Title 29A
ELECTIONS

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DEFINITIONS

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.]

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.]

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.]

Additional notes found at www.leg.wa.gov

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.

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.]

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.

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.

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.

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.]

29A.04.061 Elector. "Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution. [2003 c 111 § 111. Prior: 1987 c 346 § 2. Formerly RCW 29.01.065.]

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

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.

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.]

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.

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.]

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.]

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.

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.

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).]

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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

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.]

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: (1) 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.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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.

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: (1) 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.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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: RCW 29A.60.280(1).

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.]

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.

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; 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.

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 serving 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.

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.]

Additional notes found at www.leg.wa.gov

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.]

GENERAL PROVISIONS

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.]

29A.04.206 Voters' rights. The rights of Washington voters are protected by its constitution and laws and include the following fundamental rights:

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

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

(3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate. [2005 c 2 § 3 (Initiative Measure No. 872, approved November 2, 2004).]

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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

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.

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 each city, town, or district, and to the state of Washington in the odd-numbered year, 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. [2013 c 11 § 7; 2011 c 10 § 6; 2004 c 271 § 104.]

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

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.

Additional notes found at www.leg.wa.gov

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.

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.]

Additional notes found at www.leg.wa.gov

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.

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.]

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.

TIMES FOR HOLDING ELECTIONS

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.]

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 forty-six 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. [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.

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 by the governing body:

(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 forty-six 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. [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.

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

Additional notes found at www.leg.wa.gov

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.

ELECTION COSTS

29A.04.410 Costs borne by constituencies. Every city, town, and district 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 city, town, or district holds any primary or election, general or special, on an isolated date, all costs of such elections must be borne by the city, town, or district concerned.

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, or district election.

In recovering such election expenses, including a reasonable pro-ration 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. Upon receipt of such certification, 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. [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.]

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.

29A.04.420 State share. (1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW 29A.04.321, the state of Washington shall assume a prorated share of the costs of that state primary or general election.

(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 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. [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.]

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.]

29A.04.430 Interest on reimbursement. For any reimbursement of election costs under RCW 29A.04.420, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of 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. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29A.04.420. [2003 c 111 § 148; 1986 c 167 § 7. Formerly RCW 29.13.048.]

Additional notes found at www.leg.wa.gov

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.]

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.

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.

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.

ADMINISTRATION

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 42.32.030 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. [2003 c 111 § 149; 1992 c 163 § 3. Formerly RCW 29.60.010.]

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.]

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.

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.]

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

RULE-MAKING AUTHORITY

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 for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing of declarations of candidacy by electronic means;

(26) 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;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

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(31) 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. [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.

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.]

Additional notes found at www.leg.wa.gov

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.]

CONSTRUCTION

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.]

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.]

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.]

29A.04.903 Effective date—2003 c 111. This act takes effect July 1, 2004. [2003 c 111 § 2405.]

29A.04.904 Severability—2004 c 271. 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. [2004 c 271 § 204.]

29A.04.905 Effective date—2004 c 271. Except for sections 102 through 193 of this act, 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 1, 2004]. [2004 c 271 § 205.]

Reviser's note: Sections 1 through 57 and 101 were vetoed by the governor. Sections 102 through 193 took effect June 10, 2004.

Chapter 29A.08 RCW
VOTERS AND REGISTRATION

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DEFINITIONS

29A.08.010 Minimum information required for voter registration. (1) The minimum information provided on a voter registration application that is required 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; and

(e) A check or indication in the box confirming the individual is a United States citizen.

(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 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. 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 to the voter's residence.

(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. [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.]

Additional notes found at www.leg.wa.gov

29A.08.020 Mailing, date and method. The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "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.

(2) For voter registration applicants, "date of mailing" means the date of the postal cancellation on the voter registration application. This date will also be used as the date of application for the purpose of meeting the registration cutoff deadline. If the postal cancellation date is illegible then the date of receipt by the elections official is considered the date of application. If an application is received by a county auditor or the office of the secretary of state by the close of business on the fifth day after the cutoff date for voter registration and the postal cancellation date is illegible, the application will be considered to have arrived by the cutoff date for voter registration. [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.

Additional notes found at www.leg.wa.gov

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, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgment notice may be a voter registration card.

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

(4) "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. [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—2005 c 246: See note following RCW 10.64.140.

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

Additional notes found at www.leg.wa.gov

GENERAL PROVISIONS

29A.08.105 Official list, secretary of state—County auditor. (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. [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.]

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

Intent—1984 c 211: See note following RCW 29A.08.310.

Additional notes found at www.leg.wa.gov

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 voter 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.

29A.08.110 Auditor's procedure. (1) 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 the original date of mailing or date of delivery, whichever is applicable. 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. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within sixty days after the receipt of an application or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgment notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

(2) 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. [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—2005 c 246: See note following RCW 10.64.140.

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

Additional notes found at www.leg.wa.gov

29A.08.112 Voters without traditional residential addresses. 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.

For the purposes of this section, a voter who resides in a shelter, park, motor home, marina, 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.

A person who has a traditional residential address must use that address for voter registration purposes and is not eligible to register under this section. [2006 c 320 § 3; 2005 c 246 § 6.]

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

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. [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.

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.

29A.08.123 Registration electronically. (1) A person who has a valid Washington state driver's license or state identification card may submit a voter registration application electronically on the secretary of state's web site.

(2) The applicant must attest to the truth of the information provided on the application by affirmatively accepting the information as true.

(3) The applicant must affirmatively assent to use of his or her driver's license or state identification card signature for voter registration purposes.

(4) A voter registration application submitted electronically is otherwise considered a registration by mail.

(5) 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.

(6) The secretary of state may employ additional security measures to ensure the accuracy and integrity of voter registration applications submitted electronically. [2007 c 157 § 1.]

Effective date—2007 c 157: "This act takes effect January 1, 2008." [2007 c 157 § 2.]

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, the administrative office of the courts, 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 a felony conviction, lack of citizenship, or 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; and

(h) Provide for the cancellation of registrations of voters who have moved out of state.

(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. [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.]

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

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

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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 no later than twenty-nine days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election.

(2) A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address. [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.]

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.

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 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.]

29A.08.161 No link between voter and ballot choice. 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, including the choice that a voter makes on a partisan primary ballot regarding political party affiliation. [2004 c 271 § 107.]

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.]

FORMS

29A.08.210 Application—Contents. An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the applicant if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(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 he or she does not have a Washington state driver's license or Washington state identification card;

(8) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

(9) A check box allowing the applicant to confirm that he or she is at least eighteen years of age or will be eighteen years of age by the next election;

(10) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;

(11) A check box and declaration confirming that the applicant is a citizen of the United States;

(12) 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."

(13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and

(14) 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. [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—2005 c 246: See note following RCW 10.64.140.

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.

Subversive activities as disqualification for voting: RCW 9.81.040.

