This section stricken by AMENDMENT 5, see Art. 6 Section 1.]

NOTES:

Original text — Art. 6 Section 2 SCHOOL ELECTIONS — FRANCHISE, HOW EXTENDED — The legislature may provide that there shall be no denial of the elective franchise at any school election on account of sex.

Section 3 Who disqualified.

All persons convicted of infamous crime unless restored to their civil rights and all persons while they are judicially declared mentally incompetent are excluded from the elective franchise.

[AMENDMENT 83, 1988 House Joint Resolution No. 4231, p 1553. Approved November 8, 1988.]

NOTES:

Original text — Art. 6 Section 3 WHO DISQUALIFIED — All idiots, insane persons, and persons convicted of infamous crime unless restored to their civil rights are excluded from the elective franchise.

Section 4 Residence, contingencies affecting.

For the purpose of voting and eligibility to office no person shall be deemed to have gained a residence by reason of his presence or lost it by reason of his absence, while in the civil or military service of the state or of the United States, nor while a student at any institution of learning, nor while kept at public expense at any poor-house or other asylum, nor while confined in public prison, nor while engaged in the navigation of the waters of this state or of the United States, or of the high seas.

Section 5 Voter — When privileged from arrest.

Voters shall in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at elections and in going to, and returning therefrom. No elector shall be required to do military duty on the day of any election except in time of war or public danger.

Section 6 Ballot.

All elections shall be by ballot. The legislature shall provide for such method of voting as will secure to every elector absolute secrecy in preparing and depositing his ballot.

Section 7 Registration.

The legislature shall enact a registration law, and shall require a compliance with such law before any elector shall be allowed to vote; Provided, that this provision is not compulsory upon the legislature except as to cities and towns having a population of over five hundred inhabitants. In all other cases the legislature may or may not require registration as a pre-requisite to the right to vote, and the same system of registration need not be adopted for both classes.

Section 8 Elections, time of holding.

The first election of county and district officers not otherwise provided for in this Constitution shall be on the Tuesday next after the first Monday in November 1890, and thereafter all elections for such officers shall be held bi-ennially on the Tuesday next succeeding the first Monday in November. The first election of all state officers not otherwise provided for in this Constitution, after the election held for the adoption of this Constitution, shall be on the Tuesday next after the first Monday in November, 1892, and the elections for such state officers shall be held in every fourth year thereafter on the Tuesday succeeding the first Monday in November.

NOTES:

Cf. Art. 27 Section 14.

ARTICLE VII: REVENUE AND TAXATION

Sections

1: Taxation.
2: Limitation on levies.
3: Taxation of federal agencies and property.

4: No surrender of power or suspension of tax on corporate property.
5: Taxes, how levied.
6: Taxes, how paid.
7: Annual statement.
8: Tax to cover deficiencies.
9: Special assessments or taxation for local improvements.
10: Retired persons property tax exemption.
11: Taxation based on actual use.
12: Budget stabilization account.

Section 1 Taxation.
The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of fifteen thousand ($15,000.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.
[AMENDMENT 98, 2006 House Joint Resolution No. 4223, p 2117. Approved November 7, 2006.]
NOTES:
Amendment 81 (1988) — Art. 7 Section 1 TAXATION —The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three thousand ($3,000.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. [AMENDMENT 81, 1988 House Joint Resolution No. 4222, p 1551. Approved November 8, 1988.]
Amendment 14 (1930) — Art. 7 Section 1 TAXATION — The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred ($300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner. [AMENDMENT 14, 1929 p 499 Section 1. Approved November, 1930.]
Reviser's note: Amendment 14 amended Art. 7 by striking all of Sections 1, 2, 3 and 4. Subsequently, Amendment 17 added a new Section 2, and Amendment 19 added a new Section 3.
Original text — Art. 7 Section 1 ANNUAL STATE TAX — All property in the state, not exempt under the laws of the United States, or under this Constitution, shall be taxed in proportion to its value, to be ascertained as provided by law. The legislature shall provide by law for an annual tax sufficient, with other sources of revenue to defray the estimated ordinary expenses of the state for each fiscal year. And for the purpose of paying the state debt, if there be any, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and principal of such debt within twenty years from the final passage of the law creating the debt.

NOTES:
Amendment 3 (1900) — Art. 7 Section 2, was amended by adding the following proviso: "And provided further, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars ($300) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual and bona fide owner." [AMENDMENT 3, 1899 p 121 Section 1. Approved November, 1900.]
Original text — Art. 7 Section 2 TAXATION — UNIFORMITY AND EQUALITY — EXEMPTION — The legislature shall provide by law a uniform and equal rate of assessment and taxation on all property in the state, according to its value in money, and shall prescribe such regulations by general law as shall secure a just valuation for taxation of all property, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property; Provided, that a deduction of debts from credits may be authorized: Provided, further, that the property of the United States and of the state, counties, school districts and other

municipal corporations, and such other property as the legislature may by general laws provide, shall be exempt from taxation.

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NOTES:
Original text — Art. 7 Section 3 ASSESSMENT OF CORPORATE PROPERTY — The legislature shall provide by general law for the assessing and levying of taxes on all corporation property as near as may be by the same methods as are provided for the assessing and levying of taxes on individual property.

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NOTES:
Original text — Art. 7 Section 4 NO SURRENDER OF POWER OR SUSPENSION OF TAX ON CORPORATE PROPERTY — The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Section 2 Limitation on levies.
Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money. Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election. Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election. Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.
[AMENDMENT 101, 2007 Engrossed House Joint

Resolution No. 4204, pp 3143-3145. Approved November 6, 2007.]

NOTES:

Prior amendments of Art. 7 Section 2, see Amendments 17, 55, 59, 64, 79, and 90.

Amendment 95 (2002) — Art. 7 Section 2 LIMITATION ON LEVIES — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 95, 2002 House Joint Resolution No. 4220, p 2203. Approved November 5, 2002.]

Amendment 90 (1997) — Art. 7 Section 2 LIMITATION ON LEVIES — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the

provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 90, 1997 House Joint Resolution No. 4208, p 3063. Approved November 4, 1997.]
Amendment 79 (1986) — Art. 7 Section 2 LIMITATION ON LEVIES — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 79, 1986 House Joint Resolution No. 55, p 1530. Approved November 4, 1986.]
Amendment 64 (1976) — Art. 7 Section 2 LIMITATION ON LEVIES — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax

limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 64, 1975-'76 2nd ex.s. Senate Joint Resolution No. 137, p 518. Approved November 2, 1976.]
Amendment 59 (1972) and Amendment 55 (1972) — Art. 7 Section 2 LIMITATION ON LEVIES — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [(i) AMENDMENT 59, 1971 House Joint Resolution No. 47, p 1834. Approved November, 1972. (ii) AMENDMENT 55, 1971 Senate Joint Resolution No. 1, p 1827. Approved November, 1972.]
Reviser's note: Article 7 Section 2 was twice amended in different respects at the November 1972 general election by the ratification of both S.J.R. No. 1. (AMENDMENT 55) and H.J.R. No. 47. (AMENDMENT 59.) 1971 HJR No. 47 contained the following paragraph:
"Be It Further Resolved, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: Provided, That if both proposed amendments are approved and ratified, both shall become part of the Constitution" [1971 House Joint Resolution No. 47, part, p 1834] The section as printed above reflects the content of both amendments.
Amendment 17 (1944) — Art. 7 Section 2 FORTY MILL LIMIT — Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for

capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and Provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [AMENDMENT 17, 1943 House Joint Resolution No. 1, p 936. Approved November, 1944.]
Reviser's note: Original section 2, as amended by Amendment 3, was stricken by Amendment 14. The original section and Amendment 3, are set out following Art. 7, Section 1, above.

Section 3 Taxation of federal agencies and property.
The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States, notwithstanding anything to the contrary in the Constitution of this state.
[AMENDMENT 19, 1945 House Joint Resolution No. 9, p 932. Approved November, 1946.]
NOTES:
Reviser's note: Original section 3 was stricken by Amendment 14. The original section is set out following Art. 7 Section 1, above.

Section 4 No surrender of power or suspension of tax on corporate property.
NOTES:
Reviser's note: Original section 4 was stricken by Amendment 14. It is set out following Art. 7 Section 1, above.

Section 5 Taxes, how levied.
No tax shall be levied except in pursuance of law; and every law imposing a tax shall state distinctly the object of the same to which only it shall be applied.

Section 6 Taxes, how paid.
All taxes levied and collected for state purposes shall be paid in money only into the state treasury.

Section 7 Annual statement.
An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the legislature may provide.

Section 8 Tax to cover deficiencies.
Whenever the expenses of any fiscal year shall exceed the income, the legislature may provide for levying a tax for the ensuing fiscal year, sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of the ensuing fiscal year.

Section 9 Special assessments or taxation for local improvements.
The legislature may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of property benefited. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes and such taxes shall be uniform in respect to persons and property within the jurisdiction of the body levying the same.

Section 10 Retired persons property tax exemption.
Notwithstanding the provisions of Article 7, section 1 (Amendment 14) and Article 7, section 2 (Amendment 17), the following tax exemption shall be allowed as to real property:
The legislature shall have the power, by appropriate legislation, to grant to retired property owners relief from the property tax on the real property occupied as a residence by those owners. The legislature may place such restrictions and conditions upon the granting of such relief as it shall deem proper. Such restrictions and conditions may include, but are not limited to, the limiting of the relief to those property owners below a specific level of income and those fulfilling certain minimum residential requirements. [AMENDMENT 47, 1965 ex.s. House Joint Resolution No. 7, p 2821. Approved November 8, 1966.]

Section 11 Taxation based on actual use.
Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property.
[AMENDMENT 53, 1967 House Joint Resolution No. 1; see 1969 p 2976. Approved November 5, 1968.]

Section 12 Budget stabilization account.
(a) A budget stabilization account shall be established and maintained in the state treasury.
(b)(1) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.
(2) By June 30th of the second year of each fiscal biennium, three-quarters of any extraordinary revenue growth shall be transferred to the budget stabilization account. However, no transfer of extraordinary revenue growth under this subsection (b)(2) shall occur in a fiscal biennium following a fiscal biennium in which annual average state employment growth averaged less than one percent per fiscal year. "Extraordinary revenue growth" means the amount by which the growth in general state revenues for that fiscal biennium exceeds by one-third the average biennial percentage growth in general state revenues over the prior five fiscal biennia. In making this determination, the comparability of data shall be maintained by adjusting historical general state revenues to reflect statutory changes to the dedication of state revenues. The transfer under this subsection shall be made only to the extent that it exceeds the total transfers under (1) of this subsection for that fiscal biennium.
(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.
(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:
(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the declaration, by a favorable vote of a majority of the members elected to each house of the legislature.
(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.
(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.
(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.
(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.
(g) The legislature shall enact appropriate laws to carry out the purposes of this section.
(h) This section takes effect July 1, 2008.
[AMENDMENT 106, 2011 Senate Joint Resolution No. 8206, p 4281-4283. Approved November 8, 2011.]
NOTES:
Amendment 99 (2007) — Art. 7 Section 12 BUDGET STABILIZATION ACCOUNT — (a) A budget stabilization account shall be established and maintained in the state treasury.
(b) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.
(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.
(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:
(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the declaration, by a favorable vote of a majority of the members elected to each

house of the legislature.
(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.
(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.
(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.
(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.
(g) The legislature shall enact appropriate laws to carry out the purposes of this section.
(h) This section takes effect July 1, 2008. [AMENDMENT 99, 2007 Engrossed Substitute Senate Joint Resolution No. 8206, pp 3146, 3147. Approved November 6, 2007.]

ARTICLE VIII: STATE, COUNTY, AND MUNICIPAL INDEBTEDNESS

Sections

1: State debt.
2: Powers extended in certain cases.
3: Special indebtedness, how authorized.
4: Moneys disbursed only by appropriations.
5: Credit not to be loaned.
6: Limitations upon municipal indebtedness.
7: Credit not to be loaned.
8: Port expenditures — Industrial development — Promotion.
9: State building authority.
10: Energy, water, or stormwater or sewer services conservation assistance.
11: Agricultural commodity assessments — Development, promotion, and hosting.

Section 1 State debt.
(a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state, as calculated by the treasurer at the time debt is contracted, shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than the applicable percentage limit of the arithmetic mean of its general state revenues for the six immediately preceding fiscal years as certified by the treasurer. The term "applicable percentage limit" means eight and one-half percent from July 1, 2014, through June 30, 2016; eight and one-quarter percent from July 1, 2016, through June 30, 2034; eight percent from July 1, 2034, and thereafter. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues," when used in this section, shall include all state money received in the treasury from each and every source, including moneys received from ad valorem taxes levied by the state and deposited in the general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly,

from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt

discharged other than by refunding within twelve months after the date of incurrence.

(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

[AMENDMENT 107, 2012 Engrossed Senate Joint Resolution No. 8221, p 2429-2432. Approved November 6, 2012.]

NOTES:

Amendment 103 (2010) — Art. 8 Section 1 STATE DEBT — (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates

may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [AMENDMENT 103, 2010 Senate Joint Resolution No. 8225, p 3129-3132. Approved November 2, 2010.]
Amendment 92 (1999) — Art. 8 Section 1 STATE DEBT — (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.
(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.
(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.
(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.
(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.
(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.
(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.
(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [AMENDMENT 92, 1999 Senate Joint Resolution No. 8206, p 2387. Approved

November 2, 1999.]
Amendment 60, part, (1972) — Art. 8 Section 1 STATE DEBT — (a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state s hall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.
(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.
(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.
(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.
(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.
(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.
(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [AMENDMENT 60, part, 1971 House Joint Resolution No. 52, part, p 1836. Approved November, 1972.]
Original text — Art. 8 Section 1 LIMITATION OF STATE DEBT — The state may to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four hundred thousand dollars ($400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever.

Section 2 Powers extended in certain cases. In addition to the above limited power to contract debts the state may contract debts to repel invasion, suppress insurrection, or to defend

the state in war, but the money arising from the contracting of such debts shall be applied to the purpose for which it was raised and to no other purpose whatever.

Section 3 Special indebtedness, how authorized.
Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein. No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election.
[AMENDMENT 60, part, 1971 House Joint Resolution No. 52, part, p 1836. Approved November, 1972.]
NOTES:
Amendment 48 (1966) — Art. 8 Section 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED — Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election. [AMENDMENT 48, 1965 ex.s. House Joint Resolution No. 39, p 2822. Approved November 8, 1966.]
Original text — Art. 8 Section 3 SPECIAL INDEBTEDNESS HOW AUTHORIZED — Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, if one be published therein, throughout the state, for three months next preceding the election at which it is submitted to the people.

Section 4 Moneys disbursed only by appropriations.
No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.
[AMENDMENT 11, 1921 p 80 Section 1. Approved November, 1922.]
NOTES:
Original text — Art. 8 Section 4 MONEYS DISBURSED ONLY BY APPROPRIATIONS — No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within two years from the first day of May next after the passage of such appropriation act, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

Section 5 Credit not to be loaned.
The credit of the state shall not, in any manner be given or loaned to, or in aid of, any individual, association, company or corporation.

Section 6 Limitations upon municipal indebtedness.
No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That (a) any city or town, with such assent, may be

allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five per centum additional for capital outlays.

[AMENDMENT 27, 1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]

NOTES:

Provisions of Art. 7 Section 2 (Limitation on Levies) also subject to limitations contained in Art. 8 Section 6: Art. 7 Section 2 (b). Original text — Art. 8 Section 6 LIMITATIONS UPON MUNICIPAL INDEBTEDNESS — No county, city, town, school district or other municipal corporation, shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such county, city, town, school district or other municipal corporation, without the assent of three-fifths of the voters therein, voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state, and county purposes previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; Provided, That no part of the indebtedness allowed in this section, shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes. Provided further; that any city or town, with such assent may be allowed to become indebted to a larger amount but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality.

Section 7 Credit not to be loaned.

No county, city, town or other municipal corporation shall hereafter give any money, or property, or loan its money, or credit to or in aid of any individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.

Section 8 Port expenditures — Industrial Development — Promotion.

The use of public funds by port districts in such manner as may be prescribed by the legislature for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 7 of this Article.

[AMENDMENT 45, 1965 ex.s. Senate Joint Resolution No. 25, p 2819. Approved November 8, 1966.]

Section 9 State building authority.

The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to nongovernmental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section.

[AMENDMENT 51, 1967 Senate Joint Resolution No. 17; see 1969 p 2976. Approved November 5, 1968.]

NOTES:

Reviser's note: This section which was adopted as Sec. 8, is herein renumbered Sec. 9, to avoid confusion with Sec. 8, supra.

Section 10 Energy, water, or stormwater or sewer services conservation assistance.

Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water, energy, or stormwater or sewer services may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water, energy, or stormwater or sewer services to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water, energy, or stormwater or sewer services in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any

financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.
[AMENDMENT 91, 1997 House Joint Resolution No. 4209, p 3065. Approved November 4, 1997.]
NOTES:
Amendment 86 (1989) — Art. 8 Section 10 ENERGY AND WATER CONSERVATION ASSISTANCE — Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water or energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water or energy to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water or energy in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another. [AMENDMENT 86, 1989 Senate Joint Resolution No. 8210, p 3003. Approved November 7, 1989.]
Amendment 82 (1988) — Art. 8 Section 10 RESIDENTIAL ENERGY CONSERVATION — Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another. [AMENDMENT 82, 1988 House Joint Resolution No. 4223, p 1552. Approved November 8, 1988.]
Amendment 70 (1979) — Art. 8 Section 10 RESIDENTIAL ENERGY CONSERVATION — Notwithstanding the provisions of section 7 of this Article, until January 1, 1990 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the residential structure benefited. Except as to contracts entered into prior thereto, this amendment to the state Constitution shall be null and void as of January 1, 1990 and shall have no further force or effect after that date. [AMENDMENT 70, Substitute Senate Joint Resolution No. 120, p 2288. Approved November 6, 1979.]

Section 11 Agricultural commodity assessments — Development, promotion, and hosting.
The use of agricultural commodity assessments by agricultural commodity commissions in such manner as may be prescribed by the legislature for agricultural development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 5 of this article.
[AMENDMENT 76, 1985 House Joint Resolution No. 42, p 2402. Approved November 5, 1985.]

ARTICLE IX: EDUCATION

Sections
1: Preamble.
2: Public school system.
3: Funds for support.
4: Sectarian control or influence prohibited.
5: Loss of permanent fund to become state debt.

Section 1 Preamble.
It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.

Section 2 Public school system.
The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.

Section 3 Funds for support.
The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the

following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.

The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.

To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct.

[AMENDMENT 43, 1965 ex.s. Senate Joint Resolution No. 22, part 1, p 2817. Approved November 8, 1966.]

NOTES:

Original text — Art. 9 Section 3 FUNDS FOR SUPPORT — The principal of the common school fund shall remain permanent and irreducible. The said fund shall be derived from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of timber, stone, minerals, or other property from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating timber, stone, minerals or other property from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund. The interest accruing on said fund together with all rentals and other revenues derived therefrom and from lands and other property devoted to the common school fund shall be exclusively applied to the current use of the common schools.

Section 4 Sectarian control or influence prohibited.

All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.

Section 5 Loss of permanent fund to become state debt.

All losses to the permanent common school or any other state educational fund, which shall be occasioned by defalcation, mismanagement or fraud of the agents or officers controlling or managing the same, shall be audited by the

proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the particular fund sustaining such loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized and limited elsewhere in this Constitution.