Additional notes found at www.leg.wa.gov

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 his or her signature no more than one time. These applications shall also contain information for the voter to update his or her 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. 103-31) and the Help America Vote Act of 2002 (P.L. 107-252) for registering to vote in federal elections. [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.

Additional notes found at www.leg.wa.gov

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, I will be at least eighteen years old when I vote, I am not disqualified from voting due to a court order, and I am not under department of corrections supervision for a Washington felony conviction." [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.]

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.

Additional notes found at www.leg.wa.gov

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 transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others 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. [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.

29A.08.270 Information in foreign 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 foreign languages required of state agencies. [2003 c 111 § 139; 2001 c 41 § 3. Formerly RCW 29A.04.240, 29.04.085.]

MOTOR VOTER AND REGISTRATION AT STATE AGENCIES

29A.08.310 Voter registration in state offices, colleges. (1) The governor, in consultation with the secretary of state, shall designate agencies to provide voter registration services in compliance with federal statutes.

(2) Each state agency designated shall provide voter registration services for employees and the public within each office of that agency.

(3) 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.

(4) Each institution of higher education shall put in place an active prompt on its course registration web site, or similar web site that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration web site. The prompt must ask the student if he or she wishes to register to vote. [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.]

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.]

Additional notes found at www.leg.wa.gov

29A.08.320 Registration or transfer at designated agencies—Form and application. (1) A person may register to vote or transfer a voter registration when he or she applies 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 indicate that he or she declines to register.

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. [2004 c 267 § 119; 2004 c 266 § 7; 2003

c 111 § 223. Prior: 1994 c 57 § 27. Formerly RCW 29.07.430.]

Reviser's note: This section was amended by 2004 c 266 § 7 and by 2004 c 267 § 119, 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 dates—2004 c 267: See note following RCW 29A.08.010.

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

Additional notes found at www.leg.wa.gov

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 indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies 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) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register to vote or update your voter registration?"

If the applicant chooses to register or update a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register or update a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(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. [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.]

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

Additional notes found at www.leg.wa.gov

29A.08.340 Registration or update of registration with driver's license or identification card application or renewal. (1) A person may register to vote or update his or her voter registration when he or she applies for or renews 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. [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.]

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.

Additional notes found at www.leg.wa.gov

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 a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, 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. [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 dates—2004 c 267: See note following RCW 29A.08.010.

Additional notes found at www.leg.wa.gov

TRANSFERS AND NAME CHANGES

29A.08.410 Address change within county—Transfer by telephone or e-mail. A registered voter who changes his or her residence from one address to another within the same county may transfer his or her 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;

(2) Appearing in person before the county auditor and making such a request;

(3) Telephoning or e-mailing the county auditor to transfer the registration; or

(4) Submitting a voter registration application. [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.]

Additional notes found at www.leg.wa.gov

29A.08.420 Transfer to another county. A registered voter who changes his or her residence from one county to another county must do so by submitting a voter registration

form. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration. [2009 c 369 § 23; 2004 c 267 § 122; 2003 c 111 § 229; 1999 c 100 § 3; 1994 c 57 § 36; 1991 c 81 § 24; 1977 ex.s. c 361 § 26; 1971 ex.s. c 202 § 26; 1965 c 9 § 29.10.040. Prior: 1933 c 1 § 15; RRS § 5114-15. Formerly RCW 29.10.040.]

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

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

CANCELLATIONS

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.

Additional notes found at www.leg.wa.gov

29A.08.515 Incapacitation, guardianship. Upon receiving official notice that a court has imposed a guardianship for an incapacitated person and has determined that the person is incompetent for the purpose of rationally exercising the right to vote, under chapter 11.88 RCW, if the incapacitated person is a registered voter in the county, the county auditor shall cancel the incapacitated person's voter registration. [2004 c 267 § 125.]

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

29A.08.520 Felony conviction—Provisional and permanent restoration of voting rights. (1) For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority 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 restored as long as the person is no longer incarcerated.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) 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 under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently 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.

(6) The right to vote may be permanently restored by one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

(7) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030. [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—2005 c 246: See note following RCW 10.64.140.

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

Restoration of civil rights: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

LIST MAINTENANCE

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.

29A.08.615 "Active," "inactive" registered voters. 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. [2003 c 111 § 238. Prior: 1994 c 57 § 34. Formerly RCW 29.10.015.]

Additional notes found at www.leg.wa.gov

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) The county auditor shall transfer the registration of a voter and send an acknowledgment notice to the new address informing the voter of the transfer 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.

(3) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application 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 from one county to another.

(4) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:

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

(b) 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. [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.]

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.

Additional notes found at www.leg.wa.gov

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 registration address, and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be

counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted. [2009 c 369 § 30; 2003 c 111 § 240; 1994 c 57 § 47. Formerly RCW 29.10.220.]

Additional notes found at www.leg.wa.gov

29A.08.630 Return of inactive voter to active status—Cancellation of registration. The county auditor shall return an inactive voter to active voter status if, prior to the passage of two federal general elections, the voter:

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

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

(3) Votes or attempts to vote in a primary, special election, or general election. If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration. [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.

Additional notes found at www.leg.wa.gov

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 confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. 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, his or her voter registration will be canceled. [2009 c 369 § 32; 2003 c 111 § 242. Prior: 1994 c 57 § 45. Formerly RCW 29.10.200.]

Additional notes found at www.leg.wa.gov

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 moved within the county, the auditor shall transfer the voter's registration and send the voter an acknowledgment notice.

(2) If the response from the voter indicates that the voter moved out of the county, but within the state, the auditor shall cancel the voter's registration and notify the county auditor of the voter's new county of residence.

(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. [2009 c 369 § 33; 2004 c 267 § 132; 2003 c 111 § 243. Prior: 1994 c 57 § 46. Formerly RCW 29.10.210.]

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

Additional notes found at www.leg.wa.gov

PUBLIC ACCESS TO REGISTRATION RECORDS

29A.08.710 Originals and automated files—Public disclosure. (1) The county auditor shall have custody of the original voter registration 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) 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: The voter's name, address, political jurisdiction, gender, date 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. [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.]

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

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

Additional notes found at www.leg.wa.gov

29A.08.720 Registration, voting records—As public records—Information furnished—Restrictions, confidentiality. (1) In the case of voter registration records received through 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 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) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, 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.

(3) 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. [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.]

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.

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

Additional notes found at www.leg.wa.gov

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.

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 the consolidated technology services agency for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or 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. [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.]

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.]

Additional notes found at www.leg.wa.gov

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. [2004 c 267 § 135; 2003 c 111 § 252. Prior: 1994 c 57 § 7. Formerly RCW 29.04.240.]

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

Additional notes found at www.leg.wa.gov

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.

CHALLENGES

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 and the voter's civil rights have not been restored;

(b) The challenged voter has been judicially declared ineligible to vote due to mental incompetency;

(c) The challenged voter does not live at the residential address provided, 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 and to attempt to contact the challenged voter to learn the challenged voter's actual residence, including 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) Visited the residential address provided and contacted persons at the address to determine whether the voter resides at the address and, if not, obtained and submitted with the challenge form a signed affidavit subject to the penalties of perjury from a person who owns or manages property, resides, or is employed at the address provided, that to his or her personal knowledge the challenged voter does not reside at the address as provided on the voter registration;

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

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

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

(d) The challenged voter will not be eighteen years of age by the next 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. [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.]

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, RCW 11.88.010, 11.88.090.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 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 forty-five days before the election. The county auditor presides over the hearing.

(2) Only if the challenged voter registered to vote less than sixty days before the election, or changed residence less than sixty days before the election without transferring his or her registration, may a challenge be filed not later than ten days before any primary or election, general or special, or within ten days of the voter being added to the voter registration database, whichever is later.

(a) If the challenge is filed within forty-five days before an election at which the challenged voter is eligible to vote, a notation of the challenge must be made immediately in the voter registration system, and the county canvassing board presides over the hearing.

(b) If the challenge is filed before the challenged voter's ballot is received, the ballot must be treated as a challenged ballot.

(c) If the challenge is filed after the challenged voter's ballot is received, the challenge cannot affect the current election. [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, RCW 11.88.010, 11.88.090.
restoration of: RCW 9.92.066, 9.94A.637, 9.94A.885, 9.95.260, chapter 9.96 RCW.

29A.08.835 County auditor to publish voter challenges on the internet—Ongoing notification requirements. The county auditor shall, within seventy-two hours of receipt, publish on the auditor's internet web site 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. [2006 c 320 § 1.]

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. 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. A challenged voter may transfer or reregister until the day before the election. 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.

(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 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 his or her voter registration and any races and ballot measures on the 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 the pending challenged ballot must be accepted as valid. 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. [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.]

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.]

Additional notes found at www.leg.wa.gov

Chapter 29A.12 RCW
VOTING SYSTEMS

Sections

29A.12.005 "Voting system."
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29A.12.160 Blind or visually impaired voter accessibility.

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; and

(d) To maintain and produce any audit trail information; 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. [2013 c 11 § 21; 2004 c 267 § 601.]

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

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.

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

29A.12.050 Approval required—Modification. If voting systems or devices or vote tallying systems are to be used for conducting a primary or election, only those that have the approval of the secretary of state or had been approved under this chapter or the former chapter 29.34 RCW before March 22, 1982, may be used. Any modification, change, or improvement to any voting system or component of a system that does not impair its accuracy, efficiency, or capacity or extend its function, may be made without reexamination or reapproval by the secretary of state under RCW 29A.12.020. [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.

Additional notes found at www.leg.wa.gov

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.

29A.12.070 Acceptance test. An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing 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. [2003 c 111 § 307. Prior: 1998 c 58 § 1; 1990 c 59 § 23. Formerly RCW 29.33.145.]

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

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.

Voting devices, machines—Recording requirements: RCW 29A.12.150.

Additional notes found at www.leg.wa.gov

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.

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.]

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.

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.

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.

Chapter 29A.16 RCW
PRECINCTS

(Formerly: Precinct and polling place determination and accessibility)

Sections

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

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 fourteen 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. [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.]

Reviser's note: This section was amended by 2011 c 10 § 26 and by 2011 c 349 § 5, 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—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.

"Precinct" defined: RCW 29A.04.121.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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 trans-

fer 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.]

Chapter 29A.24 RCW
FILING FOR OFFICE

Sections

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WRITE-IN CANDIDATES

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GENERAL

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.]

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.]

Term of person elected to fill vacancy: RCW 42.12.030.

Vacancies in public office, how filled: RCW 42.12.010.

Additional notes found at www.leg.wa.gov

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.]

29A.24.040 Declaration of candidacy—Electronic filing. A candidate may file his or her 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 9:00 a.m. the first day of the filing period and continue through 4:00 p.m. the last day of the filing period. [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.

Additional notes found at www.leg.wa.gov

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 during regular business hours with the filing officer beginning the Monday two weeks before Memorial day 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. [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.

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.]

Additional notes found at www.leg.wa.gov

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.]

29A.24.070 Declaration of candidacy—Where filed—Copy to public disclosure commission. Declarations of candidacy shall be filed with the following filing officers:

(1) The secretary of state for declarations of candidacy for statewide offices, United States senate, and United States house of representatives;

(2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when the candidate is seeking office in a district comprised of voters from two or more counties;

(3) 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.

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 in his or her office during such filing period or a list containing the name of each candidate who files such a declaration in his or her 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 his or her 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. [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.

Public disclosure—Campaign finances, lobbying, records: Chapter 42.17A RCW.

Additional notes found at www.leg.wa.gov

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.]

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.]

29A.24.081 Declaration—Filing by mail. Any candidate may mail his or her 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 his or her 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 the close of business 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 the close of business on the last day for candidates to file for office shall be rejected and returned to the candidate attempting to file it. [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.

29A.24.091 Declaration—Fees and petitions. 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.

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 his or her 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.

When the candidacy is for:

(1) A statewide office, the United States senate, or the United States house of representatives, the fee shall be paid to the secretary of state;

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

(3) A legislative or judicial office that includes territory from only one county, the fee shall be paid to the county auditor;

(4) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury. [2009 c 106 § 2; 2006 c 206 § 3; 2005 c 221 § 2; 2004 c 271 § 160.]

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.]

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 regis-

tered 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.]

29A.24.131 Withdrawal of candidacy. A candidate may withdraw his or her declaration of candidacy at any time before the close of business 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 his or her 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 he or she files. [2011 c 349 § 8; 2004 c 271 § 115.]

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

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.

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.

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.

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.

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.]

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.]

WRITE-IN CANDIDATES

29A.24.311 Write-in voting—Candidates, declaration. (1) Any person who desires to be a write-in candidate and have such votes counted at a primary or election may file a declaration of candidacy with the officer designated in RCW 29A.24.070 not later than the day ballots must be mailed according to RCW 29A.40.070. Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.091.

(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. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number, if the manner in which the write-in is done does not make the office or position clear.

(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 appeared 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 already appears 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 committee precinct 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 voter's pamphlet produced under chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets. [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.

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.]

Chapter 29A.28 RCW
VACANCIES

Sections

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

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.

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.

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.

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.

Chapter 29A.32 RCW
VOTERS' PAMPHLETS

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STATE VOTERS' PAMPHLET

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 he or she deems appropriate. The secretary of state shall also produce taped 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 computer bulletin boards, print and broadcast news media, community computer networks, and similar services at the cost of reproduction or transmission of the data. [2003 c 111 § 801. Prior: 1999 c 260 § 1. Formerly RCW 29.81.210.]