NOTES:

Investment of permanent school fund: Art. 16 Section 5.

ARTICLE X: MILITIA

Sections

1: Who liable to military duty.
2: Organization — Discipline — Officers — Power to call out.
3: Soldiers' home.
4: Public arms.
5: Privilege from arrest.
6: Exemption from military duty.

Section 1 Who liable to military duty.
All able-bodied male citizens of this state between the ages of eighteen (18) and forty-five (45) years except such as are exempt by laws of the United States or by the laws of this state, shall be liable to military duty.

Section 2 Organization — Discipline — Officers — Power to call out.
The legislature shall provide by law for organizing and disciplining the militia in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the legislature shall from time to time direct and shall be commissioned by the governor. The governor shall have power to call forth the militia to execute the laws of the state to suppress insurrections and repel invasions.

Section 3 Soldiers' home.
The legislature shall provide by law for the maintenance of a soldiers' home for honorably discharged Union soldiers, sailors, marines and members of the state militia disabled while in the line of duty and who are bona fide citizens of the state.

Section 4 Public arms.
The legislature shall provide by law, for the protection and safe keeping of the public arms.

Section 5 Privilege from arrest.
The militia shall, in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at musters and elections of officers, and in going to and returning from the same.

Section 6 Exemption from military duty.
No person or persons, having conscientious scruples against bearing arms, shall be compelled to do militia duty in time of peace: Provided, such person or persons shall pay an equivalent for such exemption.

ARTICLE XI: COUNTY, CITY, AND TOWNSHIP ORGANIZATION

Sections

1: Existing counties recognized.
2: County seats — Location and removal.
3: New counties.
4: County government and township organization.
5: County government.
6: Vacancies in township, precinct or road district office.
7: Tenure of office limited to two terms.
8: Salaries and limitations affecting.
9: State taxes not to be released or commuted.
10: Incorporation of municipalities.
11: Police and sanitary regulations.
12: Assessment and collection of taxes in municipalities.
13: Private property, when may be taken for public debt.
14: Private use of public funds prohibited.
15: Deposit of public funds.
16: Combined city-county.

Section 1 Existing counties recognized.
The several counties of the Territory of Washington existing at the time of the adoption of this Constitution are hereby recognized as legal subdivisions of this state.

Section 2 County seats — Location and removal.
No county seat shall be removed unless three-fifths of the qualified electors of the county, voting on the proposition at a general election shall vote in favor of such removal, and three-fifths of all votes cast on the proposition shall be required to relocate a county seat. A proposition of removal shall not be submitted in the same county more than once in four years.
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.

Section 3 New counties.
No new counties shall be established which shall reduce any county to a population less than four thousand (4,000), nor shall a new county be formed containing a less population than two thousand (2,000). There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition therefor and then only under such other conditions as may be prescribed by a general law applicable to the whole state. Every county which shall be enlarged or created from territory taken from any other county or counties shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken: Provided, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use, or under construction, which shall fall within and be retained by the county: Provided further, That this shall not be construed to affect the rights of creditors.

Section 4 County government and township organization.
The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.
Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county. Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.
Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out

and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.

Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.

In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.

Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.

The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.

After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any county officer or officers or county employee or employees.

The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county.

[AMENDMENT 21, 1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]

NOTES:

Original text — Art. 11 Section 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION — The legislature shall establish a system of county government which shall be uniform throughout the state, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine, and whenever a county shall adopt township organization the assessment and collection of the revenue shall be made and the business of such county, and the local affairs of the several townships therein shall be managed and transacted in the manner prescribed by such general laws.

Section 5 County government.

The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district

officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: Provided, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

[AMENDMENT 57, part, 1971 Senate Joint Resolution No. 38, part, p 1829. Approved November, 1972.]

NOTES:

Amendment 12 (1924) — Art. 11 Section 5 COUNTY GOVERNMENT — The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession. [AMENDMENT 12, 1923 p 255 Section 1. Approved November, 1924.]

Original text — Art. 11 Section 5 ELECTION AND COMPENSATION OF COUNTY OFFICERS — The legislature by general and uniform laws shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys, and other county, township or precinct and district officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them, and for all public moneys which may be paid to them, or officially come into their possession.

Section 6 Vacancies in township, precinct or road district office.

The board of county commissioners in each county shall fill all vacancies occurring in any township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

[AMENDMENT 52, part, 1967 Senate Joint Resolution No. 24, part. Approved November 5, 1968.]

NOTES:

Governmental continuity during emergency periods: Art. 2 Section 42.

Vacancies in legislature and in partisan county elective office: Art. 2 Section 15.

Original text — Art. 11 Section 6 VACANCIES IN COUNTY, ETC., OFFICES, HOW FILLED — The board of county commissioners in each county shall fill all vacancies occurring in any county, township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

Section 7 Tenure of office limited to two terms.

[Repealed by AMENDMENT 22, 1947 House Joint Resolution No. 4, p 1385. Approved November 2, 1948.]

NOTES:

Original text — Art. 11 Section 7 TENURE OF OFFICE LIMITED TO TWO TERMS — No county officer shall be eligible to hold his office more than two terms in succession.

Section 8 Salaries and limitations affecting.

The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

[AMENDMENT 57, part, 1971 Senate Joint Resolution No. 38, part, p 1829. Approved November, 1972.]

NOTES:

Original text — Art. 11 Section 8 SALARIES AND LIMITATIONS AFFECTING — The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers. The salary of any county, city, town, or municipal officers shall not be increased or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

Section 9 State taxes not to be released or commuted.

No county, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatever.

Section 10 Incorporation of municipalities.

Corporations for municipal purposes shall not be

created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

[AMENDMENT 40, 1963 ex.s. Senate Joint Resolution No. 1, p 1526. Approved November 3, 1964.]

NOTES:

Original text — Art. 11 Section 10 INCORPORATION OF MUNICIPALITIES — Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of twenty thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in two daily newspapers published in said city, for at least thirty days prior to the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given for at least ten days before the day of election, in all election districts of said city. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefore submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Authority to incur and limit of indebtedness: Art. 8 Section 6.

Section 11 Police and sanitary regulations. Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in

conflict with general laws.

Section 12 Assessment and collection of taxes in municipalities.
The legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof, the power to assess and collect taxes for such purposes.

Section 13 Private property, when may be taken for public debt.
Private property shall not be taken or sold for the payment of the corporate debt of any public or municipal corporation, except in the mode provided by law for the levy and collection of taxes.

Section 14 Private use of public funds prohibited.
The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

Section 15 Deposit of public funds.
All moneys, assessments and taxes belonging to or collected for the use of any county, city, town or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they belong.

Section 16 Combined city-county.
Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter. the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.
No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.
The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this article shall not apply to any such city-county.
Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.
No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property

therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: Provided further, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: Provided further, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution.

[AMENDMENT 58, 1971 House Joint Resolution No. 21, p 1831. Approved November, 1972.]

NOTES:

Amendment 23 (1948) — Art. 11 Section 16 COMBINED CITY AND COUNTY — The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: Provided, however, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: Provided further, That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.

No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: Provided, That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and county: Provided further, That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provisions. [AMENDMENT 23, 1947 House Joint Resolution No. 13, p 1386. Approved November 2, 1948.]

ARTICLE XII: CORPORATIONS OTHER THAN MUNICIPAL

Sections

1: Corporations, how formed.
2: Existing charters.
3: Existing charters not to be extended nor forfeiture remitted.
4: Liability of stockholders.
5: Term "corporation," defined — Right to sue and be sued.
6: Limitations upon issuance of stock.
7: Foreign corporations.
8: Alienation of franchise not to release liabilities.
9: State not to loan its credit or subscribe for stock.
10: Eminent domain affecting.

11: Stockholder liability.
12: Receiving deposits by bank after insolvency.
13: Common carriers, regulation of.
14: Prohibition against combinations by carriers.
15: Prohibition against discriminating charges.
16: Prohibition against consolidating of competing lines.
17: Rolling stock, personalty for purpose of taxation.
18: Rates for transportation.
19: Telegraph and telephone companies.
20: Prohibition against free transportation for public officers.
21: Express companies.
22: Monopolies and trusts.
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21: Express companies.
22: Monopolies and trusts.

Section 1 Corporations, how formed.
Corporations may be formed under general laws, but shall not be created by special acts. All laws relating to corporations may be altered, amended or repealed by the legislature at any time, and all corporations doing business in this state may, as to such business, be regulated, limited or restrained by law.

Section 2 Existing charters.
All existing charters, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution shall thereafter have no validity.

Section 3 Existing charters not to be extended nor forfeiture remitted.
The legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this state.

Section 4 Liability of stockholders.
Each stockholder in all incorporated companies, except corporations organized for banking or insurance purposes, shall be liable for the debts of the corporation to the amount of his unpaid stock and no more; and one or more stockholders may be joined as parties defendant in suits to recover upon this liability.

Section 5 Term "corporation," defined — Right to sue and be sued.
The term corporations, as used in this article, shall be construed to include all associations and joint stock companies having any powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and shall be subject to be sued, in all courts, in like cases as natural persons.

Section 6 Limitations upon issuance of stock.
Corporations shall not issue stock, except to bona fide subscribers therefor, or their assignees; nor shall any corporation issue any bond, or other obligation, for the payment of money, except for money or property received or labor done. The stock of corporations shall not be increased, except in pursuance of a general law, nor shall any law authorize the increase of stock, without the consent of the person or persons holding the larger amount in value of the stock, nor without due notice of the proposed increase having been previously given in such manner as may be prescribed by law. All fictitious increase of stock or indebtedness shall be void.

Section 7 Foreign corporations.
No corporation organized outside the limits of this state shall be allowed to transact business

within the state on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this state.

Section 8 Alienation of franchise not to release liabilities.
No corporation shall lease or alienate any franchise, so as to relieve the franchise, or property held thereunder, from the liabilities of the lessor, or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

Section 9 State not to loan its credit or subscribe for stock.
The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association or corporation.

Section 10 Eminent domain affecting.
The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use the same as the property of individuals.

Section 11 Stockholder liability.
No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States.
Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.
The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States.
[AMENDMENT 16, 1939 Senate Joint Resolution No. 8, p 1024. Approved November, 1940.]
NOTES:
Original text — Art. 12 Section 11 PROHIBITION AGAINST ISSUANCE OF MONEY AND LIABILITY OF STOCKHOLDERS IN BANKS — No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association, shall be individually and personally liable equally and ratably and not one for another, for all contracts, debts and engagements of such corporation or association accruing while they remain such stockholders to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.

Section 12 Receiving deposits by bank after insolvency.
Any president, director, manager, cashier, or other officer of any banking institution, who shall receive or assent to the reception of deposits, after he shall have knowledge of the fact that such banking institution is insolvent or in failing circumstances, shall be individually responsible for such deposits so received.

Section 13 Common carriers, regulation of.
All railroad, canal and other transportation companies are declared to be common carriers and subject to legislative control. Any association or corporation organized for the purpose, under the laws of this state, shall have the right to connect at the state line with railroads of other states. Every railroad company shall have the right with its road, whether the same be now constructed or may hereafter be constructed, to intersect, cross or connect with any other railroad, and when such railroads are of the same or similar gauge they shall at all crossings and at all points, where a railroad shall begin or terminate at or near any other railroad, form proper connections so that the cars of any such railroad companies may be speedily transferred from one railroad to another. All railroad companies shall receive and transport each the other's passengers, tonnage and cars without delay or discrimination.

Section 14 Prohibition against combinations by carriers.
[Repealed by AMENDMENT 67, 1977 House Joint Resolution No. 57, p 1714. Approved November 8, 1977.]
NOTES:
Original text — Art. 12 Section 14 PROHIBITION AGAINST

COMBINATIONS BY CARRIERS — No railroad company, or other common carrier, shall combine or make any contract with the owners of any vessel that leaves port or makes port in this state, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying.

Section 15 Prohibition against discriminating charges.

No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.

Section 16 Prohibition against consolidating of competing lines.

No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a competing line.

Section 17 Rolling stock, personalty for purpose of taxation.

The rolling stock and other movable property belonging to any railroad company or corporation in this state, shall be considered personal property, and shall be liable to taxation and to execution and sale in the same manner as the personal property of individuals and such property shall not be exempted from execution and sale.

Section 18 Rates for transportation.

The legislature may pass laws establishing reasonable rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

[AMENDMENT 66, 1977 House Joint Resolution No. 55, p 1713. Approved November 8, 1977.]

NOTES:

Original text — Art. 12 Section 18 MAXIMUM RATES FOR TRANSPORTATION — The legislature shall pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.

Section 19 Telegraph and telephone companies.

Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and said companies shall receive and transmit each other's messages without delay or discrimination and all of such companies are hereby declared to be common carriers and subject to legislative control. Railroad corporations organized or doing business in this state shall allow telegraph and telephone corporations and companies to construct and maintain telegraph lines on and along the rights of way of such railroads and railroad companies, and no railroad corporation organized or doing business in this state shall allow any telegraph corporation or company any facilities, privileges or rates for transportation of men or material or for repairing their lines not allowed to all telegraph companies. The right of eminent domain is hereby extended to all telegraph and telephone companies. The legislature shall, by general law of uniform operation, provide reasonable regulations to give effect to this section.

NOTES:

Eminent domain: Art. 1 Section 16.

Section 20 Prohibition against free transportation for public officers.

No railroad or other transportation company shall grant free passes, or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the legislature, or to any person holding any public office within this state. The legislature shall pass laws to carry this provision into effect.

Section 21 Express companies.

Railroad companies now or hereafter organized or doing business in this state, shall allow all express companies organized or doing business in this state, transportation over all lines of railroad

owned or operated by such railroad companies upon equal terms with any other express company, and no railroad corporation organized or doing business in this state shall allow any express corporation or company any facilities, privileges or rates for transportation of men or materials or property carried by them or for doing the business of such express companies not allowed to all express companies.

Section 22 Monopolies and trusts.
Monopolies and trusts shall never be allowed in this state, and no incorporated company, copartnership, or association of persons in this state shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders, or the trustees or assignees of such stockholders, or with any copartnership or association of persons, or in any manner whatever for the purpose of fixing the price or limiting the production or regulating the transportation of any product or commodity. The legislature shall pass laws for the enforcement of this section by adequate penalties, and in case of incorporated companies, if necessary for that purpose, may declare a forfeiture of their franchises.

ARTICLE XIII: STATE INSTITUTIONS

Sections
1: Educational, reformatory, and penal institutions.

Section 1 Educational, reformatory, and penal institutions.
Educational, reformatory, and penal institutions; those for the benefit of youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.
[AMENDMENT 83, 1988 House Joint Resolution No. 4231, p 1553. Approved November 8, 1988.]
NOTES:
Original text — Art. 13 Section 1 EDUCATIONAL, REFORMATORY AND PENAL INSTITUTIONS — Educational, reformatory and penal institutions; those for the benefit of blind, deaf, dumb, or otherwise defective youth; for the insane or idiotic; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.

ARTICLE XIV: SEAT OF GOVERNMENT

Sections
1: State capital, location of.
2: Change of state capital.
3: Restrictions on appropriations for capitol buildings.

Section 1 Location of.
The legislature shall have no power to change, or to locate the seat of government of this state; but the question of the permanent location of the seat of government of the state shall be submitted to the qualified electors of the Territory, at the election to be held for the adoption of this Constitution. A majority of all the votes cast at said election, upon said question, shall be necessary to determine the permanent location of the seat of government for the state; and no place shall ever be the seat of government which shall not receive a majority of the votes cast on that matter. In case there shall be no choice of location at said first election the legislature shall, at its first regular session after the adoption of this Constitution, provide for submitting to the qualified electors of the state, at the next succeeding general election thereafter, the question of choice of location between the three places for which the highest number of votes shall have been cast at the said first election. Said legislature shall provide further that in case there shall be no choice of location at said second election, the question of choice between the two places for which the highest

number of votes shall have been cast, shall be submitted in like manner to the qualified electors of the state at the next ensuing general election: Provided, That until the seat of government shall have been permanently located as herein provided, the temporary location thereof shall remain at the city of Olympia.

Section 2 Change of state capital.
When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the legislature.
NOTES:
Governmental continuity during emergency periods: Art. 2 Section 42.

Section 3 Restrictions on appropriations for capitol buildings.
The legislature shall make no appropriations or expenditures for capitol buildings or grounds, except to keep the Territorial capitol buildings and grounds in repair, and for making all necessary additions thereto, until the seat of government shall have been permanently located, and the public buildings are erected at the permanent capital in pursuance of law.

ARTICLE XV: HARBORS AND TIDE WATERS

Sections
1: Harbor line commission and restraint on disposition.
2: Leasing and maintenance of wharves, docks, etc.
3: Extension of streets over tide lands.

Section 1 Harbor line commission and restraint on disposition.
The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.
[AMENDMENT 15, 1931 p 417 Section 1. Approved November, 1932.]
NOTES:
Tide lands: Art. 17.
Original text — Art. 15 Section 1 HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION OF CERTAIN TIDE LANDS — The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city or within one mile thereof on either side. The state shall never give, sell or lease to any private person, corporation or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high tide, and within not less than fifty feet nor more than six hundred feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its right to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

Section 2 Leasing and maintenance of wharves, docks, etc.
The legislature shall provide general laws for the leasing of the right to build and maintain wharves, docks and other structures, upon the areas mentioned in section one of this article, but no lease shall be made for any term longer than thirty years, or the legislature may provide by general laws for the building and maintaining upon such area wharves, docks, and other structures.

Section 3 Extension of streets over tide lands.
Municipal corporations shall have the right to extend their streets over intervening tide lands to and across the area reserved as herein provided.

ARTICLE XVI:
SCHOOL AND GRANTED LANDS

Sections

1: Disposition of.
2: Manner and terms of sale.
3: Limitations on sales.
4: How much may be offered in certain cases — Platting of.
5: Investment of permanent common school fund.
6: Investment of higher education permanent funds.

Section 1 Disposition of.

All the public lands granted to the state are held in trust for all the people and none of such lands, nor any estate or interest therein, shall ever be disposed of unless the full market value of the estate or interest disposed of, to be ascertained in such manner as may be provided by law, be paid or safely secured to the state; nor shall any lands which the state holds by grant from the United States (in any case in which the manner of disposal and minimum price are so prescribed) be disposed of except in the manner and for at least the price prescribed in the grant thereof, without the consent of the United States.

Section 2 Manner and terms of sale.

None of the lands granted to the state for educational purposes shall be sold otherwise than at public auction to the highest bidder, the value thereof, less the improvements shall, before any sale, be appraised by a board of appraisers to be provided by law, the terms of payment also to be prescribed by law, and no sale shall be valid unless the sum bid be equal to the appraised value of said land. In estimating the value of such lands for disposal, the value of the improvements thereon shall be excluded: Provided, That the sale of all school and university land heretofore made by the commissioners of any county or the university commissioners when the purchase price has been paid in good faith, may be confirmed by the legislature.

Section 3 Limitations on sales.

No more than one-fourth of the land granted to the state for educational purposes shall be sold prior to January 1, 1895, and not more than one-half prior to January 1, 1905: provided, that nothing herein shall be so construed as to prevent the state from selling the timber or stone off of any of the state lands in such manner and on such terms as may be prescribed by law: and provided, further, that no sale of timber lands shall be valid unless the full value of such lands is paid or secured to the state.

Section 4 How much may be offered in certain cases — Platting of.