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 ten-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) Two dollars for each copy of the deceptive material distributed, or (2) one thousand dollars. 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. [2003 c 111 § 802; 1984 c 41 § 1. Formerly RCW 29.04.035.]

29A.32.031 Contents. The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about each measure for an advisory vote of the people and 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, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(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 on the cover or on 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; and

(7) 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. [2013 c 283 § 2; 2011 c 60 § 13; 2009 c 415 § 2; 2008 c 1 § 12 (Initiative Measure No. 960, approved November 6, 2007); 2004 c 271 § 121.]

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 web site 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.

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).]

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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

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, and filed with the secretary of state no later than the tenth day of August.

(2) When the explanatory statement for a measure initiated by petition is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the person proposing the measure and any others who have made written request for notification of the exact language of the explanatory statement. When the explanatory statement for a measure referred to the ballot by the legislature is filed with the secretary of state, the secretary of state shall immediately provide the text of the explanatory statement to the presiding officer of the senate and the presiding officer of the house of representatives and any others who have made written request for notification of the exact language of the explanatory statement.

(3) A person dissatisfied with the explanatory statement 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 explanatory statement, and objections, and may hear arguments. The court shall render its decision and certify to and file with the secretary of state an explanatory statement it determines will meet the requirements of this chapter.

The decision of the superior court is final, and its explanatory statement is the established explanatory statement. The appeal must be heard without costs to either party. [2009 c 415 § 3; 2003 c 111 § 804. Prior: 1999 c 260 § 3. Formerly RCW 29.81.230.]

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.

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 argument statements prepared according to this section. Arguments may contain graphs and charts supported by factual statistical data and pictures or other illustrations. Cartoons or caricatures are not permitted. [2003 c 111 § 806. Prior: 1999 c 260 § 4. Formerly RCW 29.81.240.]

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 voters' pamphlet must provide the following information for each statewide issue on the ballot except measures for an advisory vote of the people whose requirements are provided in subsection (11) of this section:

(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;

(11) Two pages shall be provided in the general election voters' pamphlet for each measure for an advisory vote of the people under RCW 43.135.041 and shall consist of the serial number assigned by the secretary of state under RCW 29A.72.040, the short description formulated by the attorney general under RCW 29A.72.283, the tax increase's most up-to-date ten-year cost projection, including a year-by-year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office e-mail address. [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—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.

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.]

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.

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.]

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.]

29A.32.121 Candidates' statements—Length. (1) The maximum number of words for statements submitted by candidates is as follows: State representative, one hundred words; state senator, judge of the superior court, judge of the court of appeals, justice of the supreme court, and all state offices voted upon throughout the state, except that of governor, two hundred words; president and vice president, United States senator, United States representative, and governor, three hundred words.

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

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

(4) The secretary of state shall allocate space in the pamphlet based on the number of candidates or nominees for each office. [2004 c 271 § 168.]

LOCAL VOTERS' PAMPHLET

29A.32.210 Authorization—Contents—Format. At least ninety days before any primary or general election, or at least forty days before any special election held under RCW 29A.04.321 or 29A.04.330, the legislative authority of any county or first-class or code city may adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet. The pamphlet shall provide information on all measures within that jurisdiction and may, if specified in the ordinance, include information on candidates within that jurisdiction. If both a county and a first-class or code city within that county authorize a local voters' pamphlet for the same election, the pamphlet shall be produced jointly by the county and the first-class or code city. If no agreement can be reached between the county and first-class or code city, the county and first-class or code city may each produce a pamphlet. Any ordinance adopted authorizing a local voters' pamphlet may be for a specific primary, special election, or general election or for any future primaries or elections. 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. [2013 c 11 § 38; 2003 c 111 § 813; 1984 c 106 § 3. Formerly RCW 29.81A.010.]

29A.32.220 Notice of production—Local governments' decision to participate. (1) Not later than ninety 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 located wholly within that county that a pamphlet will be produced.

(2) If a voters' pamphlet is published by the county for a primary or general election, the pamphlet shall be published for the elective offices and ballot measures of the county and for the elective offices and ballot measures of each unit of local government located entirely within the county which will appear on the ballot at that primary or election. However, the offices and measures of a first-class or code city shall not be included in the pamphlet if the city publishes and distributes its own voters' pamphlet for the primary or election for its offices and measures. The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary or election for its offices and measures and it does so.

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 sixty 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, the respective county auditors may enter into an interlocal agreement to permit the distribution of each county's local voters' pamphlet into those parts of the city, town, or district located outside of that county.

(4) If a first-class or code city authorizes the production and distribution of a local voters' pamphlet, the city clerk of that city shall notify any special taxing district located wholly within that city that a pamphlet will be produced. Notification shall be provided in the manner required or provided for in subsection (1) of this section.

(5) A unit of local government located within a county and the county may enter into an interlocal agreement for the publication of a voters' pamphlet for offices or measures not required by subsection (2) of this section to appear in a

county's pamphlet. [2003 c 111 § 814; 1994 c 191 § 1; 1984 c 106 § 4. Formerly RCW 29.81A.020.]

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 and deadlines for submission of candidates' statements;

(5) An appeal process in the case of the rejection of any statement or argument. [2003 c 111 § 815. Prior: 1984 c 106 § 5. Formerly RCW 29.81A.030.]

29A.32.241 Contents. The local voters' pamphlet shall include but not be limited to the following:

(1) 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;

(2) A list of jurisdictions that have measures or candidates in the pamphlet;

(3) Information on how a person may register to vote and obtain a ballot;

(4) 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;

(5) The arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280; and

(6) For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot. [2011 c 10 § 29; 2004 c 271 § 123.]

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

29A.32.250 Candidates, when included. If the legislative authority of a county or first-class or code city provides for the inclusion of candidates in the local voters' pamphlet, the pamphlet shall include the statements from candidates and may also include those candidates' photographs. [2003 c 111 § 817. Prior: 1984 c 106 § 7. Formerly RCW 29.81A.050.]

29A.32.260 Mailing. As soon as practicable before the primary, special election, or general election, the county auditor, or if applicable, the city clerk of a first-class or code city, as appropriate, shall mail the local voters' pamphlet to every residence in each jurisdiction that has included information in the pamphlet. The county auditor or city clerk, as appropriate, may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if in his or her judgment, a more economical and effective distribution of the pamphlet would result. [2011 c 10 § 30; 2003 c 111 § 818. Prior: 1984 c 106 § 8. Formerly RCW 29.81A.060.]

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

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.]

29A.32.280 Arguments advocating approval or disapproval—Preparation by committees. For each measure from a unit of local government that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than forty-five days before the publication of the pamphlet, 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. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the county auditor shall whenever possible make the appointments. [2003 c 111 § 820. Prior: 1994 c 191 § 2; 1984 c 106 § 10. Formerly RCW 29.81A.080.]

Chapter 29A.36 RCW
BALLOTS AND OTHER VOTING FORMS

Sections

29A.36.010 Certifying primary candidates.
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29A.36.040 Constitutional questions—Notice of ballot title and summary.
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29A.36.080 Local measures—Ballot title—Notice.
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29A.36.101 Names on primary ballot.
29A.36.111 Uniformity, arrangement, contents required—Contracts with vendors.
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29A.36.161 Arrangement of instructions, measures, offices—Order of candidates.
29A.36.170 Top two candidates qualified for general election—Exception *(as amended by 2013 c 11)*.
29A.36.170 Top two candidates qualified for general election *(as amended by 2013 c 143)*.
29A.36.180 Disqualified candidates in nonpartisan elections—Special procedures for conduct of election.
29A.36.201 Names qualified to appear on election ballot.
29A.36.210 Property tax levies—Ballot form.
29A.36.220 Expense of printing and mailing ballots, envelopes, and instructions.
29A.36.230 Regional transportation investment district and regional transit authority single ballot.

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

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.]

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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.

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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 may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall 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 shall 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 shall 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. [2006 c 311 § 9; 2004 c 271 § 169.]

Findings—2006 c 311: See note following RCW 36.120.020.

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.]

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.

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.]

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.

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.]

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.

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.]

Reviser's note: The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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: (1) 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.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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.04.007.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.

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.]

Additional notes found at www.leg.wa.gov

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.

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.

Chapter 29A.40 RCW
ELECTIONS BY MAIL
(Formerly: Absentee voting)

Sections

29A.40.010 Ballots by mail.
29A.40.020 Request for ballot from an overseas voter or service voter.
29A.40.050 Special ballots.
29A.40.070 Date ballots mailed—Replacement ballots.
29A.40.091 Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots.
29A.40.100 Observers.
29A.40.110 Processing incoming ballots.
29A.40.130 Record of voters issued a ballot and voters who returned a ballot—Public access.
29A.40.160 Voting centers.

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.

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.]

Additional notes found at www.leg.wa.gov

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.

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.

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

Additional notes found at www.leg.wa.gov

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 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.]

Additional notes found at www.leg.wa.gov

29A.40.091 Envelopes, declaration, and instructions—Voter's oath—Overseas and service voters—Return of ballots. (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.

(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 has been convicted of a felony and has not had his or her voting rights restored; and it is illegal to cast a ballot or sign a ballot declaration on behalf of another voter. 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. Service and overseas voters must be provided with instructions and a privacy sheet for returning the ballot and signed declaration by fax or e-mail. A voted ballot and signed declaration returned by fax or e-mail must be received by 8:00 p.m. on the day of the election or primary. [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—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.

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. [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.

29A.40.110 Processing incoming ballots. (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 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 e-mail 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. [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 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.

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

County canvassing board, meeting to process ballots, canvass returns: RCW 29A.60.160.

Unsigned ballot declarations: RCW 29A.60.165.

Additional notes found at www.leg.wa.gov

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.

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

Additional notes found at www.leg.wa.gov

29A.40.160 Voting centers. (1) Each county auditor shall open a voting center each primary, special 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, or general election.

(2) The voting center 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.

(3) The 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.

(4) The 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.

(5) 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.

(6) Before opening the voting center, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If 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.

(7) 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 his or her 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. 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.

(8) 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.

(9) Any voter may take printed or written material into the voting device to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove it when he or she leaves the voting center.

(10) If any voter states that he or she is unable to cast his or her votes due to a disability, the voter may designate a person of his or her choice, or two election officers, to enter the voting booth and record the votes as he or she directs.

(11) No voter is entitled to vote more than once at a primary, special election, or general election. If a voter incorrectly marks a ballot, he or she may be issued a replacement ballot.

(12) 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.

(13) 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.

(14) 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.

(15) 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. [2011 c 10 § 43.]

Reviser's note: This section was directed to be codified in chapter 29A.44 RCW, but placement in chapter 29A.40 RCW appears to be more appropriate.

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

Chapter 29A.52 RCW
PRIMARIES AND ELECTIONS

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29A.52.121 General election laws govern primaries.
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29A.52.370 Certificates of election to other officers.

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

PARTISAN PRIMARIES

29A.52.112 Top two candidates—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) 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. [2013 c 11 § 50; 2005 c 2 § 7 (Initiative Measure No. 872, approved November 2, 2004).]

Reviser's note: *(1) RCW 29A.36.170 was amended by 2013 c 143 § 1, removing the one candidate exception.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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.

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.]

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.]

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.

NONPARTISAN PRIMARIES

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.]

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]

Additional notes found at www.leg.wa.gov

NOTICES AND CERTIFICATES

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.]

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.]

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.]

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.

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.]

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.

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Chapter 29A.56 RCW
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PRESIDENTIAL PRIMARY

29A.56.010 Intent. The people of the state of Washington declare that:

(1) The current presidential nominating caucus system in Washington state is unnecessarily restrictive of voter participation in that it discriminates against the elderly, the infirm, women, the disabled, evening workers, and others who are unable to attend caucuses and therefore unable to fully participate in this most important quadrennial event that occurs in our democratic system of government.

(2) It is the intent of this chapter to make the presidential selection process more open and representative of the will of the people of our state.

(3) A presidential primary will afford the maximum opportunity for voter access at regular polling places during the daytime and evening hours convenient to the most people.

(4) This state's participation in the selection of presidential candidates shall be in accordance with the will of the people as expressed in a presidential preference primary.

(5) It is the intent of this chapter, to the maximum extent practicable, to continue to reserve to the political parties the right to conduct their delegate selection as prescribed by party rules insofar as it reflects the will of the people as expressed in a presidential primary election conducted every four years in the manner described by this chapter. [2003 c 111 § 1401; 1989 c 4 § 1 (Initiative Measure No. 99). Formerly RCW 29.19.010.]

29A.56.020 Date. (1) On the fourth Tuesday in May 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. The secretary of state may propose an alternative date for the primary no later than the first day of August of the year before the year in which a president is to be nominated and elected.

(2) No later than the first 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 (1) or (2) 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.56.030 and related provisions of this chapter to correspond with the date that has been approved. [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.]

Additional notes found at www.leg.wa.gov

29A.56.030 Ballot—Names included. The name of any candidate for a major political party nomination for president of the United States shall be printed on the presidential preference primary ballot of a major political party only:

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

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

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least sixty-seven days before the presidential preference primary, executes and files with the secretary of state an affidavit stating without qualification that he or she is not now and will not become a candidate for the office of president of the United States at the forthcoming presidential election. The secretary of state shall certify the names of all candidates who will appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential election year. [2011 c 349 § 19; 2006 c 344 § 15; 2003 c 111 § 1403. Prior: 1989 c 4 § 3 (Initiative Measure No. 99). Formerly RCW 29.19.030.]

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.