No more than one hundred and sixty (160) acres of any granted lands of the state shall be offered for sale in one parcel, and all lands within the limits of any incorporated city or within two miles of the boundary of any incorporated city where the valuation of such land shall be found by appraisement to exceed one hundred dollars ($100) per acre shall, before the same be sold, be platted into lots and blocks of not more than five acres in a block, and not more than one block shall be offered for sale in one parcel.

Section 5 Investment of permanent common school fund.

The permanent common school fund of this state may be invested as authorized by law.

[AMENDMENT 44, 1965 ex.s. Senate Joint Resolution No. 22, part 2, p 2817. Approved November 8, 1966.]

NOTES:

Amendment 1 (1894) — Art. 16 Section 5 INVESTMENT OF SCHOOL FUND — None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds. [AMENDMENT 1, 1893 p 9 Section 1. Approved November, 1894.]

Original text — Art. 16 Section 5 INVESTMENT OF PERMANENT SCHOOL FUND — None of the permanent school fund shall ever be loaned to private persons or corporations, but it may be invested in national, state, county or municipal bonds.

Funds for support of education: Art. 9 Section 3.

Section 6 Investment of higher education permanent funds.

Notwithstanding the provisions of Article VIII, sections 5 and 7 and Article XII, section 9, or any other section or article of the Constitution of the state of Washington, the moneys of the permanent funds established for any of the institutions of higher education in this state may be invested as authorized by law. Without limitation, this shall include the authority to invest permanent funds held for the benefit of institutions of higher education in stocks or bonds issued by any association, company, or corporation if authorized by law.

[AMENDMENT 102, 2007 Substitute House Joint Resolution No. 4215, p 3145. Approved November 6, 2007.]

ARTICLE XVII: TIDE LANDS

Sections

1: Declaration of state ownership.
2: Disclaimer of certain lands.

Section 1 Declaration of state ownership.
The state of Washington asserts its ownership to the beds and shores of all navigable waters in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: Provided, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state.

NOTES:

Harbors and tide waters: Art. 15.

Section 2 Disclaimer of certain lands.
The state of Washington disclaims all title in and claim to all tide, swamp and overflowed lands, patented by the United States: Provided, the same is not impeached for fraud.

ARTICLE XVIII: STATE SEAL

Sections

1: Seal of the state.

Section 1 Seal of the state.
The seal of the State of Washington shall be, a seal encircled with the words: "The Seal of the State of Washington," with the vignette of General George Washington as the central figure, and beneath the vignette the figures "1889."

NOTES:

Custody of seal: Art. 3 Section 18.

State seal: RCW 1.20.080.

ARTICLE XIX: EXEMPTIONS

Sections

1: Exemptions — Homesteads, etc.

Section 1 Exemptions — Homesteads, etc.
The legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

ARTICLE XX: PUBLIC HEALTH AND VITAL STATISTICS

Sections

1: Board of health and bureau of vital statistics.
2: Regulations concerning medicine, surgery and pharmacy.

Section 1 Board of health and bureau of vital statistics.
There shall be established by law a state board of health and a bureau of vital statistics in connection therewith, with such powers as the legislature may direct.

Section 2 Regulations concerning medicine, surgery and pharmacy.
The legislature shall enact laws to regulate the practice of medicine and surgery, and the sale of drugs and medicines.

ARTICLE XXI: WATER AND WATER RIGHTS

Sections

1: Public use of water.

The use of the waters of this state for irrigation, mining and manufacturing purposes shall be deemed a public use.

ARTICLE XXII: LEGISLATIVE APPORTIONMENT

Sections

1: Senatorial apportionment.
2: Apportionment of representatives.

Section 1 Senatorial apportionment. Until otherwise provided by law, the state shall be divided into twenty-four (24) senatorial districts, and said districts shall be constituted and numbered as follows: The counties of Stevens and Spokane shall constitute the first district, and be entitled to one senator; the county of Spokane shall constitute the second district, and be entitled to three senators; the county of Lincoln shall constitute the third district, and be entitled to one senator; the counties of Okanogan, Lincoln, Adams and Franklin shall constitute the fourth district, and be entitled to one senator; the county of Whitman shall constitute the fifth district, and be entitled to three senators; the counties of Garfield and Asotin shall constitute the sixth district, and be entitled to one senator; the county of Columbia shall constitute the seventh district, and be entitled to one senator; the county of Walla Walla shall constitute the eighth district, and be entitled to two senators; the counties of Yakima and Douglas shall constitute the ninth district, and be entitled to one senator; the county of Kittitas shall constitute the tenth district and be entitled to one senator; the counties of Klickitat, and Skamania shall constitute the eleventh district, and be entitled to one senator; the county of Clarke shall constitute the twelfth district, and be entitled to one senator; the county of Cowlitz shall constitute the thirteenth district, and be entitled to one senator; the county of Lewis shall constitute the fourteenth district, and be entitled to one senator; the counties of Pacific and Wahkiakum shall constitute the fifteenth district, and be entitled to one senator; the county of Thurston shall constitute the sixteenth district, and be entitled to one senator; the county of Chehalis shall constitute the seventeenth district, and be entitled to one senator; the county of Pierce shall constitute the eighteenth district, and be entitled to three senators; the county of King shall constitute the nineteenth district, and be entitled to five senators; the counties of Mason and Kitsap shall constitute the twentieth district, and be entitled to one senator; the counties of Jefferson, Clallam and San Juan shall constitute the twenty-first district, and be entitled to one senator; the county of Snohomish shall constitute the twenty-second district, and shall be entitled to one senator; the counties of Skagit and Island shall constitute the twenty-third district, and be entitled to one senator; the county of Whatcom shall constitute the twenty-fourth district, and be entitled to one senator.

NOTES:

Districts and apportionment: Chapter 44.07D RCW.

Section 2 Apportionment of representatives. Until otherwise provided by law the representatives shall be divided among the several counties of the state in the following manner; the county of Adams shall have one representative; the county of Asotin shall have one representative; the county of Chehalis shall have two representatives; the county of Clarke shall have three representatives; the county of Clallam shall have one representative; the county of Columbia shall have two representatives; the county of Cowlitz shall have one representative; the county of Douglas shall have one representative; the county of Franklin shall have one representative; the county of Garfield shall have one representative; the county of Island shall have one representative; the county of Jefferson shall have two representatives; the county of King shall have eight representatives; the county of Klickitat shall have two representatives; the county of Kittitas shall have two representatives; the county of Kitsap shall have one representative; the county of Lewis shall have two representatives; the county of Lincoln shall have two representatives; the county of Mason shall have one representative; the county of Okanogan shall have one representative; the county of Pacific shall have one representative; the county of Pierce shall have six representatives; the county of San Juan shall have one representative; the county of Skamania shall have one representative; the county of Snohomish shall have two representatives; the county of Skagit shall have two representatives; the county of Spokane shall have six representatives; the county of Stevens shall have one representative; the county of Thurston shall have two representatives; the county of Walla Walla shall have three

representatives; the county of Wahkiakum shall have one representative; the county of Whatcom shall have two representatives; the county of Whitman shall have five representatives; the county of Yakima shall have one representative.
NOTES:
Districts and apportionment: Chapter 44.07D RCW.

ARTICLE XXIII: AMENDMENTS

Sections
1: How made.
2: Constitutional conventions.
3: Submission to the people.

Section 1 How made.
Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.
[AMENDMENT 37, 1961 Senate Joint Resolution No. 25, p 2753. Approved November, 1962.]
NOTES:
Original text — Art. 23 Section 1 HOW MADE — Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, that if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause the amendments that are to be submitted to the people to be published for at least three months next preceding the election, in some weekly newspaper, in every county where a newspaper is published throughout the state.

Section 2 Constitutional conventions.
Whenever two-thirds of the members elected to each branch of the legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election, for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall at the next session, provide by law for calling the same; and such convention shall consist of a number of members, not less than that of the most numerous branch of the legislature.

Section 3 Submission to the people.
Any Constitution adopted by such convention shall have no validity until it has been submitted to and adopted by the people.

ARTICLE XIV: BOUNDARIES

Sections
1: State boundaries.

Section 1 State boundaries.
The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of Shoshone or Snake river, thence follow down the middle of the main channel of Snake river

to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning; until such boundaries are modified by appropriate interstate compacts duly approved by the Congress of the United States.

[AMENDMENT 33, 1957 Senate Joint Resolution No. 10, p 1292. Approved November 4, 1958.]

NOTES:

Original text — Art. 24 Section 1 STATE BOUNDARIES — The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equi distant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning.

ARTICLE XXV: JURISDICTION

Sections

1: Authority of the United States.

Section 1 Authority of the united states.

The consent of the State of Washington is hereby given to the exercise, by the congress of the United States, of exclusive legislation in all cases whatsoever over such tracts or parcels of land as are now held or reserved by the government of the United States for the purpose of erecting or maintaining thereon forts, magazines, arsenals, dockyards, lighthouses and other needful buildings, in accordance with the provisions of the seventeenth paragraph of the eighth section of the first article of the Constitution of the United States, so long as the same shall be so held and reserved by the United States. Provided: That a sufficient description by metes and bounds, and an accurate plat or map of each such tract or parcel of land be filed in the proper office of record in the county in which the same is situated, together with copies of the orders, deeds, patents or other evidences in writing of the title of the United States: and provided, That all civil process issued from the courts of this state and such criminal process as may issue under the authority of this state against any person charged with crime in cases arising outside of such reservations, may be served and executed thereon in the same mode and manner, and by the same officers, as if the consent herein given had not been made.

ARTICLE XXVI: COMPACT WITH THE UNITED STATES

The following ordinance shall be irrevocable without the consent of the United States and the people of this state:

First. That perfect toleration of religious sentiment shall be secured and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

Second. That the people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying with the boundaries of this state, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control

of the congress of the United States and that the lands belonging to citizens of the United States residing without the limits of this state shall never be taxed at a higher rate than the lands belonging to residents thereof; and that no taxes shall be imposed by the state on lands or property therein, belonging to or which may be hereafter purchased by the United States or reserved for use: Provided, That nothing in this ordinance shall preclude the state from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person a title thereto by patent or other grant, save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, which exemption shall continue so long and to such an extent as such act of congress may prescribe.

Third. The debts and liabilities of the Territory of Washington and payment of the same are hereby assumed by this state.

Fourth. Provision shall be made for the establishment and maintenance of systems of public schools free from sectarian control which shall be open to all the children of said state.

ARTICLE XXVII: SCHEDULE

Sections

1: Existing rights, actions, and contracts saved.
2: Laws in force continued.
3: Debts, fines, etc., to inure to the state.
4: Recognizances.
5: Criminal prosecutions and penal actions.
6: Retention of territorial officers.
7: Constitutional officers, when elected.
8: Change of courts — Transfer of causes.
9: Seals of courts and municipalities.
10: Probate court, transfer of.
11: Duties of first legislature.
12: Election contests for superior judges, how decided.
13: Representation in congress.
14: Duration of term of certain officers.
15: Election on adoption of Constitution, how to be conducted.
16: When Constitution to take effect.
17: Separate articles.
18: Ballot.
19: Appropriation.

In order that no inconvenience may arise by reason of a change from a Territorial to a State government, it is hereby declared and ordained as follows:

Section 1 Existing rights, actions, and contracts saved.

No existing rights, actions, suits, proceedings, contracts or claims shall be affected by a change in the form of government, but all shall continue as if no such change had taken place; and all process which may have been issued under the authority of the Territory of Washington previous to its admission into the Union shall be as valid as if issued in the name of the state.

Section 2 Laws in force continued.

All laws now in force in the Territory of Washington, which are not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or are altered or repealed by the legislature: Provided, That this section shall not be so construed as to validate any act of the legislature of Washington Territory granting shore or tide lands to any person, company or any municipal or private corporation.

Section 3 Debts, fines, etc., to inure to the state.

All debts, fines, penalties and forfeitures, which have accrued, or may hereafter accrue, to the Territory of Washington, shall inure to the State of Washington.

Section 4 Recognizances.

All recognizances heretofore taken, or which may be taken before the change from a territorial to a state government shall remain valid, and shall pass to, and may be prosecuted in the name of the state; and all bonds executed to the Territory of Washington or to any county or municipal corporation, or to any officer or court in his or its official capacity, shall pass to the state authorities and their successors in office, for the uses therein expressed, and may be sued for and recovered accordingly, and all the estate, real, personal and mixed, and all judgments decrees, bonds, specialties, choses in action, and claims or debts, of whatever description, belonging to the Territory of Washington, shall inure to and vest in the

State of Washington, and may be sued for and recovered in the same manner, and to the same extent, by the State of Washington, as the same could have been by the Territory of Washington.

Section 5 Criminal prosecutions and penal actions.
All criminal prosecutions and penal actions which may have arisen, or which may arise, before the change from a territorial to a state government, and which shall then be pending, shall be prosecuted to judgment, and execution in the name of the state. All offenses committed against the laws of the Territory of Washington, before the change from a territorial to a state government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Washington, with like effect as though such change had not taken place; and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the courts of the Territory of Washington, at the time of the change from a territorial to a state government, shall be continued, and transferred to the court of the state having jurisdiction of the subject matter thereof.

Section 6 Retention of territorial officers.
All officers now holding their office under the authority of the United States, or of the Territory of Washington, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the state.

Section 7 Constitutional officers, when elected.
All officers provided for in this Constitution including a county clerk for each county when no other time is fixed for their election, shall be elected at the election to be held for the adoption of this Constitution on the first Tuesday of October, 1889.

Section 8 Change of courts — Transfer of causes.
Whenever the judge of the superior court of any county, elected or appointed under the provisions of this Constitution shall have qualified the several causes then pending in the district court of the territory except such causes as would have been within the exclusive jurisdiction of the United States district court had such court existed at the time of the commencement of such causes, within such county, and the records, papers and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the superior court for such county. And where the same judge is elected for two or more counties, it shall be the duty of the clerk of the district court having custody of such papers and records to transmit to the clerk of such county, or counties, other than that in which such records are kept the original papers in all cases pending in such district court and belonging to the jurisdiction of such county or counties together with transcript of so much of the records of said district court as relate to the same; and until the district courts of the Territory shall be superseded in manner aforesaid, the said district courts and the judges thereof, shall continue with the same jurisdiction and powers, to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory. Whenever a quorum of the judges of the supreme court of the state shall have been elected and qualified, the causes then pending in the supreme court of the Territory, except such causes as would have been within the exclusive jurisdiction of the United States, circuit court had such court existed at the time of the commencement of such causes, and the papers, records and proceedings of said court and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the state, and until so superseded, the supreme court of the Territory and the judges thereof, shall continue with like powers and jurisdiction as if this Constitution had not been adopted.

Section 9 Seals of courts and municipalities.
Until otherwise provided by law, the seal now in use in the supreme court of the Territory shall be the seal of the supreme court of the state. The seals of the superior courts of the several counties of the state shall be, until otherwise provided by law, the vignette of General George Washington with the words: "Seal of the Superior Court of ———— county" surrounding the vignette. The seal of municipalities, and of all county officers of the Territory, shall be the seals of such municipalities, and county officers respectively under the state, until otherwise provided by law.

Section 10 Probate court, transfer of.

When the state is admitted into the Union, and the superior courts in the respective counties organized, the books, records, papers and proceedings of the probate court in each county, and all causes and matters of administration pending therein, shall, upon the expiration of the term of office of the probate judges, on the second Monday in January, 1891, pass into the jurisdiction and possession of the superior court of the same county created by this Constitution, and the said court shall proceed to final judgment or decree, order or other determination in the several matters and causes, as the territorial probate court might have done, if this Constitution had not been adopted. And until the expiration of the term of office of the probate judges, such probate judges shall perform the duties now imposed upon them by the laws of the Territory. The superior courts shall have appellate and revisory jurisdiction over the decisions of the probate courts, as now provided by law, until such latter courts expire by limitation.

Section 11 Duties of first legislature.
The legislature, at its first session, shall provide for the election of all officers whose election is not provided for elsewhere in this Constitution, and fix the time for the commencement and duration of their term.

Section 12 Election contests for superior judges, how decided.
In case of a contest of election between candidates, at the first general election under this Constitution, for judges of the superior courts, the evidence shall be taken in the manner prescribed by the Territorial laws, and the testimony so taken shall be certified to the secretary of state; and said officer, together with the governor and treasurer of state, shall review the evidence and determine who is entitled to the certificate of election.

Section 13 Representation in congress.
[Repealed by AMENDMENT 74, 1983 Substitute Senate Joint Resolution No. 103. Approved November 8, 1983.]
NOTES:
Original text — Art. 27 Section 13 REPRESENTATION IN CONGRESS — One representative in the congress of the United States shall be elected from the state at large, at the first election provided for in this Constitution; and, thereafter, at such times and places, and in such manner, as may be prescribed by law. When a new apportionment shall be made by congress, the legislature shall divide the state into congressional districts, in accordance with such apportionment. The vote cast for representative in congress, at the first election, shall be canvassed, and the result determined in the manner provided for by the laws of the Territory for the canvass of the vote for delegate in congress.

Section 14 Duration of term of certain officers.
All district, county and precinct officers, who may be in office at the time of the adoption of this Constitution, and the county clerk of each county elected at the first election, shall hold their respective offices until the second Monday of January, A. D., 1891, and until such time as their successors may be elected and qualified, in accordance with the provisions of this Constitution; and the official bonds of all such officers shall continue in full force and effect as though this Constitution had not been adopted. And such officers shall continue to receive the compensation now provided, until the same be changed by law.

Section 15 Election on adoption of constitution, how to be conducted.
The election held at the time of the adoption of this Constitution shall be held and conducted in all respects according to the laws of the Territory, and the votes cast at said election for all officers (where no other provisions are made in this Constitution), and for the adoption of this Constitution and the several separate articles and the location of the state capital, shall be canvassed and returned in the several counties in the manner provided by Territorial law, and shall be returned to the secretary of the Territory in the manner provided by the Enabling Act.

Section 16 When constitution to take effect.
The provisions of this Constitution shall be in force from the day on which the president of the United States shall issue his proclamation declaring the State of Washington admitted into the Union, and the terms of all officers elected at the first election under the provisions of this Constitution shall commence on the Monday next succeeding the issue of said proclamation, unless otherwise provided herein.

Section 17 Separate articles.
The following separate articles shall be submitted to the people for adoption or rejection at the election for the adoption of this Constitution:
SEPARATE ARTICLE, NO. 1
"All persons male and female of the age of twenty-one years or over, possessing the other qualifications, provided by this Constitution, shall

be entitled to vote at all elections."
SEPARATE ARTICLE, NO. 2
"It shall not be lawful for any individual, company or corporation, within the limits of this state, to manufacture, or cause to be manufactured, or to sell, or offer for sale, or in any manner dispose of any alcoholic, malt or spirituous liquors, except for medicinal, sacramental or scientific purposes."
If a majority of the ballots cast at said election on said separate articles be in favor of the adoption of either of said separate articles, then such separate article so receiving a majority shall become a part of this Constitution and shall govern and control any provision of the Constitution in conflict therewith.

Section 18 Ballot.
The form of ballot to be used in voting for or against this Constitution, or for or against the separate articles, or for the permanent location of the seat of government, shall be:
1. For the Constitution- - - -
Against the Constitution- - - -
2. For Woman Suffrage Article- - - -
Against Woman Suffrage Article- - - -
3. For Prohibition Article- - - -
Against Prohibition Article- - - -
4. For the Permanent Location of the Seat of Government (Name of place voted for)- - - -
NOTES:
The result of the election was against both woman suffrage and prohibition.