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. Only the candidates who have qualified under RCW 29A.56.030 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. The ballot must clearly indicate the political party of each candidate. Each ballot must include a blank space to allow the voter to write in the name of any other candidate.

(4) 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. [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.]

Additional notes found at www.leg.wa.gov

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 must be given ballots that are readily distinguishable from those given to other voters. 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. [2003 c 111 § 1405. Prior: 1995 1st sp.s. c 20 § 3. Formerly RCW 29.19.055.]

Additional notes found at www.leg.wa.gov

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]

Additional notes found at www.leg.wa.gov

RECALL

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

29A.56.140 Determination by superior court—Correction of ballot synopsis. Within fifteen 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 clerk of the superior 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 court 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. [2003 c 111 § 1410. Prior: 1984 c 170 § 4. Formerly RCW 29.82.023.]

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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).

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 peti-

tions 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.]

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.]

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.]

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.

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 there-

upon 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.]

Canvassing the returns: Chapter 29A.60 RCW.

Additional notes found at www.leg.wa.gov

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.*

Additional notes found at www.leg.wa.gov

PRESIDENTIAL ELECTORS

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.]

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.]

29A.56.320 Nomination—Pledge by electors—What names on ballots—How counted. 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. Each presidential elector shall execute and file with the secretary of state a pledge that, as an elector, he or she will vote for the candidates nominated by that party. 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. [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.]

Intent—2009 c 264: See note following RCW 29A.56.300.

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

29A.56.330 Counting and canvassing the returns. The votes for candidates for president and vice president must be canvassed under chapter 29A.60 RCW. The secretary of state shall prepare three lists of names of electors elected and affix the seal of the state. The lists must be signed by the governor and secretary of state and by the latter delivered to the college of electors at the hour of their meeting. [2003 c 111 § 1426; 1965 c 9 § 29.71.030. Prior: 1935 c 20 § 2; RRS § 5139; prior: 1891 c 148 § 2. Formerly RCW 29.71.030.]

29A.56.340 Meeting—Time—Procedure—Voting for nominee of other party, penalty. 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. If there is any vacancy in the office of an elector occasioned by death, refusal to act, neglect to attend, or otherwise, the electors present shall immediately proceed to fill it by voice vote, and plurality of votes. When all of the electors have appeared and the vacancies have been filled they shall constitute the college of electors of the state of Washington, and shall proceed to perform the duties required of them by the Constitution and laws of the United States. Any elector who votes for a person or persons not nominated by the party of which he or she is an elector is subject to a civil penalty of up to one thousand dollars. [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.]

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, 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. [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.]

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.]

CONSTITUTIONAL AMENDMENT CONVENTIONS

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.]

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.]

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.]

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.]

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.

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.]

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.]

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.

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.

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.]

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.]

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.]

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.]

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.]

MINOR PARTY AND INDEPENDENT CANDIDATE PRESIDENTIAL NOMINATIONS

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.]

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.

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.]

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.

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.]

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.]

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.]

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.]

Chapter 29A.60 RCW
CANVASSING

Sections

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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.]

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 who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent.

(2) The 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 appears 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 other requirements of RCW 29A.24.311 are not satisfied and even if the voter also marked a vote for that candidate such as to register an overvote. These votes need not be tabulated unless: (a) The difference between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be tallied unless the total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected.

(5) In the case of write-in votes 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 either the secretary of state or another county auditor in the multicounty jurisdiction that it appears that the write-in votes must be tabulated under the terms of this section. In all other cases, the county auditor determines when write-in votes must be tabulated. Any abstract of votes must be modified to reflect the tabulation and certified by the canvassing board. Tabulation of write-in votes may be performed simultaneously with a recount. [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.

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.

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.

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).

Part headings not law—Effective date—2005 c 274: See RCW 42.56.901 and 42.56.902.

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

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.

Additional notes found at www.leg.wa.gov

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.

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.

29A.60.110 Ballot containers, sealing, opening. 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.

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, 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. [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.]

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.

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.

Additional notes found at www.leg.wa.gov

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, or tabulation. [2005 c 243 § 10.]

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.]

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. 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. [2008 c 308 § 1; 2005 c 274 § 250; 2003 c 111 § 1514.]

Part headings not law—Effective date—2005 c 274: See RCW 42.56.901 and 42.56.902.

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.]

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. [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.

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 advise the voter of the correct procedures for completing the unsigned declaration. If the ballot is received within three 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 three 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, enclosing a copy of the declaration, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the ballot is received within three 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 three 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.

(b) If the signature on a ballot declaration is not the same as the signature on the registration file because the name is different, 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) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) 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. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request. [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.

Effective date—2006 c 209: See RCW 42.56.903.

29A.60.170 List of observers—Counting center, direction and observation of proceedings—Manual count of certain precincts. (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 may 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 prior to the processing of ballots. The random check process shall involve a comparison of a manual count to the machine count 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 lim-

ited 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 and the check must be completed no later than forty-eight hours after election day. [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.]

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.

Additional notes found at www.leg.wa.gov

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.

29A.60.185 Audit of results. Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of results of votes cast on the direct recording electronic voting devices used 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 one direct recording electronic voting device, whichever is greater, and, for each device, 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 selected for audit, the paper records must be tabulated manually; on the remaining devices, 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. 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. [2005 c 242 § 5.]

29A.60.190 Certification of election results. Fourteen days after a primary or special election and 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, or primary, and each ballot bearing a postmark on or before the date of the special election, general election, or primary and received no later than the day before certification, must be included in the canvass report. [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.]

Reviser's note: This section was amended by 2011 c 10 § 58 and by 2011 c 349 § 21, 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—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.

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, web site, 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.

29A.60.200 Canvassing board—Canvassing procedure—Penalty. 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.

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. [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.

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.

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.

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.

Additional notes found at www.leg.wa.gov

29A.60.235 Reconciliation reports. The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

(1) The number of registered voters;
(2) The number of ballots issued;
(3) The number of ballots received;
(4) The number of ballots counted;
(5) The number of ballots rejected;
(6) The number of provisional ballots issued;
(7) The number of provisional ballots received;
(8) The number of provisional ballots counted;
(9) The number of provisional ballots rejected;
(10) The number of federal write-in ballots received;
(11) The number of federal write-in ballots counted;
(12) The number of federal write-in ballots rejected;
(13) The number of overseas and service ballots issued;
(14) The number of overseas and service ballots received;
(15) The number of overseas and service ballots counted;
(16) The number of overseas and service ballots rejected;
(17) The number of voters credited with voting; and
(18) 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. [2011 c 10 § 62; 2009 c 369 § 41; 2005 c 243 § 11.]

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

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.

Additional notes found at www.leg.wa.gov

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.]

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.]

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).

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 but may be taken either:

(a) Up to ten days prior to the scheduled date of assuming office; or

(b) At the last regular meeting of the governing body of the applicable county, city, town, or special district held before the winner is to assume office. [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.]

Additional notes found at www.leg.wa.gov

Chapter 29A.64 RCW
RECOUNTS

Sections

29A.64.011 Application—Requirements—Application of chapter.
29A.64.021 Mandatory.
29A.64.030 Deposit of fees—Notice—Public proceeding.
29A.64.041 Procedure—Request to stop—Observers.
29A.64.050 Partial recount requiring complete recount.
29A.64.061 Amended abstracts.
29A.64.070 Limitation.
29A.64.081 Expenses—Charges.
29A.64.090 Statewide measures—When mandatory—Cost at state expense.
29A.64.100 Statewide measures—Funds for additional expenses.

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.

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.]

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.

Additional notes found at www.leg.wa.gov

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 pro-

cess 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.

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.]

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.]

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.]

29A.64.081 Expenses—Charges. The canvassing board shall determine the expenses for conducting a recount of votes.

The cost of the recount shall be deducted from the amount deposited by the applicant for the recount at the time of filing the request for the recount, and the balance shall be returned to the applicant. If the costs of the recount exceed the deposit, the applicant shall pay the difference. No charges may be deducted by the canvassing board from the deposit for a recount if the recount changes the result of the nomination or election for which the recount was ordered. [2004 c 271 § 181.]

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. [2013 c 11 § 70; 2003 c 111 § 1609. Prior: 2001 c 225 § 11; 1973 c 82 § 1. Formerly RCW 29.64.080.]

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.]

Chapter 29A.68 RCW
CONTESTING AN ELECTION

Sections

29A.68.011 Prevention and correction of election frauds and errors.
29A.68.020 Commencement by registered voter—Causes for.
29A.68.030 Affidavit of error or omission—Contents—Witnesses.
29A.68.040 Hearing date—Issuance of citation—Service.
29A.68.050 Witnesses to attend—Hearing of contest—Judgment.
29A.68.060 Costs, how awarded.
29A.68.070 Misconduct of board—Irregularity material to result.
29A.68.080 Misconduct of board—Number of votes affected—Enough to change result.
29A.68.090 Illegal votes—Allegation of.
29A.68.100 Illegal votes—List required for testimony.
29A.68.110 Illegal votes—Number of votes affected—Enough to change result.
29A.68.120 Election set aside—Appeal period.

29A.68.011 Prevention and correction of election frauds and errors. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

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

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

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

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

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

(6) An error or omission has occurred or is about to occur in the official certification of the election.

An affidavit of an elector under subsections (1) and (3) of 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 subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns, 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. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the official certification of the 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. [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.

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:

(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. [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.

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.

Additional notes found at www.leg.wa.gov

29A.68.030 Affidavit of error or omission—Contents—Witnesses. An affidavit of an elector filed pursuant to RCW 29A.68.011(6) must set forth specifically:

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

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

(3) The office;

(4) The particular causes of the contest.

No statement of contest 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. [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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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. [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.]

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.]

Additional notes found at www.leg.wa.gov

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 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. [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.

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 in the remaining vote of the county. [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.

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 in the specified precinct or precincts, will, if taken from that person, reduce the number of the person's legal votes below the number of legal votes given to some other person for the same office. [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.]

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.]

29A.68.110 Illegal votes—Number of votes affected—Enough to change result. No election 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. [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.]

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 shall be thereby rendered void. [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.]

Chapter 29A.72 RCW
STATE INITIATIVE AND REFERENDUM

Sections

29A.72.010 Filing proposed measures with secretary of state.
29A.72.020 Review of proposed initiatives—Certificate required.
29A.72.025 Fiscal impact statements.
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29A.72.040 Numbering—Transmittal to attorney general.
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29A.72.230 Petitions—Verification and canvass of signatures, observers—Statistical sampling—Initiatives to legislature, certification of.
29A.72.240 Count of signatures—Review.
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29A.72.283 Advisory vote on tax legislation—Short description.
29A.72.285 Advisory vote on tax legislation—Short description filing and transmittal.
29A.72.290 Printing ballot titles and short descriptions on ballots—Separate headings.

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 a legible copy of the measure proposed, or the act or part of such act on which a referendum is desired, accompanied by an affidavit that the sponsor is a legal voter and a filing fee prescribed under RCW 43.07.120. [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.]

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.]

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. 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 the tenth day of August. 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 web site and included in the state voters' pamphlet. Additional information may be posted on the web site of the office of financial management. [2009 c 415 § 7; 2004 c 266 § 4. Prior: 2002 c 139 § 1. Formerly RCW 29.79.075.]

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

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.

29A.72.040 Numbering—Transmittal to attorney general. The secretary of state shall give a serial number to each initiative, referendum bill, referendum measure, or measure for an advisory vote of the people, using a separate series for initiatives to the legislature, initiatives to the people, referendum bills, referendum measures, and measures for an advisory vote of the people, 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. . . . .," "Referendum Measure No. . . . .," or "Advisory Vote No. . . . .." [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—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.

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) 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 must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?

Yes . . . . . ☐
No . . . . . ☐"

(3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description).

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. . . . . ☐"

(4) For a referendum bill submitted to the people by the legislature, the ballot issue must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). Should this bill be:

Approved . . . . . ☐
Rejected . . . . . ☐"

(5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue 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). Should this bill be:

Approved . . . . . ☐
Rejected . . . . . ☐"

(6) 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 spec-

ified. 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. [2003 c 111 § 1806. Prior: 2000 c 197 § 1. Formerly RCW 29.79.035.]

Additional notes found at www.leg.wa.gov

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.]

Ballot titles to other state and local measures: RCW 29A.36.020 through 29A.36.090.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.]

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.

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.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

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.

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.]

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).

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.*

Additional notes found at www.leg.wa.gov

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.]

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.]

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.]

Additional notes found at www.leg.wa.gov

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.*

Additional notes found at www.leg.wa.gov

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 and serial numbers and short descriptions of measures submitted for an advisory vote of the people to be voted upon at the next ensuing general election or special election ordered by the legislature. [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—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.

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.]

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.]

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.]

Additional notes found at www.leg.wa.gov

29A.72.283 Advisory vote on tax legislation—Short description. Within five days of receipt of a measure for an advisory vote of the people from the secretary of state under RCW 29A.72.040 the attorney general shall formulate a short description not exceeding thirty-three words and not subject to appeal, of each tax increase and shall transmit a certified copy of such short description meeting the requirements of this section to the secretary of state. The description must be formulated and displayed on the ballot substantially as follows:

"The legislature imposed, without a vote of the people, (identification of tax and description of increase), costing (most up-to-date ten-year cost projection, expressed in dollars and rounded to the nearest million) in its first ten years, for government spending. This tax increase should be:

Repealed . . . . .[ ]
Maintained . . . [ ]"

Saturdays, Sundays, and legal holidays are not counted in calculating the time limits in this section. The words "This tax increase should be: Repealed . . . [ ] Maintained . . . [ ]" are not counted in the thirty-three word limit for a short description under this section. [2008 c 1 § 8 (Initiative Measure No. 960, approved November 6, 2007).]