Section 19 Appropriation.
The legislature is hereby authorized to appropriate from the state treasury sufficient money to pay any of the expenses of this convention not provided for by the Enabling Act of Congress.

ARTICLE XXVIII: COMPENSATION OF STATE OFFICERS

Sections
1: Salaries for legislators, elected state officials, and judges — Independent commission — Referendum.

Section 1 Salaries for legislature, elected state officials, and judges — Independent commission — Referendum.
Salaries for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts shall be fixed by an independent commission created and directed by law to that purpose. No state official, public employee, or person required by law to register with a state agency as a lobbyist, or immediate family member of the official, employee, or lobbyist, may be a member of that commission.
As used in this section the phrase "immediate family" has the meaning that is defined by law.
Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within the ninety-day period. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures.
The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts. The salaries for such officials in effect on January 12, 1987, shall remain in effect until changed pursuant to this section.
After the initial adoption of a law by the legislature creating the independent commission, no amendment to such act which alters the composition of the commission shall be valid unless the amendment is enacted by a favorable vote of two-thirds of the members elected to each house of the legislature and is subject to referendum petition.
The provisions of section 14 of Article IV, sections 14, 16, 17, 19, 20, 21, and 22 of Article III, and section 23 of Article II, insofar as they are inconsistent herewith, are hereby superseded.
The provisions of section 1 of Article II relating to referendum procedures, insofar as they are inconsistent herewith, are hereby superseded with regard to the salaries governed by this section.
[AMENDMENT 78, 1986 Substitute House Joint Resolution No. 49, p 1529. Approved November 4, 1986.]
NOTES:
Authorizing compensation increase during term: Art. 30 Section 1.

Amendment 20 (1948) — Art. 28 Section 1 COMPENSATION OF STATE OFFICERS — All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.
The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section 23 of Article II in so far as they are inconsistent herewith, are hereby repealed. [AMENDMENT 20, 1947 Senate Joint Resolution No. 4, p 1371. Approved November 2, 1948.]

ARTICLE XXIX: INVESTMENTS OF PUBLIC PENSION AND RETIREMENT FUNDS

Sections

1: May be invested as authorized by law.

Section 1 May be invested as authorized by law.
Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law.
[AMENDMENT 93, 2000 Senate Joint Resolution No. 8214, p 1919. Approved November 7, 2000.]
NOTES:
Amendment 75 (1985) — Art. 29 Section 1 MAY BE INVESTED AS AUTHORIZED BY LAW — Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund or industrial insurance trust fund may be invested as authorized by law. [AMENDMENT 75, 1985 House Joint Resolution No. 12, p 2398. Approved November 5, 1985.]
Amendment 49 (1968) — Art. 29 Section 1 MAY BE INVESTED AS AUTHORIZED BY LAW — Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law. [AMENDMENT 49, 1967 Senate Joint Resolution No. 5; see 1969 p 2975. Approved November 5, 1968.]

ARTICLE XXX: COMPENSATION OF PUBLIC OFFICERS

Sections

1: Authorizing compensation increase during term.

Section 1 Authorizing compensation increase during term.
The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.
The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed. [AMENDMENT 54, 1967 House Joint Resolution No. 13; see 1969 p 2976. Approved November 5, 1968.]
NOTES:
Reviser's note: (1) Amendment 49 (1967 SJR No. 5) and Amendment 54 (1967 HJR No. 13) each added a new Article XXIX to the Constitution. Amendment 49 is carried herein as Article XXIX while Amendment 54 has been herein redesignated as Article XXX.
(2) The name of this Article has been supplied by the reviser.

ARTICLE XXXI: SEX EQUALITY — RIGHTS AND RESPONSIBILITY

Sections

1: Equality not denied because of sex.
2: Enforcement power of legislature.

Section 1 Equality not denied because of sex.
Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

Section 2 Enforcement power of legislature.
The legislature shall have the power to enforce,

by appropriate legislation, the provisions of this article. [AMENDMENT 61, 1972 House Joint Resolution No. 61, p 526. Approved November, 1972.]
NOTES:
The name of this Article and the captions have been supplied by the reviser.

ARTICLE XXXII: SPECIAL REVENUE FINANCING

Sections
1: Special revenue financing.

Section 1 Special revenue financing.
The legislature may enact laws authorizing the state, counties, cities, towns, port districts, or public corporations established thereby to issue nonrecourse revenue bonds or other nonrecourse revenue obligations and to apply the proceeds thereof in the manner and for the purposes heretofore or hereafter authorized by law, subject to the following limitations:
(a) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall be payable only from money or other property received as a result of projects financed by the nonrecourse revenue bonds or other nonrecourse revenue obligations and from money and other property received from private sources.
(b) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall not be payable from or secured by any tax funds or governmental revenue or by all or part of the faith and credit of the state or any unit of local government.
(c) Nonrecourse revenue bonds or other nonrecourse revenue obligations issued pursuant to this section may be issued only if the issuer certifies that it reasonably believes that the interest paid on the bonds or obligations will be exempt from income taxation by the federal government.
(d) Nonrecourse revenue bonds or other nonrecourse revenue obligations may only be used to finance industrial development projects as defined in legislation.
(e) The state, counties, cities, towns, port districts, or public corporations established thereby, shall never exercise their respective attributes of sovereignty, including but not limited to, the power to tax, the power of eminent domain, and the police power on behalf of any industrial development project authorized pursuant to this section.
After the initial adoption of a law by the legislature authorizing the issuance of nonrecourse revenue bonds or other nonrecourse revenue obligations, no amendment to such act which expands the definition of industrial development project shall be valid unless the amendment is enacted by a favorable vote of three-fifths of the members elected to each house of the legislature and is subject to referendum petition.
Sections 5 and 7 of Article VIII and section 9 of Article XII shall not be construed as a limitation upon the authority granted by this section. The proceeds of revenue bonds and other revenue obligations issued pursuant to this section for the purpose of financing privately owned property or loans to private persons or corporations shall be subject to audit by the state but shall not otherwise be deemed to be public money or public property for purposes of this Constitution.
This section is supplemental to and shall not be construed as a repeal of or limitation on any other authority lawfully exercisable under the Constitution and laws of this state, including, among others, any existing authority to issue revenue bonds.
[AMENDMENT 73, 1981 Substitute House Joint Resolution No. 7, p 1794. Approved November 3, 1981.]
NOTES:
The name of this Article has been supplied by the reviser.

CERTIFICATE

We, the undersigned, members of the convention to form a Constitution for the State of Washington; which is to be submitted to the people for their adoption or rejection, do hereby declare this to be the Constitution formed by us, and in testimony thereof, do hereunto set our hands, this twenty-second day of August Anno Domini, one thousand eight hundred and eighty-nine.

John P. Hoyt, President
J. J. Browne
N. G. Blalock
John F. Gowey
Frank M. Dallam
Edward Eldridge
George H. Stevenson
Louis Sohns
A. A. Lindsley
J. J. Weisenburger

James Z. Moore
E. H. Sullivan
George Turner
Austin Mires
M. M. Godman
Gwin Hicks
Wm. F. Prosser
C. H. Warner
J. P. T. McCroskey
S. G. Cosgrove
Thos. Hayton
Charles P. Coey
Robert F. Sturdevant
John A. Shoudy
Allen Weir
W. B. Gray
Trusten P. Dyer
Geo. H. Jones
B. L. Sharpstein
H. M. Lillis
James A. Burk
John McReavy
R. O. Dunbar
Morgan Morgans
Jas. Power
B. B. Glascock
O. A. Bowen
Sam'l H. Berry
D. J. Crowley
J. T. McDonald
John M. Reed
P. C. Sullivan
R. S. More
Thomas T. Minor
J. J. Travis
Arnold J. West
Charles T. Fay
George W. Tibbetts
H. W. Fairweather
Thomas C. Griffitts
J. F. Van Name
Albert Schooley
H. C. Willison
T. M. Reed
S. H. Manly
Richard Jeffs
Francis Henry
George Comegys
Oliver H. Joy
David E. Durie
D. Buchanan
John R. Kinnear
Sylvious A. Dickey
Henry Winsor
Theodore L. Stiles
Harrison Clothier
Matt. J. McElroy
J. T. Eshelman
Robert Jamieson
Hiram E. Allen
H. F. Suksdorf
J. C. Kellogg
J. A. Hungate

Attest: JNO. I. BOOGE, Chief Clerk

The above names are not in the order in which subscribed to the Constitution.

(B) Constitutional Amendments
(In Order of Adoption)

1	Art. 16 § 5	Investment of school fund.
2	Art. 6 § 1	Qualifications of voters.
3	Art. 7 § 2	(original) Taxation—Uniformity and equality—Exemption.
4	Art. 1 § 11	Religious freedom.
5	Art. 6 § 1	Qualifications of electors.
6	Art. 3 § 10	Vacancy in office of governor.
7	Art. 2 § 1	Legislative powers, where vested.
8	Art. 1 §§ 33, 34	Recall of elective officers.
9	Art. 1 § 16	Eminent domain.
10	Art. 1 § 22	Rights of the accused.
11	Art. 8 § 4	Moneys disbursed only by appropriation.
12	Art. 11 § 5	County government.
13	Art. 2 § 15	Vacancies in legislature.
14	Art. 7 § 1	Taxation (and repealing Art. 7 §§ 1-4.)
15	Art. 15 § 1	Harbor line commission and restraint on disposition.
16	Art. 12 § 11	Stockholder liability.
17	Art. 7 § 2	Forty mill limit.
18	Art. 2 § 40	Highway funds.
19	Art. 7 § 3	Taxation of federal agencies and property.
20	Art. 28 § 1	Compensation of state officers.
21	Art. 11 § 4	County government and township organization.
22	Art. 11 § 7	Tenure of office limited to two terms. (Repealed.)
23	Art. 11 § 16	Combined city and county.
24	Art. 2 § 33	Alien ownership.
25	Art. 4 § 3(a)	Retirement of supreme court and superior court judges.
26	Art. 2 § 41	Laws, effective date. Initiative, referendum—Amendment or repeal.
27	Art. 8 § 6	Limitations upon municipal in-debtedness.
28	Art. 4 § 6	Jurisdiction of superior courts.
	Art. 4 § 10	Justices of the peace.
29	Art. 2 § 33	Alien ownership.
30	Art. 2 § 1(a)	Initiative and referendum, signatures required.
31	Art. 3 § 25	Qualifications, compensation, offices which may be abolished.
32	Art. 2 § 15	Vacancies in legislature and in partisan county elective office.
33	Art. 24 § 1	State boundaries.
34	Art. 1 § 11	Religious freedom.
35	Art. 2 § 25	Extra compensation prohibited.
36	Art. 2 § 1	Legislative powers, where vested (publicity of laws referred to the people).
37	Art. 23 § 1	(Amendments to Constitution) How made.
38	Art. 4 § 2(a)	Temporary performance of judicial duties.
39	Art. 2 § 42	Governmental continuity during emergency periods.
40	Art. 11 § 10	Incorporation of municipalities.
41	Art. 4 § 29	Election of superior court

judges.
42 (Repeals Art. 2 § 33 and Amendments 24 and 29.)
43 Art. 9 § 3 (Schools) Funds for support.
44 Art. 16 § 5 Investment of permanent common school fund.
45 Art. 8 § 8 Port expenditures—Industrial development—Promotion.
46 Art. 6 § 1A Voter qualifications for presidential elections.
47 Art. 7 § 10 Retired persons property tax exemption.
48 Art. 8 § 3 Special indebtedness, how authorized.
49 Art. 29 § 1 (Investments of public pension and retirement funds.) May be invested as authorized by law.
50 Art. 4 § 30 Court of appeals.
51 Art. 8 § 9 State building authority.
52 Art. 2 § 15 Vacancies in legislature and in partisan county elective office.
Art. 11 § 6 Vacancies in township, precinct or road district offices.
53 Art. 7 § 11 Taxation based on actual use.
54 Art. 30 § 1 (Compensation of public officers.) Authorizing compensation increase during term.
55 Art. 7 § 2 Limitation on levies.
56 Art. 2 § 24 Lotteries and divorce.
57 Art. 11 §§ 5, 8 County government. Salaries and limitations affecting.
58 Art. 11 § 16 Combined city-county.
59 Art. 7 § 2 Limitation on levies.
60 Art. 8 §§ 1, 3 State debt. Special indebtedness, how authorized.
61 Art. 31 §§ 1, 2 Equality not denied because of sex.
Enforcement power of legislature.
62 Art. 3 § 12 Veto power.
63 Art. 6 § 1 Qualifications of electors.
64 Art. 7 § 2 Limitation on levies.
65 Art. 4 § 6 Jurisdiction of superior courts.
Art. 4 § 10 Justices of the peace.
66 Art. 12 § 18 Rates for transportation.
67 Art. 12 § 14 Prohibition against combinations by carriers. (Repealed)
68 Art. 2 § 12 Sessions, when—Duration.
69 Art. 2 § 13 Limitation on members holding office in the state.
70 Art. 8 § 10 Residential energy conservation.
71 Art. 4 § 31 Judicial qualifications commission—Removal, censure, suspension, or retirement of judges or justices.
72 Art. 2 § 1 Legislative powers, where vested.
Art. 2 § 1(a) Initiative and referendum, signatures required. (Stricken)
73 Art. 32 § 1 Special revenue financing.
74 Art. 2 § 3 The census. (Repealed)
Art. 2 § 43 Redistricting.
Art. 27 § 13 Representation in congress. (Repealed)
75 Art. 29 § 1 May be invested as authorized by law.
76 Art. 8 § 11 Agricultural commodity assessments—Development, promotion, and hosting.
77 Art. 4 § 31 Commission on judicial conduct—Removal, censure, suspension, or retirement of judges or justices—Proceedings.
78 Art. 28 § 1 Salaries for legislators, elected state officials, and judges—Independent commission—Referendum.
79 Art. 7 § 2 Limitation on levies.
80 Art. 4 § 7 Exchange of judges—Judge pro tempore.
81 Art. 7 § 1 Taxation.
82 Art. 8 § 10 Residential energy conservation.
83 Art. 6 § 3 Who disqualified.
Art. 13 § 1 Educational, reformatory, and penal institutions.
84 Art. 1 § 35 Victims of crimes—Rights.
85 Art. 4 § 31 Commission on judicial conduct.
86 Art. 8 § 10 Energy and water conservation assistance.
87 Art. 4 § 6 Jurisdiction of superior courts.
88 Art. 1 § 11 Religious freedom.
89 Art. 4 § 3 Election and terms of supreme court judges.
90 Art. 7 § 2 Limitation on levies.
91 Art. 8 § 10 Energy, water, or stormwater or sewer services conservation assistance.
92 Art. 8 § 1 State debt.
93 Art. 29 § 1 May be invested as authorized by law.
94 Art. 4 § 7 Exchange of judges—Judge pro tempore.
95 Art. 7 § 2 Limitation on levies.
96 Art. 2 § 15 Vacancies in legislature and in partisan county elective office.
97 Art. 4 § 31 Commission on judicial

conduct.

98 Art. 7 § 1 Taxation.
99 Art. 7 § 12 Budget stabilization account.
100 Art. 2 § 29 Convict labor.
101 Art. 7 § 2 Limitation on levies.
102 Art. 16 § 6 Investment of higher education permanent funds.
103 Art. 8 § 1 State debt.
104 Art. 1 § 20 Bail, when authorized.
105 Art. 6 § 1A Voter qualifications for presidential elections.
106 Art. 7 § 12 Budget stabilization account.
107 Art. 8 § 1 State debt.
108 Art. 2 § 43 Redistricting.
109 Art. 2 § 42 Governmental continuity during emergency periods.

AMENDMENT 1 Art. 16 Section 5 INVESTMENT OF SCHOOL FUND.

None of the permanent school fund of this state shall ever be loaned to private persons or corporations, but it may be invested in national, state, county, municipal or school district bonds.

[1893 p 9 Section 1. Adopted November, 1894.]

NOTES:

Art. 16 Section 5 was later amended by Amendment 44.

AMENDMENT 2 Art. 6 Section 1 QUALIFICATIONS OF VOTERS.

All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year, and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not effect [affect] the right of franchise of any person who is now a qualified elector of this state. The legislature shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provisions of this section.

[1895 p 60 Section 1. Approved November, 1896.]

NOTES:

Art. 6 Section 1 was later amended by Amendment 5.

AMENDMENT 3 Art. 7 Section 2 was amended by adding the following proviso: "And provided further, That the legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred dollars ($300) for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual and bona fide owner."

[1899 p 121 Section 1. Approved November, 1900.]

NOTES:

Original Art. 7 Section 2 and Amendment 3 were stricken by Amendment 14.

AMENDMENT 4 Art. 1 Section 11 RELIGIOUS FREEDOM.

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment. Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for the state penitentiary, and for such of the state reformatories as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

[1903 p 283 Section 1. Approved November, 1904.]

NOTES:

Art. 1 Section 11 was later amended by Amendments 34 and 88.

AMENDMENT 5 Article 6 was amended by striking from said article all of sections one (1) and two (2) and inserting in lieu thereof the following, to be known as section one (1):

Art. 6 Section 1 QUALIFICATIONS OF ELECTORS. All person of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections: They shall be citizens of the United States; they shall have lived in the state one year,

and in the county ninety days, and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote; they shall be able to read and speak the English language: Provided, That Indians not taxed shall never be allowed the elective franchise: And further provided, That this amendment shall not affect the rights of franchise of any person who is now a qualified elector of this state. The legislative authority shall enact laws defining the manner of ascertaining the qualifications of voters as to their ability to read and speak the English language, and providing for punishment of persons voting or registering in violation of the provision of this section. There shall be no denial of the elective franchise at any election on account of sex.
[1909 p 26 Section 1. Approved November, 1910.]
NOTES:
Prior amendment of Art. 6, see Amendment 2.
Art. 6. Section 1 was later amended by Amendment 63.

AMENDMENT 6 Art. 3 Section 10 VACANCY IN OFFICE OF GOVERNOR.
In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands.
In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term.
[1909 p 642 Section 1. Approved November, 1910.]

AMENDMENT 7 Article 2 was amended by striking all of sections 1 and 31, and inserting in lieu thereof as section 1 the following, so that the same shall read as follows:
Art. 2 Section 1 LEGISLATIVE POWERS, WHERE VESTED. The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section or part of any bill, act or law passed by the legislature.
(a) Initiative: The first power reserved by the people is the initiative. Ten per centum, but in no case more than fifty thousand, of the legal voters shall be required to propose any measure by such petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall transmit the same to the legislature as soon as it convenes and organizes. Such initiative measure shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or

rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measure shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for either, then the measure receiving a majority of the votes on the second issue shall be law.

NOTES:
Portion of subdivision (a) is superseded by Amendment 30.

(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted. Six per centum, but in no case more than thirty thousand, of the legal voters shall be required to sign and make a valid referendum petition.

NOTES:
Portion of subdivision (b) is superseded by Amendment 30.

(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.

NOTES:
Subdivision (c) is superseded by Amendment 26.

(d) The filing of a referendum petition against one or more items, sections or parts of any act, law or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the biennial regular elections, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. The whole number of electors who voted for governor at the regular gubernatorial election last preceding the filing of any petition for the initiative or for the referendum shall be the basis on which the number of legal voters necessary to sign such petition shall be counted. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation. The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the constitution referred to the people with arguments for and against the laws and amendments so referred, so that each voter of the state shall receive the publication at least fifty days before the election at which they are to be voted upon. [1911 p 136 Section 1. Approved November, 1912.]

NOTES:
Last paragraph is superseded by Amendment 36.
Art. 2 Section 1 was later amended by Amendment 72.

AMENDMENT 8 Article 1 was amended by adding the two following sections:

Art. 1 Section 33 RECALL OF ELECTIVE OFFICERS. Every elective public officer in the state of Washington expect [except] judges of courts of record is subject to recall and discharge by the legal voters of the state, or of the political subdivision of the state, from which he was elected whenever a petition demanding his recall, reciting that such officer has committed some act or acts of malfeasance or misfeasance while in office, or who has violated his oath of office, stating the matters complained of, signed by the percentages of the qualified electors thereof, hereinafter provided, the percentage required to be computed from the total number of votes cast for all candidates for his said office to which he was elected at the preceding election, is filed with the officer with whom a petition for nomination, or certificate for nomination, to such office must be filed under the laws of this state, and the same officer shall call a special election as provided by the general election laws of this state, and the result determined as therein provided.

Art. 1 Section 34 SAME. The legislature shall

pass the necessary laws to carry out the provisions of section thirty-three (33) of this article, and to facilitate its operation and effect without delay: Provided, That the authority hereby conferred upon the legislature shall not be construed to grant to the legislature any exclusive power of law-making nor in any way limit the initiative and referendum powers reserved by the people. The percentages required shall be, state officers, other than judges, senators and representatives, city officers of cities of the first class, school district boards in cities of the first class; county officers of counties of the first, second and third classes, twenty-five per cent. Officers of all other political subdivisions, cities, towns, townships, precincts and school districts not herein mentioned, and state senators and representatives, thirty-five per cent.

[1911 p 504 Section 1. Approved November, 1912.]

AMENDMENT 9 Art. 1 Section 16 EMINENT DOMAIN.

Private property shall not be taken for private use, except for private ways of necessity, and for drains, flumes, or ditches on or across the lands of others for agricultural, domestic, or sanitary purposes. No private property shall be taken or damaged for public or private use without just compensation having been first made, or paid into court for the owner, and no right-of-way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money, or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in courts of record, in the manner prescribed by law. Whenever an attempt is made to take private property for a use alleged to be public, the question whether the contemplated use be really public shall be a judicial question, and determined as such, without regard to any legislative assertion that the use is public: Provided, that the taking of private property by the state for land reclamation and settlement purposes is hereby declared to be for public use.

[1919 p 385 Section 1. Approved November, 1920.]

AMENDMENT 10 Art. 1 Section 22 RIGHTS OF THE ACCUSED.

In criminal prosecutions the accused shall have the right to appear and defend in person, or by counsel, to demand the nature and cause of the accusation against him, to have a copy thereof, to testify in his own behalf, to meet the witnesses against him face to face, to have compulsory process to compel the attendance of witnesses in his own behalf, to have a speedy public trial by an impartial jury of the county in which the offense is charged to have been committed and the right to appeal in all cases: Provided, The route traversed by any railway coach, train or public conveyance, and the water traversed by any boat shall be criminal districts; and the jurisdiction of all public offenses committed on any such railway car, coach, train, boat or other public conveyance, or at any station or depot upon such route, shall be in any county through which the said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate. In no instance shall any accused person before final judgment be compelled to advance money or fees to secure the rights herein guaranteed.

[1921 p 79 Section 1. Approved November, 1922.]

AMENDMENT 11 Art. 8 Section 4 MONEYS DISBURSED ONLY BY APPROPRIATIONS.

No moneys shall ever be paid out of the treasury of this state, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law; nor unless such payment be made within one calendar month after the end of the next ensuing fiscal biennium, and every such law making a new appropriation, or continuing or reviving an appropriation, shall distinctly specify the sum appropriated, and the object to which it is to be applied, and it shall not be sufficient for such law to refer to any other law to fix such sum.

[1921 p 80 Section 1. Approved November, 1922.]

AMENDMENT 12 Art. 11 Section 5 COUNTY GOVERNMENT.

The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more

officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

[1923 p 255 Section 1. Approved November, 1924.]

NOTES:

Art. 11 Section 5 was later amended by Amendment 57.

AMENDMENT 13 Art. 2 Section 15 VACANCIES IN LEGISLATURE.

Such vacancies as may occur in either house of the legislature shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, the vacancy shall be filled by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial district.

[1929 p 690. Approved November, 1930.]

NOTES:

Art. 2 Section 15 was later amended by Amendments 32, 52, and 96.

AMENDMENT 14 Article 7 is amended by striking out all of sections 1, 2, 3 and 4, and inserting in lieu thereof the following, to be known as section 1:

Art. 7 Section 1 TAXATION. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three hundred ($300.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.

[1929 p 499 Section 1. Approved November, 1930.]

NOTES:

Amendment 17 added a new Section 2.
Amendment 19 added a new Section 3.

Art. 7 Section 1 was later amended by Amendments 81 and 98.

AMENDMENT 15 Art. 15 Section 1 HARBOR LINE COMMISSION AND RESTRAINT ON DISPOSITION.

The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state, wherever such navigable waters lie within or in front of the corporate limits of any city, or within one mile thereof on either side. Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefor by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines, nor shall any of the area lying between any harbor line and the line of ordinary high water, and within not less than fifty feet nor more than two thousand feet of such harbor line (as the commission shall determine) be sold or granted by the state, nor its rights to control the same relinquished, but such area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

[1931 p 417 Section 1. Approved November, 1932.]

AMENDMENT 16 Art. 12 Section 11 STOCKHOLDER LIABILITY.

No corporation, association, or individual shall issue or put in circulation as money anything but the lawful money of the United States. Each stockholder of any banking or insurance corporation or joint stock association shall be individually and personally liable equally and ratably, and not one for another, for all contracts, debts, and engagements of such corporation or association accruing while they remain such

stockholders, to the extent of the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares.
The legislature may provide that stockholders of banking corporations organized under the laws of this state which shall provide and furnish, either through membership in the Federal Deposit Insurance Corporation, or through membership in any other instrumentality of the government of the United States, insurance or security for the payment of the debts and obligations of such banking corporation equivalent to that required by the laws of the United States to be furnished and provided by national banking associations, shall be relieved from liability for the debts and obligations of such banking corporation to the same extent that stockholders of national banking associations are relieved from liability for the debts and obligations of such national banking associations under the laws of the United States.
[1939 Senate Joint Resolution No. 8, p 1024. Approved November, 1940.]

AMENDMENT 17 Art. 7 Section 2 FORTY MILL LIMIT.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, and Provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.
[1943 House Joint Resolution No. 1, p 936. Approved November, 1944.]
NOTES:
Art. 7 Section 2 was later amended by Amendments 55, 59, 64, 79, 90, 95, and 101.

AMENDMENT 18 Art. 2 Section 40 HIGHWAY FUNDS.

All fees collected by the State of Washington as license fees for motor vehicles and all excise taxes collected by the State of Washington on the sale, distribution or use of motor vehicle fuel and all other state revenue intended to be used

for highway purposes, shall be paid into the state treasury and placed in a special fund to be used exclusively for highway purposes. Such highway purposes shall be construed to include the following:
(a) The necessary operating, engineering and legal expenses connected with the administration of public highways, county roads and city streets;
(b) The construction, reconstruction, maintenance, repair, and betterment of public highways, county roads, bridges and city streets; including the cost and expense of (1) acquisition of rights-of-way, (2) installing, maintaining and operating traffic signs and signal lights, (3) policing by the state of public highways, (4) operation of movable span bridges, (5) operation of ferries which are a part of any public highway, county road, or city street;
(c) The payment or refunding of any obligation of the State of Washington, or any political subdivision thereof, for which any of the revenues described in section 1 may have been legally pledged prior to the effective date of this act;
(d) Refunds authorized by law for taxes paid on motor vehicle fuels;
(e) The cost of collection of any revenues described in this section:
Provided, That this section shall not be construed to include revenue from general or special taxes or excises not levied primarily for highway purposes, or apply to vehicle operator's license fees or any excise tax imposed on motor vehicles or the use thereof in lieu of a property tax thereon, or fees for certificates of ownership of motor vehicles.
[1943 House Joint Resolution No. 4, p 938. Approved November, 1944.]

AMENDMENT 19 Art. 7 Section 3 TAXATION OF FEDERAL AGENCIES AND PROPERTY.

The United States and its agencies and instrumentalities, and their property, may be taxed under any of the tax laws of this state, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States, notwithstanding anything to the contrary in the Constitution of this state.
[1945 House Joint Resolution No. 9, p 932. Approved November, 1946.]

AMENDMENT 20 Art. 28 Section 1 COMPENSATION OF STATE OFFICERS.

All elected state officials shall each severally receive such compensation as the legislature may direct. The compensation of any state officer shall not be increased or diminished during his term of office, except that the legislature, at its thirty-first regular session, may increase or diminish the compensation of all state officers whose terms exist on the Thursday after the second Monday in January, 1949.
The provisions of sections 14, 16, 17, 19, 20, 21, and 22 of Article III and section 23 of Article II in so far as they are inconsistent herewith, are hereby repealed.
[1947 Senate Joint Resolution No. 4, p 1371. Approved November 2, 1948.]
NOTES:
Art. 28 Section 1 was later amended by Amendment 78.
Authorizing compensation increase during term: See Amendment 54.

AMENDMENT 21 Art. 11 Section 4 COUNTY GOVERNMENT AND TOWNSHIP ORGANIZATION.

The legislature shall establish a system of county government, which shall be uniform throughout the state except as hereinafter provided, and by general laws shall provide for township organization, under which any county may organize whenever a majority of the qualified electors of such county voting at a general election shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein, shall be managed and transacted in the manner prescribed by such general law.
Any county may frame a "Home Rule" charter for its own government subject to the Constitution and laws of this state, and for such purpose the legislative authority of such county may cause an election to be had, at which election there shall be chosen by the qualified voters of said county not less than fifteen (15) nor more than twenty-five (25) freeholders thereof, as determined by the legislative authority, who shall have been residents of said county for a period of at least five (5) years preceding their election and who are themselves qualified electors, whose duty it shall be to convene within thirty (30) days after their election and prepare and propose a charter for such county. Such proposed charter shall be submitted to the qualified electors of said county, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said county and shall become the organic law thereof, and supersede any existing

charter, including amendments thereto, or any existing form of county government, and all special laws inconsistent with such charter. Said proposed charter shall be published in two (2) legal newspapers published in said county, at least once a week for four (4) consecutive weeks prior to the day of submitting the same to the electors for their approval as above provided.
All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election and shall be given for at least ten (10) days before the day of election in all election districts of said county.
Said elections may be general or special elections and except as herein provided, shall be governed by the law regulating and controlling general or special elections in said county. Such charter may be amended by proposals therefor submitted by the legislative authority of said county to the electors thereof at any general election after notice of such submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter or amendment thereto, any alternate article or proposition may be presented for the choice of the voters and may be voted on separately without prejudice to others.
Any home rule charter proposed as herein provided, may provide for such county officers as may be deemed necessary to carry out and perform all county functions as provided by charter or by general law, and for their compensation, but shall not affect the election of the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, or the jurisdiction of the courts.
Notwithstanding the foregoing provision for the calling of an election by the legislative authority of such county for the election of freeholders to frame a county charter, registered voters equal in number to ten (10) per centum of the voters of any such county voting at the last preceding general election, may at any time propose by petition the calling of an election of freeholders. The petition shall be filed with the county auditor of the county at least three (3) months before any general election and the proposal that a board of freeholders be elected for the purpose of framing a county charter shall be submitted to the vote of the people at said general election, and at the same election a board of freeholders of not less than fifteen (15) or more than twenty-five (25), as fixed in the petition calling for the election, shall be chosen to draft the new charter. The procedure for the nomination of qualified electors as candidates for said board of freeholders shall be prescribed by the legislative authority of the county, and the procedure for the framing of the charter and the submission of the charter as framed shall be the same as in the case of a board of freeholders chosen at an election initiated by the legislative authority of the county.
In calling for any election of freeholders as provided in this section, the legislative authority of the county shall apportion the number of freeholders to be elected in accordance with either the legislative districts or the county commissioner districts, if any, within said county, the number of said freeholders to be elected from each of said districts to be in proportion to the population of said districts as nearly as may be.
Should the charter proposed receive the affirmative vote of the majority of the electors voting thereon, the legislative authority of the county shall immediately call such special election as may be provided for therein, if any, and the county government shall be established in accordance with the terms of said charter not more than six (6) months after the election at which the charter was adopted.
The terms of all elective officers, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court, and the justices of the peace, who are in office at the time of the adoption of a Home Rule Charter shall terminate as provided in the charter. All appointive officers in office at the time the charter goes into effect, whose positions are not abolished thereby, shall continue until their successors shall have qualified.
After the adoption of such charter, such county shall continue to have all the rights, powers, privileges and benefits then possessed or thereafter conferred by general law. All the powers, authority and duties granted to and imposed on county officers by general law, except the prosecuting attorney, the county superintendent of schools, the judges of the superior court and the justices of the peace, shall be vested in the legislative authority of the county unless expressly vested in specific officers by the charter. The legislative authority may by resolution delegate any of its executive or administrative powers, authority or duties not expressly vested in specific officers by the charter, to any

county officer or officers or county employee or employees.
The provisions of sections 5, 6, 7, and the first sentence of section 8 of this Article as amended shall not apply to counties in which the government has been established by charter adopted under the provisions hereof. The authority conferred on the board of county commissioners by Section 15 of Article II as amended, shall be exercised by the legislative authority of the county.
[1947 Senate Joint Resolution No. 5, p 1372. Approved November 2, 1948.]

AMENDMENT 22 Section 7, Article XI, Constitution of the State of Washington is hereby repealed.
[1947 House Joint Resolution No. 4, p 1385. Approved November 2, 1948.]

AMENDMENT 23 Art. 11 Section 16 COMBINED CITY AND COUNTY.
The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants. No such city and county shall be formed except by a majority vote of the qualified electors of the area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: Provided, however, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations: Provided further, That every such charter shall designate the respective officers of such city and county who shall perform the duties imposed by law upon county officers. Every such city and county shall have and enjoy all rights, powers and privileges asserted in its charter, not inconsistent with general laws, and in addition thereto, such rights, powers and privileges as may be granted to it, or possessed and enjoyed by cities and counties of like population separately organized.
No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: Provided, That the provisions of sections 2, 3, 4, 5, 6, 7, and 8 of this article shall not apply to any such city and county: Provided further, That the salary of any elective or appointive officer of a city and county shall not be changed after his election or appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, term of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provisions.
[1947 House Joint Resolution No. 13, p 1386. Approved November 2, 1948.]
NOTES:
Art. 11 Section 16 was later amended by Amendment 58.

AMENDMENT 24
[Repealed by AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]
NOTES:
Text of Amendment 24 - Art. 2 Section 33 ALIEN OWNERSHIP -The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. Every corporation, the majority of the capital stock of which is owned by aliens, shall be considered an alien for the purposes of this prohibition. [1949 Senate Joint Resolution No. 9,

p 999. Approved November 7, 1950.]
Art. 2 Section 33 was also amended by Amendment 29.

AMENDMENT 25 Article 4 was amended by adding the following section:

Art. 4 Section 3(a) RETIREMENT OF SUPREME COURT AND SUPERIOR COURT JUDGES.

A judge of the supreme court or the superior court shall retire from judicial office at the end of the calendar year in which he attains the age of seventy-five years. The legislature may, from time to time, fix a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any such judge attains the age of seventy years, as the legislature deems proper. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to, or at the time of, approval and ratification of this provision. Notwithstanding the limitations of this section, the legislature may by general law authorize or require the retirement of judges for physical or mental disability, or any cause rendering judges incapable of performing their judicial duties.

[1951 House Joint Resolution No. 6, p 960. Approved November 4, 1952.]

AMENDMENT 26 Article 2 was amended by adding the following section:

Art. 2 Section 41 LAWS, EFFECTIVE DATE. INITIATIVE, REFERENDUM - AMENDMENT OR REPEAL.

No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon. These provisions supersede the provisions of subsection (c) of section 1 of this article as amended by the seventh amendment to the Constitution of this state.

[1951 Substitute Senate Joint Resolution No. 7, p 959. Approved November 4, 1952.]
NOTES:
Reviser's note: In third sentence, comma between "general" and "regular" omitted in conformity with enrolled resolution.

AMENDMENT 27 Art. 8 Section 6 LIMITATIONS UPON MUNICIPAL INDEBTEDNESS.

No county, city, town, school district, or other municipal corporation shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such county, city, town, school district, or other municipal corporation, without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly county, city, town, school district, or other municipal purposes: Provided further, That (a) any city or town, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city or town with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipality and (b) any school district with such assent, may be allowed to become indebted to a larger amount but not exceeding five per centum additional for capital outlays.

[1951 House Joint Resolution No. 8, p 961. Approved November 4, 1952.]

AMENDMENT 28 Art. 4 Section 6 JURISDICTION OF SUPERIOR COURTS.

The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to one thousand dollars, or a lesser sum in excess of the jurisdiction granted to

justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

NOTES:

Later amendment to Art. 4 Section 6, see Amendment 87.

Art. 4 Section 10 JUSTICES OF THE PEACE. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed one thousand dollars, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use. [1951 Substitute House Joint Resolution No. 13, p 962. Approved November 4, 1952.]

NOTES:

Later amendment to Art. 4 Section 6 and Section 10, see Amendment 65.

AMENDMENT 29

[Repealed by AMENDMENT 42, 1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

NOTES:

Text of Amendment 29 - Art. 2 Section 33 Alien Ownership -The ownership of lands by aliens, other than those who in good faith have declared their intention to become citizens of the United States, is prohibited in this state, except where acquired by inheritance, under mortgage or in good faith in the ordinary course of justice in the collection of debts; and all conveyances of lands hereafter made to any alien directly, or in trust for such alien, shall be void: Provided, That the provisions of this section shall not apply to lands containing valuable deposits of minerals, metals, iron, coal, or fire clay, and the necessary land for mills and machinery to be used in the development thereof and the manufacture of the products therefrom: And provided further, That the provisions of this section shall not apply to the citizens of such of the Provinces of the Dominion of Canada as do not expressly or by implication prohibit ownership of provincial lands by citizens of this state. [1953 House Joint Resolution No. 16, p 853. Approved November 2, 1954.]

Prior amendment of Art. 2 Section 33, see Amendment 24.

AMENDMENT 30

[Stricken by AMENDMENT 72, 1981 Substitute Senate Joint Resolution No. 133, p 1796. Approved November 3, 1981.]

NOTES:

Text of Amendment 30 - Art. 2 Section 1(a) INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED -Hereafter, the number of valid signatures of legal voters required upon a petition for an initiative measure shall be equal to eight per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. Hereafter, the number of valid signatures of legal voters required upon a petition for a referendum of an act of the legislature or any part thereof, shall be equal to four per centum of the number of voters registered and voting for the office of governor at the last preceding regular gubernatorial election. These provisions supersede the requirements specified in section 1 of this article as amended by the seventh amendment to the Constitution of this state. [1955 Senate Joint Resolution No. 4, p 1860. Approved November 6, 1956.]

AMENDMENT 31 Art. 3 Section 25 QUALIFICATIONS, COMPENSATION, OFFICES WHICH MAY BE ABOLISHED.

No person, except a citizen of the United States and a qualified elector of this state, shall be eligible to hold any state office. The compensation for state officers shall not be increased or diminished during the term for which they shall have been elected. The legislature may in its discretion abolish the offices of the lieutenant governor, auditor and commissioner of public lands.

[1955 Senate Joint Resolution No. 6, p 1861. Approved November 6, 1956.]

NOTES:

Authorizing compensation increase during term: See Amendment 54.

AMENDMENT 32 Art. 2 Section 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE.

Such vacancies as may occur in either house of the legislature or in any partisan county elective

office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district and the same political party as the legislator whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

[1955 Senate Joint Resolution No. 14, p 1862. Approved November 6, 1956.]

NOTES:

Prior amendment of Art. 2 Section 15, see Amendment 13.

Later amendment of Art. 2 Section 15, see Amendments 52 and 96.

AMENDMENT 33 Art. 24 Section 1 STATE BOUNDARIES.

The boundaries of the state of Washington shall be as follows: Beginning at a point in the Pacific ocean one marine league due west of and opposite the middle of the mouth of the north ship channel of the Columbia river thence running easterly to and up the middle channel of said river and where it is divided by islands up the middle of the widest channel thereof to where the forty-sixth parallel of north latitude crosses said river near the mouth of the Walla Walla river; thence east on said forty-sixth parallel of latitude to the middle of the main channel of the Shoshone or Snake river, thence follow down the middle of the main channel of Snake river to a point opposite the mouth of the Kooskooskia or Clear Water river, thence due north to the forty-ninth parallel of north latitude, thence west along said forty-ninth parallel of north latitude to the middle of the channel which separates Vancouver's island from the continent, that is to say to a point in longitude 123 degrees, 19 minutes and 15 seconds west, thence following the boundary line between the United States and British possessions through the channel which separates Vancouver's island from the continent to the termination of the boundary line between the United States and British possessions at a point in the Pacific ocean equidistant between Bonnilla point on Vancouver's island and Tatoosh island light house, thence running in a southerly course and parallel with the coast line, keeping one marine league off shore to place of beginning; until such boundaries are modified by appropriate interstate compacts duly approved by the Congress of the United States.

[1957 Senate Joint Resolution No. 10, p 1292. Approved November 4, 1958.]

AMENDMENT 34 Art. 1 Section 11 RELIGIOUS FREEDOM.

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: Provided, however, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional and mental institutions as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.

[1957 Senate Joint Resolution No. 14, p 1299. Approved November 4, 1958.]

NOTES:

Prior amendment of Art. 1 Section 11, see Amendment 4.

Art. 1 Section 11 was later amended by Amendment 88.

AMENDMENT 35 Art. 2 Section 25 EXTRA

COMPENSATION PROHIBITED.
The legislature shall never grant any extra compensation to any public officer, agent, employee, servant, or contractor, after the services shall have been rendered, or the contract entered into, nor shall the compensation of any public officer be increased or diminished during his term of office. Nothing in this section shall be deemed to prevent increases in pensions after such pensions shall have been granted.
[1957 Senate Joint Resolution No. 18, p 1301. Approved November 4, 1958.]
NOTES:
Increase during term in compensation of certain officers authorized: See Amendment 54.

AMENDMENT 36 Article 2, section 1 (LEGISLATIVE POWERS, WHERE VESTED) as amended by AMENDMENT 7 was amended by adding the following subsection:
Article 2, section 1, subsection (e). The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state.
[1961 Senate Joint Resolution No. 9, p 2751. Approved November, 1962.]

AMENDMENT 37 Art. 23 Section 1 HOW MADE.
Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: Provided, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.
[1961 Senate Joint Resolution No. 25, p 2753. Approved November, 1962.]

AMENDMENT 38 Article 4 was amended by adding the following section:
Art. 4 Section 2(a) TEMPORARY PERFORMANCE OF JUDICIAL DUTIES.
When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state.
[1961 House Joint Resolution No. 6, p 2757. Approved November, 1962.]

AMENDMENT 39 Art. 2 Section 42 GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS.
The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the

Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:
Article 14, Sections 1 and 2, Seat of Government;
Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;
Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;
Article 3, Section 13, Vacancies in State Offices;
Article 11, Section 6, Vacancies in County Offices;
Article 11, Section 2, Seat of County Government;
Article 3, Section 24, State Records.
[1961 House Joint Resolution No. 9, p 2758. Approved November, 1962.]
NOTES:
Art. 2 Section 42 was later amended by Amendment 109.

AMENDMENT 40 Art. 11 Section 10 INCORPORATION OF MUNICIPALITIES.

Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.
[1963 ex.s. Senate Joint Resolution No. 1, p 1526. Approved November 3, 1964.]

AMENDMENT 41 Art. 4 Section 29 ELECTION OF SUPERIOR COURT JUDGES.

Notwithstanding any provision of this Constitution to the contrary, if, after the last day as provided by law for the withdrawal of declarations of candidacy has expired, only one candidate has filed for any single position of superior court judge in any county containing a population of one hundred thousand or more, no primary or election shall be held as to such position, and a certificate of election shall be issued to such candidate. If, after any contested primary for superior court judge in any county, only one candidate is entitled

to have his name printed on the general election ballot for any single position, no election shall be held as to such position, and a certificate of election shall be issued to such candidate: Provided, That in the event that there is filed with the county auditor within ten days after the date of the primary, a petition indicating that a write in campaign will be conducted for such single position and signed by one hundred registered voters qualified to vote with respect of the office, then such single position shall be subject to the general election. Provisions for the contingency of the death or disqualification of a sole candidate between the last date for withdrawal and the time when the election would be held but for the provisions of this section, and such other provisions as may be deemed necessary to implement the provisions of this section, may be enacted by the legislature.
[1965 ex.s. Substitute Senate Joint Resolution No. 6, p 2815. Approved November 8, 1966.]

AMENDMENT 42 Section 33, Article II and Amendments 24 and 29 amendatory thereof, of the Constitution of the State of Washington are each hereby repealed.
[1965 ex.s. Senate Joint Resolution No. 20, p 2816. Approved November 8, 1966.]

AMENDMENT 43 Art. 9 Section 3 FUNDS FOR SUPPORT.
The principal of the common school fund as the same existed on June 30, 1965, shall remain permanent and irreducible. The said fund shall consist of the principal amount thereof existing on June 30, 1965, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.
There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: (1) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; (2) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and (3) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire such bonds as may be authorized by law for the purpose of financing the construction of facilities for the common schools.
The interest accruing on the permanent common school fund together with all rentals and other revenues accruing thereto pursuant to subsection (2) of this section during the period after the effective date of this amendment and prior to July 1, 1967, shall be exclusively applied to the current use of the common schools.
To the extent that the moneys in the common school construction fund are in excess of the amount necessary to allow fulfillment of the purpose of said fund, the excess shall be available for deposit to the credit of the permanent common school fund or available for the current use of the common schools, as the legislature may direct.
[1965 ex.s. Senate Joint Resolution No. 22, part 1, p 2817. Approved November 8, 1966.]

AMENDMENT 44 Art. 16 Section 5

INVESTMENT OF PERMANENT COMMON SCHOOL FUND.

The permanent common school fund of this state may be invested as authorized by law.

[1965 ex.s. Senate Joint Resolution No. 22, part 2, p 2817. Approved November 8, 1966.]

NOTES:

Prior amendment of Art. 16 Section 5, see Amendment 1.

AMENDMENT 45 Art. 8 Section 8 PORT EXPENDITURES - INDUSTRIAL DEVELOPMENT -PROMOTION.

The use of public funds by port districts in such manner as may be prescribed by the legislature for industrial development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 7 of this Article.

[1965 ex.s. Senate Joint Resolution No. 25, p 2819. Approved November 8, 1966.]

AMENDMENT 46 Art. 6 Section 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS.

In consideration of those citizens of the United States who become residents of the state of Washington during the year of a presidential election with the intention of making this state their permanent residence, this section is for the purpose of authorizing such persons who can meet all qualifications for voting as set forth in section 1 of this article, except for residence, to vote for presidential electors or for the office of President and Vice-President of the United States, as the case may be, but no other: Provided, That such persons have resided in the state at least sixty days immediately preceding the presidential election concerned.

The legislature shall establish the time, manner and place for such persons to cast such presidential ballots.

[1965 ex.s. Substitute Joint House Resolution No. 4, p 2820. Approved November 8, 1966.]

NOTES:

Art. 6 Section 1A was later amended by Amendment 105.

AMENDMENT 47 Art. 7 Section 10 RETIRED PERSONS PROPERTY TAX EXEMPTION.

Notwithstanding the provisions of Article 7, section 1 (Amendment 14) and Article 7, section 2 (Amendment 17), the following tax exemption shall be allowed as to real property:

The legislature shall have the power, by appropriate legislation, to grant to retired property owners relief from the property tax on the real property occupied as a residence by those owners. The legislature may place such restrictions and conditions upon the granting of such relief as it shall deem proper. Such restrictions and conditions may include, but are not limited to, the limiting of the relief to those property owners below a specific level of income and those fulfilling certain minimum residential requirements.

[1965 ex.s. House Joint Resolution No. 7, p 2821. Approved November 8, 1966.]

AMENDMENT 48 Art. 8 Section 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED.

Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof. No such law shall take effect until it shall, at a general election, have been submitted to the people and have received a majority of all the votes cast for and against it at such election, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: Provided, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election.

[1965 ex.s. House Joint Resolution No. 39, p 2822. Approved November 8, 1966.]

NOTES:

Art. 8 Section 3 was later amended by Amendment 60.

AMENDMENT 49 The Constitution was amended by adding the following new article and section 1 thereof:

ARTICLE XXIX
INVESTMENTS OF PUBLIC PENSION AND RETIREMENT FUNDS
Art. 29 Section 1 MAY BE INVESTED AS

AUTHORIZED BY LAW. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund may be invested as authorized by law.

[1967 Senate Joint Resolution No. 5; see 1969 p 2975. Approved November 5, 1968.]

NOTES:

Art. 29 Section 1 was later amended by Amendments 75 and 93.

AMENDMENT 50 Article 4 was amended by adding the following section:

Art. 4 Section 30 COURT OF APPEALS.

(1) Authorization. In addition to the courts authorized in section 1 of this article, judicial power is vested in a court of appeals, which shall be established by statute.

(2) Jurisdiction. The jurisdiction of the court of appeals shall be as provided by statute or by rules authorized by statute.

(3) Review of Superior Court. Superior court actions may be reviewed by the court of appeals or by the supreme court as provided by statute or by rule authorized by statute.

(4) Judges. The number, manner of election, compensation, terms of office, removal and retirement of judges of the court of appeals shall be as provided by statute.

(5) Administration and Procedure. The administration and procedures of the court of appeals shall be as provided by rules issued by the supreme court.

(6) Conflicts. The provisions of this section shall supersede any conflicting provisions in prior sections of this article.

[1967 Senate Joint Resolution No. 6; see 1969 p 2975. Approved November 5, 1968.]

NOTES:

Reviser's note: This section which was adopted as Art. 4 Section 29 is herein renumbered Art. 4 Section 30 to avoid confusion with Amendment 41.

AMENDMENT 51 Article 8 was amended by adding the following section:

Art. 8 Section 9 STATE BUILDING AUTHORITY.

The legislature is empowered notwithstanding any other provision in this Constitution, to provide for a state building authority in corporate and politic form which may contract with agencies or departments of the state government to construct upon land owned by the state or its agencies, or to be acquired by the state building authority, buildings and appurtenant improvements which such state agencies or departments are hereby empowered to lease at reasonable rental rates from the Washington state building authority for terms up to seventy-five years with provisions for eventual vesting of title in the state or its agencies. This section shall not be construed as authority to provide buildings through lease or otherwise to nongovernmental entities. The legislature may authorize the state building authority to borrow funds solely upon its own credit and to issue bonds or other evidences of indebtedness therefor to be repaid from its revenues and to secure the same by pledging its income or mortgaging its leaseholds. The provisions of sections 1 and 3 of this article shall not apply to indebtedness incurred pursuant to this section.

[1967 Senate Joint Resolution No. 17; see 1969 p 2976. Approved November 5, 1968.]

NOTES:

Reviser's note: This section which was adopted as Art. 8 Section 8 is herein renumbered as Art. 8 Section 9 to avoid confusion with Amendment 45.

AMENDMENT 52 Art. 2 Section 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE.

Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the board of county commissioners of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district, county or county commissioner district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county or county commissioner district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three

nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

Art. 11 Section 6 VACANCIES IN TOWNSHIP, PRECINCT OR ROAD DISTRICT OFFICE. The board of county commissioners in each county shall fill all vacancies occurring in any township, precinct or road district office of such county by appointment, and officers thus appointed shall hold office till the next general election, and until their successors are elected and qualified.

[1967 Senate Joint Resolution No. 24; see 1969 p 2976. Approved November 5, 1968.]

NOTES:

Prior amendment of Art. 2 Section 15, see Amendments 13 and 32.

Later amendment of Art. 2 Section 15, see Amendment 96.

AMENDMENT 53 Article 7 was amended by adding the following section:

Art. 7 Section 11 TAXATION BASED ON ACTUAL USE. Nothing in this Article VII as amended shall prevent the legislature from providing, subject to such conditions as it may enact, that the true and fair value in money (a) of farms, agricultural lands, standing timber and timberlands, and (b) of other open space lands which are used for recreation or for enjoyment of their scenic or natural beauty shall be based on the use to which such property is currently applied, and such values shall be used in computing the assessed valuation of such property in the same manner as the assessed valuation is computed for all property.

[1967 House Joint Resolution No. 1; see 1969 p 2976. Approved November 5, 1968.]

AMENDMENT 54 The Constitution was amended by adding the following new article and section 1 thereof:

ARTICLE XXX*
COMPENSATION OF PUBLIC OFFICERS**
Art. 30 Section 1 AUTHORIZING COMPENSATION INCREASE DURING TERM. The compensation of all elective and appointive state, county, and municipal officers who do not fix their own compensation, including judges of courts of record and the justice courts may be increased during their terms of office to the end that such officers and judges shall each severally receive compensation for their services in accordance with the law in effect at the time the services are being rendered.

The provisions of section 25 of Article II (Amendment 35), section 25 of Article III (Amendment 31), section 13 of Article IV, section 8 of Article XI, and section 1 of Article XXVIII (Amendment 20) insofar as they are inconsistent herewith are hereby repealed.

[1967 House Joint Resolution No. 13; see 1969 p 2976. Approved November 5, 1968.]

NOTES:

Reviser's note: *(1) Amendment 49 (1967 SJR No. 5) and Amendment 54 (1967 HJR No. 13) each added a new Article XXIX to the Constitution. Amendment 49 is carried herein as Article XXIX while Amendment 54 has been herein redesignated as Article XXX.

**(2) The name of this Article has been supplied by the reviser.

AMENDMENT 55 Art. 7 Section 2 LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percentum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only (a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date

on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And Provided Further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

[1971 Senate Joint Resolution No. 1, p 1827. Approved November 7, 1972.]

NOTES:

Reviser's note: Art. 7 Section 2 was also amended at the November 7, 1972 general election by Amendment 59. (HJR 47.)

Prior amendment of Art. 7 Section 2, see Amendment 17.

Art. 7 Section 2 was later amended by Amendments 59, 64, 79, 90, 95, and 101.

AMENDMENT 56 Art. 2 Section 24 LOTTERIES AND DIVORCE.

The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.

[1971 Senate Joint Resolution No. 5, p 1828. Approved November 7, 1972.]

AMENDMENT 57 Art. 11 Section 5 COUNTY GOVERNMENT.

The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: Provided, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: Provided, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Art. 11 Section 8 SALARIES AND LIMITATIONS AFFECTING.

The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

[1971 Senate Joint Resolution No. 38, p 1829. Approved November 7, 1972.]

NOTES:

Prior amendment of Art. 11 Section 5, see Amendment 12.

AMENDMENT 58 Art. 11 Section 16 COMBINED CITY-COUNTY.

Any county may frame a "Home Rule" charter

subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this Article shall not apply to any such city-county.

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or other municipal purposes: Provided further, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: Provided, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: Provided further, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second

sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution.

[1971 House Joint Resolution No. 21, p 1831. Approved November 7, 1972.]

NOTES:

Prior amendment of Art. 11 Section 16, see Amendment 23.

AMENDMENT 59 Art. 7 Section 2 LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

[1971 House Joint Resolution No. 47, p 1834. Approved November 7, 1972.]

NOTES:

Reviser's note: Art. 7 Section 2 was also amended at the November 7, 1972, general election by Amendment 55 (SJR 1).

1971 HJR No. 47 contained the following paragraph:

"Be It Further Resolved, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: Provided, That if both proposed amendments are approved and ratified, both shall become part of the Constitution."

Prior amendment of Art. 7 Section 2, see Amendments 17 and 55. Art. 7 Section 2 was later amended by Amendments 64, 79, 90, 95, and 101.

AMENDMENT 60 Art. 8 Section 1 STATE DEBT.

(a) The state may contract debt, the principal of which shall be paid and discharged within thirty

years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this Article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.
(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this Article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.
(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.
(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.
(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine

and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.
(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.
(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this Article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Art. 8 Section 3 SPECIAL INDEBTEDNESS, HOW AUTHORIZED.

Except the debt specified in sections one and two of this Article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein. No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election.

[1971 House Joint Resolution No. 52, p 1836. Approved November 7, 1972.]

NOTES:

Art 8. Section 1 was later amended by Amendments 92, 103, and 107.

Prior amendment of Art. 8 Section 3, see Amendment 48. Art. 8 Section 3 was later amended by Amendment 92.

AMENDMENT 61 The Constitution was amended by adding the following new article and sections 1 and 2 thereof:

ARTICLE XXXI
SEX EQUALITY - RIGHTS AND RESPONSIBILITIES

Art. 31 Section 1 EQUALITY NOT DENIED BECAUSE OF SEX.

Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

Art. 31 Section 2 ENFORCEMENT POWER OF LEGISLATURE.

The legislature shall have the power to enforce, by appropriate legislation, the provisions of this article.

[1972 House Joint Resolution No. 61, p 526. Approved November 7, 1972.]

NOTES:

The name of this article has been supplied by the reviser.

AMENDMENT 62 Art. 3 Section 12 VETO POWER.

Every act which shall have passed the legislature shall be, before it becomes a law, presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, which house shall enter the objections at large upon the journal and proceed to reconsider. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present, it shall become a law; but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within five days, Sundays excepted, after it shall be presented to him, it shall become a law without his signature, unless the general adjournment shall prevent its return, in which case it shall become a law unless the governor, within twenty days next after the adjournment, Sundays excepted, shall file such bill with his objections thereto, in the office of secretary of state, who shall lay the same before the legislature at its next session in like manner as if it had been returned by the

governor: Provided, That within forty-five days next after the adjournment, Sundays excepted, the legislature may, upon petition by a two-thirds majority or more of the membership of each house, reconvene in extraordinary session, not to exceed five days duration, solely to reconsider any bills vetoed. If any bill presented to the governor contain several sections or appropriation items, he may object to one or more sections or appropriation items while approving other portions of the bill: Provided, That he may not object to less than an entire section, except that if the section contain one or more appropriation items he may object to any such appropriation item or items. In case of objection he shall append to the bill, at the time of signing it, a statement of the section or sections, appropriation item or items to which he objects and the reasons therefor; and the section or sections, appropriation item or items so objected to shall not take effect unless passed over the governor's objection, as hereinbefore provided. The provisions of Article II, section 12 insofar as they are inconsistent herewith are hereby repealed.

[1974 Senate Joint Resolution No. 140, p 806. Approved November 5, 1974.]

AMENDMENT 63 Art. 6 Section 1 QUALIFICATIONS OF ELECTORS.

All persons of the age of eighteen years or over who are citizens of the United States and who have lived in the state, county, and precinct thirty days immediately preceding the election at which they offer to vote, except those disqualified by Article VI, section 3 of this Constitution, shall be entitled to vote at all elections.

[1974 Senate Joint Resolution No. 143, p 807. Approved November 5, 1974.]

NOTES:

Prior amendment of Art. 6 Section 1, see Amendments 2 and 5.

AMENDMENT 64 Art. 7 Section 2 LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on

the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.
[1975-'76 2nd ex.s. Senate Joint Resolution No. 137, p 518. Approved November 2, 1976.]
NOTES:
Prior amendment of Art. 7 Section 2, see Amendments 17, 55, and 59.
Art. 7 Section 2 was later amended by Amendments 79, 90, 95, and 101.

AMENDMENT 65 Art. 4 Section 6 JURISDICTION OF SUPERIOR COURTS.

The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.
[1977 Senate Joint Resolution No. 113, p 1714. Approved November 8, 1977.]

Art. 4 Section 10 JUSTICES OF THE PEACE.

The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: Provided, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.
[1977 Senate Joint Resolution No. 113, p 1714. Approved November 8, 1977.]
NOTES:
Prior amendment of Art. 4 Section 6 and Section 10, see Amendment 28.

AMENDMENT 66 Art. 12 Section 18 RATES FOR TRANSPORTATION.

The legislature may pass laws establishing reasonable rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined by law.
[1977 House Joint Resolution No. 55, p 1713. Approved November 8, 1977.]

AMENDMENT 67 Art. 12 Section 14 PROHIBITION AGAINST COMBINATIONS BY CARRIERS.

[Repealed by 1977 House Joint Resolution No. 57, p 1714. Approved November 8, 1977.]

AMENDMENT 68 Art. 2 Section 12 SESSIONS, WHEN - DURATION.

(1) Regular Sessions. A regular session of the legislature shall be convened each year. Regular sessions shall convene on such day and at such time as the legislature shall determine by statute. During each odd-numbered year, the regular session shall not be more than one hundred five consecutive days. During each even-numbered year, the regular session shall not be more than sixty consecutive days.

(2) Special Legislative Sessions. Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the governor pursuant to Article III, section 7 of this Constitution. Special legislative sessions may also be convened for a period of not more than thirty consecutive days by resolution of the legislature upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, which vote may be taken and resolution executed either while the legislature is in session or during any interim between sessions in accordance with such procedures as the legislature may provide by law or resolution. The resolution convening the legislature shall specify a purpose or purposes for the convening of a special session, and any special session convened by the resolution shall consider only measures germane to the purpose or purposes expressed in the resolution, unless by resolution adopted during the session upon the affirmative vote in each house of two-thirds of the members elected or appointed thereto, an additional purpose or purposes are expressed. The specification of purpose by the governor pursuant to Article III, section 7 of this Constitution shall be considered by the legislature but shall not be mandatory.

(3) Committees of the Legislature. Standing and special committees of the legislature shall meet and conduct official business pursuant to such rules as the legislature may adopt.

[1979 Substitute Senate Joint Resolution No. 110, p 2286. Approved November 6, 1979.]

AMENDMENT 69 Art. 2 Section 13 LIMITATION ON MEMBERS HOLDING OFFICE IN THE STATE.

No member of the legislature, during the term for which he is elected, shall be appointed or elected to any civil office in the state, which shall have been created during the term for which he was elected. Any member of the legislature who is appointed or elected to any civil office in the state, the emoluments of which have been increased during his legislative term of office, shall be compensated for the initial term of the civil office at the level designated prior to the increase in emoluments.

[1979 Senate Joint Resolution No. 112, p 2287. Approved November 6, 1979.]

AMENDMENT 70 Article 8 was amended by adding the following section:

Art. 8 Section 10 RESIDENTIAL ENERGY CONSERVATION.

Notwithstanding the provisions of section 7 of this Article, until January 1, 1990 any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy to assist the owners of residential structures in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the residential structure benefited. Except as to contracts entered into prior thereto, this amendment to the state Constitution shall be null and void as of January 1, 1990 and shall have no further force or effect after that date.

[1979 Substitute Senate Joint Resolution No. 120, p 2288. Approved November 6, 1979.]

NOTES:

Art. 8 Section 10 was later amended by Amendments 82, 86, and 91.

AMENDMENT 71 Article 4 was amended by adding the following section:

Art. 4 Section 31 JUDICIAL QUALIFICATIONS COMMISSION - REMOVAL, CENSURE, SUSPENSION, OR RETIREMENT OF JUDGES OR JUSTICES.

There shall be a judicial qualifications commission

consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and two persons who are not attorneys appointed by the governor and confirmed by the senate.
The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.
The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the judicial qualifications commission recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.
The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.
[1980 Substitute House Joint Resolution No. 37, p 652. Approved November 4, 1980.]
NOTES:
Art. 4 Section 31 was later amended by Amendments 77, 85, and 97.

AMENDMENT 72 Art. 2 Section 1 LEGISLATIVE POWERS, WHERE VESTED.

The legislative authority of the state of Washington shall be vested in the legislature, consisting of a senate and house of representatives, which shall be called the legislature of the state of Washington, but the people reserve to themselves the power to propose bills, laws, and to enact or reject the same at the polls, independent of the legislature, and also reserve power, at their own option, to approve or reject at the polls any act, item, section, or part of any bill, act, or law passed by the legislature.
(a) Initiative: The first power reserved by the people is the initiative. Every such petition shall include the full text of the measure so proposed. In the case of initiatives to the legislature and initiatives to the people, the number of valid signatures of legal voters required shall be equal to eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the secretary of state. Initiative petitions shall be filed with the secretary of state not less than four months before the election at which they are to be voted upon, or not less than ten days before any regular session of the legislature. If filed at least four months before the election at which they are to be voted upon, he shall submit the same to the vote of the people at the said election. If such petitions are filed not less than ten days before any regular session of the legislature, he shall certify the results within forty days of the filing. If certification is not complete by the date that the legislature convenes, he shall provisionally certify the measure pending final certification of the measure. Such initiative measures, whether certified or provisionally certified, shall take precedence over all other measures in the legislature except appropriation bills and shall be either enacted or rejected without change or amendment by the legislature before the end of such regular session. If any such initiative measures shall be enacted by the legislature it shall be subject to the referendum petition, or it may be enacted and referred by the legislature to the people for approval or rejection at the next regular election. If it is rejected or if no action is taken upon it by the legislature before the end of such regular session, the secretary of state shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislature may reject any measure so proposed by initiative petition and propose a different one dealing with the same subject, and in such event both measures shall be submitted by the secretary of state to the people for approval or rejection at the next ensuing regular general election. When conflicting measures are submitted to the people the ballots shall be so printed that a voter can express separately by making one cross (X) for each, two preferences, first, as between either measure and neither, and secondly, as between one and the other. If the majority of those voting on the first issue is for neither, both fail, but in that case the votes on the second issue shall nevertheless be carefully counted and made public. If a majority voting on the first issue is for

either, then the measure receiving a majority of the votes on the second issue shall be law.
(b) Referendum. The second power reserved by the people is the referendum, and it may be ordered on any act, bill, law, or any part thereof passed by the legislature, except such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, either by petition signed by the required percentage of the legal voters, or by the legislature as other bills are enacted: Provided, That the legislature may not order a referendum on any initiative measure enacted by the legislature under the foregoing subsection (a). The number of valid signatures of registered voters required on a petition for referendum of an act of the legislature or any part thereof, shall be equal to or exceeding four percent of the votes cast for the office of governor at the last gubernatorial election preceding the filing of the text of the referendum measure with the secretary of state.
(c) No act, law, or bill subject to referendum shall take effect until ninety days after the adjournment of the session at which it was enacted. No act, law, or bill approved by a majority of the electors voting thereon shall be amended or repealed by the legislature within a period of two years following such enactment: Provided, That any such act, law, or bill may be amended within two years after such enactment at any regular or special session of the legislature by a vote of two-thirds of all the members elected to each house with full compliance with section 12, Article III, of the Washington Constitution, and no amendatory law adopted in accordance with this provision shall be subject to referendum. But such enactment may be amended or repealed at any general regular or special election by direct vote of the people thereon.
(d) The filing of a referendum petition against one or more items, sections, or parts of any act, law, or bill shall not delay the remainder of the measure from becoming operative. Referendum petitions against measures passed by the legislature shall be filed with the secretary of state not later than ninety days after the final adjournment of the session of the legislature which passed the measure on which the referendum is demanded. The veto power of the governor shall not extend to measures initiated by or referred to the people. All elections on measures referred to the people of the state shall be had at the next succeeding regular general election following the filing of the measure with the secretary of state, except when the legislature shall order a special election. Any measure initiated by the people or referred to the people as herein provided shall take effect and become the law if it is approved by a majority of the votes cast thereon: Provided, That the vote cast upon such question or measure shall equal one-third of the total votes cast at such election and not otherwise. Such measure shall be in operation on and after the thirtieth day after the election at which it is approved. The style of all bills proposed by initiative petition shall be: "Be it enacted by the people of the State of Washington." This section shall not be construed to deprive any member of the legislature of the right to introduce any measure. All such petitions shall be filed with the secretary of state, who shall be guided by the general laws in submitting the same to the people until additional legislation shall especially provide therefor. This section is self-executing, but legislation may be enacted especially to facilitate its operation.
(e) The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election.
[1981 Substitute Senate Joint Resolution No. 133, p 1796. Approved November 3, 1981.]
NOTES:
Prior amendment of Art. 2 Section 1, see Amendment 7.
Addition of subsection (e) to Art. 2 Section 1, see Amendment 36.
Art. 2 Section 1(a). INITIATIVE AND REFERENDUM, SIGNATURES REQUIRED. [Stricken by 1981 Substitute Senate Joint Resolution No. 133, p 1796. Approved November 3, 1981.]
Adoption of Art. 2 Section 1(a), see Amendment 30.

AMENDMENT 73 The Constitution was amended by adding the following new article and section 1 thereof:

ARTICLE XXXII
SPECIAL REVENUE FINANCING
Art. 32 Section 1 SPECIAL REVENUE FINANCING.
The legislature may enact laws authorizing the state, counties, cities, towns, port districts, or public corporations established thereby to issue

nonrecourse revenue bonds or other nonrecourse revenue obligations and to apply the proceeds thereof in the manner and for the purposes heretofore or hereafter authorized by law, subject to the following limitations:
(a) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall be payable only from money or other property received as a result of projects financed by the nonrecourse revenue bonds or other nonrecourse revenue obligations and from money and other property received from private sources.
(b) Nonrecourse revenue bonds and other nonrecourse revenue obligations issued pursuant to this section shall not be payable from or secured by any tax funds or governmental revenue or by all or part of the faith and credit of the state or any unit of local government.
(c) Nonrecourse revenue bonds or other nonrecourse revenue obligations issued pursuant to this section may be issued only if the issuer certifies that it reasonably believes that the interest paid on the bonds or obligations will be exempt from income taxation by the federal government.
(d) Nonrecourse revenue bonds or other nonrecourse revenue obligations may only be used to finance industrial development projects as defined in legislation.
(e) The state, counties, cities, towns, port districts, or public corporations established thereby, shall never exercise their respective attributes of sovereignty, including but not limited to, the power to tax, the power of eminent domain, and the police power on behalf of any industrial development project authorized pursuant to this section.
After the initial adoption of a law by the legislature authorizing the issuance of nonrecourse revenue bonds or other nonrecourse revenue obligations, no amendment to such act which expands the definition of industrial development project shall be valid unless the amendment is enacted by a favorable vote of three-fifths of the members elected to each house of the legislature and is subject to referendum petition.
Sections 5 and 7 of Article VIII and section 9 of Article XII shall not be construed as a limitation upon the authority granted by this section. The proceeds of revenue bonds and other revenue obligations issued pursuant to this section for the purpose of financing privately owned property or loans to private persons or corporations shall be subject to audit by the state but shall not otherwise be deemed to be public money or public property for purposes of this Constitution. This section is supplemental to and shall not be construed as a repeal of or limitation on any other authority lawfully exercisable under the Constitution and laws of this state, including, among others, any existing authority to issue revenue bonds.
[1981 Substitute House Joint Resolution No. 7, p 1794. Approved November 3, 1981.]
NOTES:
The name of this Article has been supplied by the reviser.

AMENDMENT 74 Article 2 was amended by adding the following section:

Art. 2 Section 43 REDISTRICTING.

(1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.
(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.
(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.
(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.

(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.
(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.
(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.
(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.
(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.
(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.
(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.
[1983 Substitute Senate Joint Resolution No. 103, p 2202. Approved November 8, 1983.]
Art. 2 Section 43 was later amended by Amendment 108.

Art. 2 Section 3 THE CENSUS.
[Repealed by 1983 Substitute Senate Joint Resolution No. 103, p 2202. Approved November 8, 1983.]

Art. 27 Section 13 REPRESENTATION IN CONGRESS.
[Repealed by 1983 Substitute Senate Joint Resolution No. 103, p 2202. Approved November 8, 1983.]

AMENDMENT 75 Art. 29 Section 1 MAY BE INVESTED AS AUTHORIZED BY LAW.
Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund or industrial insurance trust fund may be invested as authorized by law.
[1985 House Joint Resolution No. 12, p 2398. Approved November 5, 1985.]
NOTES:
Prior amendment of Art. 29 Section 1, see Amendment 49.
Art. 29 Section 1 was later amended by Amendment 93.

AMENDMENT 76 Article 8 was amended by adding the following section:
Art. 8 Section 11 AGRICULTURAL COMMODITY ASSESSMENTS - DEVELOPMENT, PROMOTION, AND HOSTING.
The use of agricultural commodity assessments by agricultural commodity commissions in such manner as may be prescribed by the legislature for agricultural development or trade promotion and promotional hosting shall be deemed a public use for a public purpose, and shall not be deemed a gift within the provisions of section 5 of this article.
[1985 House Joint Resolution No. 42, p 2402. Approved November 5, 1985.]

AMENDMENT 77 Art. 4 Section 31 COMMISSION ON JUDICIAL CONDUCT - REMOVAL, CENSURE, SUSPENSION, OR RETIREMENT OF JUDGES OR JUSTICES -

PROCEEDINGS.

There shall be a commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and four persons who are not attorneys appointed by the governor and confirmed by the senate.

The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.

The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.

Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.

Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.

The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.

[1986 Senate Joint Resolution No. 136, p 1532. Approved November 4, 1986.]

NOTES:

Prior amendment of Art. 4 Section 31, see Amendment 71.

Art. 4 Section 31 was later amended by Amendments 85 and 97.

AMENDMENT 78 Art. 28 Section 1 SALARIES FOR LEGISLATORS, ELECTED STATE OFFICIALS, AND JUDGES - INDEPENDENT COMMISSION - REFERENDUM.

Salaries for members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts shall be fixed by an independent commission created and directed by law to that purpose. No state official, public employee, or person required by law to register with a state agency as a lobbyist, or immediate family member of the official, employee, or lobbyist, may be a member of that commission.

As used in this section the phrase "immediate family" has the meaning that is defined by law.

Any change of salary shall be filed with the secretary of state and shall become law ninety days thereafter without action of the legislature or governor, but shall be subject to referendum petition by the people, filed within the ninety-day period. Referendum measures under this section shall be submitted to the people at the next following general election, and shall be otherwise governed by the provisions of this Constitution generally applicable to referendum measures.

The salaries fixed pursuant to this section shall supersede any other provision for the salaries of members of the legislature, elected officials of the executive branch of state government, and judges of the state's supreme court, court of appeals, superior courts, and district courts. The salaries for such officials in effect on January 12, 1987, shall remain in effect until changed pursuant to this section.

After the initial adoption of a law by the legislature creating the independent commission, no amendment to such act which alters the composition of the commission shall be valid unless the amendment is enacted by a favorable vote of two-thirds of the members elected to each house of the legislature and is subject to referendum petition.

The provisions of section 14 of Article IV, sections 14, 16, 17, 19, 20, 21, and 22 of Article III, and section 23 of Article II, insofar as they are inconsistent herewith, are hereby superseded. The provisions of section 1 of Article II relating to referendum procedures, insofar as they are

inconsistent herewith, are hereby superseded with regard to the salaries governed by this section.
[1986 Substitute House Joint Resolution No. 49, p 1529. Approved November 4, 1986.]
NOTES:
Prior amendment of Art. 28 Section 1, see Amendment 20.

AMENDMENT 79 Art. 7 Section 2 - LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;
(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;
(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.
[1986 House Joint Resolution No. 55, p 1530. Approved November 4, 1986.]
NOTES:
Prior amendment of Art. 7 Section 2, see Amendments 17, 55, 59, and 64.
Art. 7 Section 2 was later amended by Amendments 90, 95, and 101.

AMENDMENT 80 Art. 4 Section 7 EXCHANGE OF JUDGES - JUDGE PRO TEMPORE.

The judge of any superior court may hold a superior court in any county at the request of the

judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

[1987 Senate Joint Resolution No. 8207, p 2815. Approved November 3, 1987.]

NOTES:

Art. 4 Section 7 was later amended by Amendment 94.

AMENDMENT 81 Art. 7 Section 1 TAXATION.

The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of three thousand ($3,000.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.

[1988 House Joint Resolution No. 4222, p 1551. Approved November 8, 1988.]

NOTES:

Prior amendment to Art. 7 Section 1, see Amendments 14 and 98.

AMENDMENT 82 Art. 8 Section 10 RESIDENTIAL ENERGY CONSERVATION.

Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of energy to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of energy in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.

[1988 House Joint Resolution No. 4223, p 1552. Approved November 8, 1988.]

NOTES:

Prior amendment to Art. 8 Section 10, see Amendment 70.

Art. 8 Section 10 was later amended by Amendments 86 and 91.

AMENDMENT 83 Art. 6 Section 3 WHO DISQUALIFIED.

All persons convicted of infamous crime unless restored to their civil rights and all persons while they are judicially declared mentally incompetent are excluded from the elective franchise.

Art. 13 Section 1 EDUCATIONAL, REFORMATORY, AND PENAL INSTITUTIONS.

Educational, reformatory, and penal institutions; those for the benefit of youth who are blind or deaf or otherwise disabled; for persons who are mentally ill or developmentally disabled; and such other institutions as the public good may require, shall be fostered and supported by the state, subject to such regulations as may be provided by law. The regents, trustees, or commissioners of all such institutions existing at the time of the adoption of this Constitution, and of such as shall thereafter be established by law, shall be appointed by the governor, by and with the advice and consent of the senate; and upon all nominations made by the governor, the question shall be taken by ayes and noes, and entered upon the journal.

[1988 House Joint Resolution No. 4231, p 1553. Approved November 8, 1988.]

AMENDMENT 84 Art. 1 Section 35 VICTIMS OF CRIMES - RIGHTS.

Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representative to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

[1989 Senate Joint Resolution No. 8200, p 2999. Approved November 7, 1989.]

AMENDMENT 85 Art. 4 Section 31 COMMISSION ON JUDICIAL CONDUCT.

(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against the judge or justice.

(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.

(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission

or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.
(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.
(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.
(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.
[1989 Substitute Senate Joint Resolution No. 8202, p 3000. Approved November 7, 1989.]
NOTES:
Prior amendment of Art. 4 Section 31, see Amendments 71 and 77.
Art. 4 Section 31 was later amended by Amendment 97.

AMENDMENT 86 Art. 8 Section 10 ENERGY AND WATER CONSERVATION ASSISTANCE.

Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water or energy may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water or energy to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water or energy in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.
[1989 Senate Joint Resolution No. 8210, p 3003. Approved November 7, 1989.]
NOTES:
Prior amendment of Art. 8 Section 10, see Amendments 70 and 82.
Art. 8 Section 10 was later amended by Amendment 91.

AMENDMENT 87 Art. 4 Section 6 JURISDICTION OF SUPERIOR COURTS.

Superior courts and district courts have concurrent jurisdiction in cases in equity. The superior court shall have original jurisdiction in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

[1993 House Joint Resolution No. 4201, p 3063. Approved November 2, 1993.]
NOTES:
Prior amendment of Art. 4 Section 6, see Amendments 28 and 65.

AMENDMENT 88 Art. 1 Section 11 RELIGIOUS FREEDOM.

Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual, and no one shall be molested or disturbed in person or property on account of religion; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace and safety of the state. No public money or property shall be appropriated for or applied to any religious worship, exercise or instruction, or the support of any religious establishment: PROVIDED, HOWEVER, That this article shall not be so construed as to forbid the employment by the state of a chaplain for such of the state custodial, correctional, and mental institutions, or by a county's or public hospital district's hospital, health care facility, or hospice, as in the discretion of the legislature may seem justified. No religious qualification shall be required for any public office or employment, nor shall any person be incompetent as a witness or juror, in consequence of his opinion on matters of religion, nor be questioned in any court of justice touching his religious belief to affect the weight of his testimony.
[1993 House Joint Resolution No. 4200, p 3062. Approved November 2, 1993.]
NOTES:
Prior amendment of Art. 1 Section 11, see Amendments 4, 34, and 88.

AMENDMENT 89 Art. 4 Section 3 ELECTION AND TERMS OF SUPREME COURT JUDGES.

The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice shall preside at all sessions of the supreme court. In case of the absence of the chief justice, the majority of the remaining court shall select one of their members to serve as acting chief justice. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall only appoint a person to ensure the number of judges as specified by the legislature, to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law. [1995 Substitute Senate Joint Resolution No. 8210, p 2905. Approved November 7, 1995.]

AMENDMENT 90 Art. 7 Section 2 LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money: Provided, however, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

[1997 House Joint Resolution No. 4208, p 3063. Approved November 4, 1997.]

NOTES:

Prior amendment of Art. 7 Section 2, see Amendments 17, 55, 59, 64, and 79.

Art. 7 Section 2 was later amended by Amendments 95 and 101.

AMENDMENT 91 Art. 8 Section 10 ENERGY, WATER, OR STORMWATER OR SEWER SERVICES CONSERVATION ASSISTANCE.

Notwithstanding the provisions of section 7 of this Article, any county, city, town, quasi municipal corporation, municipal corporation, or political subdivision of the state which is engaged in the sale or distribution of water, energy, or stormwater or sewer services may, as authorized by the legislature, use public moneys or credit derived from operating revenues from the sale of water, energy, or stormwater or sewer services to assist the owners of structures or equipment in financing the acquisition and installation of materials and equipment for the conservation or more efficient use of water, energy, or stormwater or sewer services in such structures or equipment. Except as provided in section 7 of this Article, an appropriate charge back shall be made for such extension of public moneys or credit and the same shall be a lien against the structure benefited or a security interest in the equipment benefited. Any financing for energy conservation authorized by this article shall only be used for conservation purposes in existing structures and shall not be used for any purpose which results in a conversion from one energy source to another.

[1997 House Joint Resolution No. 4209, p 3065. Approved November 4, 1997.]

NOTES:

Prior amendment of Art. 8 Section 10, see Amendments 70, 82, and 86.

AMENDMENT 92 Art. 8 Section 1 STATE DEBT.

(a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.
(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.
(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.
(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.
(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.
(i) The legislature shall prescribe all matters

relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.
(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.
(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [1999 Senate Joint Resolution No. 8206, p 2387. Approved November 2, 1999.]
NOTES:
Prior amendment of Art. 8 Section 1, see Amendment 60.
Art. 8 Section 1 was later amended by Amendments 103 and 107.

AMENDMENT 93 Art. 29 Section 1 MAY BE INVESTED AS AUTHORIZED BY LAW.

Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law.
[2000 Senate Joint Resolution No. 8214, p 1919. Approved November 7, 2000.]
NOTES:
Prior amendment of Art. 29 Section 1, see Amendments 49 and 75.

AMENDMENT 94 Art. 4 Section 7 EXCHANGE OF JUDGES - JUDGE PRO TEMPORE.

The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge pro tempore either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.
[2001 Engrossed Senate Joint Resolution No. 8208, p 2327. Approved November 6, 2001.]

AMENDMENT 95 Art. 7 Section 2 LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money: Provided, however, That nothing herein shall

prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election: Provided, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election: Provided, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, And provided further, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

[2002 House Joint Resolution No. 4220, p 2203. Approved November 5, 2002.]

NOTES:

Prior amendment of Art. 7 Section 2, see Amendments 17, 55, 59, 64, 79, and 90.

AMENDMENT 96 Art. 2 Section 15 VACANCIES IN LEGISLATURE AND IN PARTISAN COUNTY ELECTIVE OFFICE.

Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the county legislative authority of the county in which the vacancy occurs: Provided, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or

county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and has qualified: Provided, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected: Provided, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of the members of the county legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

[2003 House Joint Resolution No. 4206, p 2819. Approved November 4, 2003.]

NOTES:

Prior amendment of Art. 2 Section 15, see Amendments 13, 32, and 52.

AMENDMENT 97 Art. 4 Section 31 COMMISSION ON JUDICIAL CONDUCT.

(1) There shall be a commission on judicial conduct, existing as an independent agency of the judicial branch, and consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the limited jurisdiction court judges, two persons admitted to the practice of law in this state selected by the state bar association, and six persons who are not attorneys appointed by the governor.

(2) Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief. The investigation and initial proceedings shall be confidential. Upon beginning an initial proceeding, the commission shall notify the judge or justice of the existence of and basis for the initial proceeding.

(3) Whenever the commission concludes, based on an initial proceeding, that there is probable cause to believe that a judge or justice has violated a rule of judicial conduct or that the judge or justice suffers from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties, the commission shall conduct a public hearing or hearings and shall make public all those records of the initial proceeding that provide the basis for its conclusion. If the commission concludes that there is not probable cause, it shall notify the judge or justice of its conclusion.

(4) Upon the completion of the hearing or hearings, the commission in open session shall either dismiss the case, or shall admonish, reprimand, or censure the judge or justice, or shall censure the judge or justice and recommend to the supreme court the suspension or removal of the judge or justice, or shall recommend to the supreme court the retirement of the judge or justice. The commission may not recommend suspension or removal unless it censures the judge or justice for the violation serving as the basis for the recommendation. The commission may recommend retirement of a judge or justice for a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(5) Upon the recommendation of the commission, the supreme court may suspend, remove, or retire a judge or justice. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease. The supreme court shall specify the effect upon salary when it suspends a judge or justice. The supreme court may not suspend, remove, or retire a judge or justice until the commission, after notice and hearing, recommends that action be taken, and the supreme court conducts a hearing, after notice,

to review commission proceedings and findings against the judge or justice.
(6) Within thirty days after the commission admonishes, reprimands, or censures a judge or justice, the judge or justice shall have a right of appeal de novo to the supreme court.
(7) Any matter before the commission or supreme court may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge or justice and the commission or court. The stipulation may impose any terms and conditions deemed appropriate by the commission or court. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge or justice.
(8) Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.
(9) The legislature shall provide for commissioners' terms of office and compensation. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall also employ such administrative or other staff as are necessary to manage the affairs of the commission.
(10) The commission shall, to the extent that compliance does not conflict with this section, comply with laws of general applicability to state agencies with respect to rule-making procedures, and with respect to public notice of and attendance at commission proceedings other than initial proceedings. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.
[2005 Senate Joint Resolution No. 8207, pp 2799, 2800. Approved November 8, 2005.]
NOTES:
Prior amendment of Art. 4 Section 31, see Amendments 85, 77, and 71.

AMENDMENT 98 Art. 7 Section 1 TAXATION.
The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of property within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. The word "property" as used herein shall mean and include everything, whether tangible or intangible, subject to ownership. All real estate shall constitute one class: Provided, That the legislature may tax mines and mineral resources and lands devoted to reforestation by either a yield tax or an ad valorem tax at such rate as it may fix, or by both. Such property as the legislature may by general laws provide shall be exempt from taxation. Property of the United States and of the state, counties, school districts and other municipal corporations, and credits secured by property actually taxed in this state, not exceeding in value the value of such property, shall be exempt from taxation. The legislature shall have power, by appropriate legislation, to exempt personal property to the amount of fifteen thousand ($15,000.00) dollars for each head of a family liable to assessment and taxation under the provisions of the laws of this state of which the individual is the actual bona fide owner.
[2006 House Joint Resolution No. 4223, p 2117. Approved November 7, 2006.]
NOTES:
Prior amendment of Art. 7 Section 1, see Amendments 14 and 81.

AMENDMENT 99 Article 7 was amended by adding the following section:
Art. 7 Section 12 BUDGET STABILIZATION ACCOUNT.
(a) A budget stabilization account shall be established and maintained in the state treasury.
(b) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.
(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.
(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:
(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the

declaration, by a favorable vote of a majority of the members elected to each house of the legislature.
(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.
(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.
(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.
(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.
(g) The legislature shall enact appropriate laws to carry out the purposes of this section.
(h) This section takes effect July 1, 2008.
[2007 Engrossed Substitute Senate Joint Resolution No. 8206, pp 3146, 3147. Approved November 6, 2007.]
NOTES:
Art. 7 Section 12 was later amended by Amendment 106.

AMENDMENT 100 Art. 2 Section 29 CONVICT LABOR.

The labor of inmates of this state shall not be let out by contract to any person, copartnership, company, or corporation, except as provided by statute, and the legislature shall by law provide for the working of inmates for the benefit of the state, including the working of inmates in state-run inmate labor programs. Inmate labor programs provided by statute that are operated and managed, in total or in part, by any profit or nonprofit entities shall be operated so that the programs do not unfairly compete with Washington businesses as determined by law.
[2007 Senate Joint Resolution No. 8212, p 3143. Approved November 6, 2007.]

AMENDMENT 101 Art. 7 Section 2 LIMITATION ON LEVIES.

Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money. Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:
(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election. Notwithstanding any other provision of this Constitution, any proposition

pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election. Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

[2007 Engrossed House Joint Resolution No. 4204, pp 3143-3145. Approved November 6, 2007.]

AMENDMENT 102 Article 16 was amended by adding the following section:

Art. 16 Section 6 INVESTMENT OF HIGHER EDUCATION PERMANENT FUNDS.

Notwithstanding the provisions of Article VIII, sections 5 and 7 and Article XII, section 9, or any other section or article of the Constitution of the state of Washington, the moneys of the permanent funds established for any of the institutions of higher education in this state may be invested as authorized by law. Without limitation, this shall include the authority to invest permanent funds held for the benefit of institutions of higher education in stocks or bonds issued by any association, company, or corporation if authorized by law.

[2007 Substitute House Joint Resolution No. 4215, p 3145. Approved November 6, 2007.]

AMENDMENT 103 Art. 8 Section 1 STATE DEBT.

(a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and

the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.
(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.
(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.
(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.
(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.
(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.
(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.
(k) Notwithstanding the limitations contained

in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.
(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.
[2010 Senate Joint Resolution No. 8225, p 3129-3132. Approved November 2, 2010.]
NOTES:
Prior amendment of Art. 8 Section 1, see Amendments 60 and 92.
Art. 8 Section 1 was later amended by Amendment 107.

AMENDMENT 104 Art. 1 Section 20 BAIL, WHEN AUTHORIZED.

All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great. Bail may be denied for offenses punishable by the possibility of life in prison upon a showing by clear and convincing evidence of a propensity for violence that creates a substantial likelihood of danger to the community or any persons, subject to such limitations as shall be determined by the legislature.
[2010 Engrossed Substitute House Joint Resolution No. 4220, p 3129. Approved November 2, 2010.]

AMENDMENT 105 Art. 6 Section 1A VOTER QUALIFICATIONS FOR PRESIDENTIAL ELECTIONS.

[Repealed by 2011 Senate Joint Resolution No. 8205, p 4281. Approved November 8, 2011.]
NOTES:
Prior amendment of Art. 6 Section 1A, see Amendment 46.

AMENDMENT 106 Art. 7 Section 12 BUDGET STABILIZATION ACCOUNT.

(a) A budget stabilization account shall be established and maintained in the state treasury.
(b)(1) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.
(2) By June 30th of the second year of each fiscal biennium, three-quarters of any extraordinary revenue growth shall be transferred to the budget stabilization account. However, no transfer of extraordinary revenue growth under this subsection (b)(2) shall occur in a fiscal biennium following a fiscal biennium in which annual average state employment growth averaged less than one percent per fiscal year. "Extraordinary revenue growth" means the amount by which the growth in general state revenues for that fiscal biennium exceeds by one-third the average biennial percentage growth in general state revenues over the prior five fiscal biennia. In making this determination, the comparability of data shall be maintained by adjusting historical general state revenues to reflect statutory changes to the dedication of state revenues. The transfer under this subsection shall be made only to the extent that it exceeds the total transfers under (1) of this subsection for that fiscal biennium.
(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.
(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:
(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as contained in the declaration, by a favorable vote of a majority of the members elected to each house of the legislature.
(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.

(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.
(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.
(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.
(g) The legislature shall enact appropriate laws to carry out the purposes of this section.
(h) This section takes effect July 1, 2008.
[2011 Senate Joint Resolution No. 8206, p 4281-4283. Approved November 8, 2011.]
NOTES:
Prior amendment of Art. 7 Section 12, see Amendment 99.

AMENDMENT 107 Art. 8 Section 1 STATE DEBT.

(a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.
(b) The aggregate debt contracted by the state, as calculated by the treasurer at the time debt is contracted, shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than the applicable percentage limit of the arithmetic mean of its general state revenues for the six immediately preceding fiscal years as certified by the treasurer. The term "applicable percentage limit" means eight and one-half percent from July 1, 2014, through June 30, 2016; eight and one-quarter percent from July 1, 2016, through June 30, 2034; eight percent from July 1, 2034, and thereafter. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.
(c) The term "general state revenues," when used in this section, shall include all state money received in the treasury from each and every source, including moneys received from ad valorem taxes levied by the state and deposited in the general fund in each fiscal year, but not including: (1) Fees and other revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Moneys received from taxes levied for specific purposes and required to be deposited for those purposes into specified funds or accounts other than the general fund; and (6) Proceeds received from the sale of bonds or other evidences of indebtedness.
(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (g) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state

building authority. In addition, for the purpose of computing the amount required for payment of interest on outstanding debt under subsection (b) of this section and this subsection, "interest" shall be reduced by subtracting the amount scheduled to be received by the state as payments from the federal government in each year in respect of bonds, notes, or other evidences of indebtedness subject to this section.

(e) The state may pledge the full faith, credit, and taxing power of the state to guarantee the voter approved general obligation debt of school districts in the manner authorized by the legislature. Any such guarantee does not remove the debt obligation of the school district and is not state debt.

(f) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (h) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(g) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: Provided, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(h) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(i) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(j) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(k) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(l) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof. [2012 Engrossed Senate Joint Resolution No. 8221, p 2429-2432. Approved November 6, 2012.]

NOTES:

Prior amendment of Art. 8 Section 1, see Amendments 60, 92, and 103.

AMENDMENT 108 Art. 2 Section 43

REDISTRICTING.
(1) In January of each year ending in one, a commission shall be established to provide for the redistricting of state legislative and congressional districts.
(2) The commission shall be composed of five members to be selected as follows: The legislative leader of the two largest political parties in each house of the legislature shall appoint one voting member to the commission by January 15th of each year ending in one. By January 31st of each year ending in one, the four appointed members, by an affirmative vote of at least three, shall appoint the remaining member. The fifth member of the commission, who shall be nonvoting, shall act as its chairperson. If any appointing authority fails to make the required appointment by the date established by this subsection, within five days after that date the supreme court shall make the required appointment.
(3) No elected official and no person elected to legislative district, county, or state political party office may serve on the commission. A commission member shall not have been an elected official and shall not have been an elected legislative district, county, or state political party officer within two years of his or her appointment to the commission. The provisions of this subsection do not apply to the office of precinct committee person.
(4) The legislature shall enact laws providing for the implementation of this section, to include additional qualifications for commissioners and additional standards to govern the commission. The legislature shall appropriate funds to enable the commission to carry out its duties.
(5) Each district shall contain a population, excluding nonresident military personnel, as nearly equal as practicable to the population of any other district. To the extent reasonable, each district shall contain contiguous territory, shall be compact and convenient, and shall be separated from adjoining districts by natural geographic barriers, artificial barriers, or political subdivision boundaries. The commission's plan shall not provide for a number of legislative districts different than that established by the legislature. The commission's plan shall not be drawn purposely to favor or discriminate against any political party or group.
(6) The commission shall complete redistricting as soon as possible following the federal decennial census, but no later than November 15th of each year ending in one. At least three of the voting members shall approve such a redistricting plan. If three of the voting members of the commission fail to approve a plan within the time limitations provided in this subsection, the supreme court shall adopt a plan by April 30th of the year ending in two in conformance with the standards set forth in subsection (5) of this section.
(7) The legislature may amend the redistricting plan but must do so by a two-thirds vote of the legislators elected or appointed to each house of the legislature. Any amendment must have passed both houses by the end of the thirtieth day of the first session convened after the commission has submitted its plan to the legislature. After that day, the plan, with any legislative amendments, constitutes the state districting law.
(8) The legislature shall enact laws providing for the reconvening of a commission for the purpose of modifying a districting law adopted under this section. Such reconvening requires a two-thirds vote of the legislators elected or appointed to each house of the legislature. The commission shall conform to the standards prescribed under subsection (5) of this section and any other standards or procedures that the legislature may provide by law. At least three of the voting members shall approve such a modification. Any modification adopted by the commission may be amended by a two-thirds vote of the legislators elected and appointed to each house of the legislature. The state districting law shall include the modifications with amendments, if any.
(9) The legislature shall prescribe by law the terms of commission members and the method of filling vacancies on the commission.
(10) The supreme court has original jurisdiction to hear and decide all cases involving congressional and legislative redistricting.
(11) Legislative and congressional districts may not be changed or established except pursuant to this section. A districting plan and any legislative amendments to the plan are not subject to Article III, section 12 of this Constitution.
[2016 Senate Joint Resolution No. 8210. Approved November 8, 2016.]
NOTES:
Prior amendment of Art. 2 Section 43, see Amendment 74.

AMENDMENT 109 Art. Art. 2 Section 42 GOVERNMENTAL CONTINUITY DURING EMERGENCY PERIODS.
The legislature, in order to insure continuity of

state and local governmental operations in periods of emergency resulting from a catastrophic incident or enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: Provided, That if, in the judgment of the legislature at the time of the emergency, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by a catastrophic incident or enemy attack only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: Provided, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Offices;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records.

[2019 Senate Joint Resolution No. 8200. Approved November 5, 2019.]

NOTES:

Prior amendment of Art. 2 Section 42, see Amendment 39.