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.

29A.72.285 Advisory vote on tax legislation—Short description filing and transmittal. When the short description is finally established under RCW 29A.72.283, the secretary of state shall file the instrument establishing it with the proposed measure and transmit a copy thereof by mail to 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 short description shall be the description of the measure in all ballots and other proceedings in relation thereto. [2008 c 1 § 9 (Initiative Measure No. 960, approved November 6, 2007).]

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.

29A.72.290 Printing ballot titles and short descriptions on ballots—Separate headings. The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers and ballot titles certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. 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) Advisory votes;
(7) Proposed constitutional amendments. [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—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.

Chapter 29A.76 RCW
REDISTRICTING

Sections

29A.76.010 Counties, municipal corporations, and special purpose districts.
29A.76.020 Boundary information.
29A.76.040 Maps and census correspondence lists—Apportionment—Duties of secretary of state.

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.

(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) No later than eight months after its receipt of federal decennial census data, 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. The municipal corporation, county, or district shall hold at least one public hearing on the redistricting plan at least one week before adoption of 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. [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—2011 c 349: See note following RCW 29A.04.255.

Additional notes found at www.leg.wa.gov

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.]

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.]

Additional notes found at www.leg.wa.gov

Chapter 29A.76B 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 January 1, 2012, and as amended by House Concurrent Resolution 4409 under RCW 44.05.100. For state legislative districts, see chapter 44.07E RCW.

RESOLUTION OF REDISTRICTING CONGRESSIONAL and LEGISLATIVE DISTRICTS AS AMENDED BY EHCR 4409

WHEREAS, Article II, section 43 of the Washington state Constitution and chapter 44.05 RCW 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 January 1st of each year ending in two; and

WHEREAS, The United States Bureau of the Census conducted a census of the United States on April 1, 2010, and

reported the results of the census to the state of Washington on February 23, 2011; and

WHEREAS, The Washington State Redistricting Commission was duly constituted in January 2011, 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 by a unanimous vote a Final Plan and Resolution of the Redistricting Commission on this date January 1, 2012, in conformity with the constitutional requirement that it do so as soon as possible following the federal decennial census, but no later than January 1st of each year ending in two;

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, 2010, in accordance with the 2010 federal decennial census data submitted pursuant to P.L. 94-171; and

FOURTH, Pursuant to the most recent certificate of entitlement from the Clerk of the United States House of Representatives as required by 2 U.S.C. Sec. 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 *C-JOINTSUB_2-1, maintained in electronic files designated as *C-JOINTSUB_2-1, 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 *C-JOINTSUB_2-1; and

FIFTH, The legislative districts described by this plan shall be those recorded as *L-JOINTSUB_3-2, maintained in electronic files designated as *L-JOINTSUB_3-2, 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 *L-JOINTSUB_3-2; 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 2012; and

SEVENTH, This Commission intends that this plan supersede the district boundaries established by chapters 29A.76A and 44.07D 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 United States Census Bureau tracts, Block Groups, or blocks established by the United States Census Bureau in the 2010 federal decennial census or specifically delineated portions thereof; and

(2) Local political subdivisions, such as counties, municipalities, school districts, voting precincts, or other political subdivisions as they existed on January 1, 2010; and

(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, 2010; and

(4) Roads, streets, or highways as they existed on January 1, 2010; and

(5) Where the boundary of any Census tract, Block Group, or block listed herein is defined by a visible feature, or by the boundary of a county, voting precinct, school district, urban growth area, or incorporated city or town, the boundary of that Census tract, Block Group, or block shall be considered to follow the actual location of that feature or boundary as of January 1, 2010, should this differ from the location mapped by the United States Census Bureau; and

(6) Where the boundary of any Census tract, Block Group, or block listed herein is defined by a roadway, and the boundary of an incorporated city or town lies along a right-of-way line of that roadway, the County Auditor may consider the boundary of that tract, Block Group, or block to follow the corporate limits of that city or town for the purpose of implementing this plan; and

TENTH, Any area not specifically included within the boundaries of any of the districts as described in this plan; any area described in this plan as specifically embraced in two or more districts; and other specified instances of omissions or errors, shall be resolved in accordance with the criteria detailed in Attachment A.

***Reviser's note:** The redistricting plan filed with the Legislature was amended by House Concurrent Resolution 4409. 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.

ATTACHMENT A

CRITERIA FOR RESOLVING ERRORS AND OMISSIONS AFTER ADOPTION OF THE 2012 PLAN

(A) If any area is not included in any district as described herein, it shall be assigned to a district as follows:

(1) If the area is surrounded by or adjacent to a single district, it shall be a part of that district.

(2) If the area is adjacent to more than one district:

(a) The area shall be a part of the adjacent district that is not separated from the area by a county boundary;

(b) If more than one district satisfies criterion (a), the area shall be a part of the adjacent district that is not separated from the area by a municipal boundary;

(c) If more than one district satisfies criteria (a) and (b), the area shall be a part of the adjacent district that has the least population of all adjacent districts that satisfy criteria (a) and (b);

(d) If more than one district satisfies criteria (a), (b), and (c), the area shall be a part of the adjacent district satisfying criteria (a), (b), and (c) with which the area shares the longest land boundary;

(e) If all districts that satisfy criterion (a) fail to satisfy criterion (b), the area shall be a part of the adjacent district that has the least population of all adjacent districts that satisfy criterion (a);

(f) If all districts that satisfy criterion (a) fail to satisfy criterion (b), and more than one district satisfies criteria (a) and (e), the area shall be a part of the adjacent district satisfying criteria (a) and (e) with which the area shares the longest land boundary.

(B) If any area is included within more than one district as described herein, it shall be assigned to only one district, following the criteria in (A) above, with the additional condition that the area must be assigned to one of the districts within which it is included as described herein.

(C) If any district described herein is found to consist of multiple nonadjacent areas, the area having the largest population shall be considered to be the district, and the area(s) with lesser population shall be assigned following the criteria in (A) above, with the following exception:

If a land area is completely separated from the remaining land area of the district to which it has been assigned solely by Census blocks consisting entirely of water, and if the intervening Census water blocks have been assigned to a different district, and the area is accessible from the remainder of its district by bridge or ferry, then the area shall remain a part of the district to which it is assigned herein, and the intervening water Census blocks shall also be reassigned to that district.

CONGRESSIONAL DISTRICTS

District 1: King County (part): Tract 215: Block Group 2: Block 2000, Block 2001, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017; Block Group 3: Block 3009, Block 3010, Block 3011, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3023, Block 3024, Block 3036; Tract 216; Tract 217; Tract 218.02; Tract 218.03; Tract 218.04; Tract 219.03; Tract 219.04; Tract 219.05; Tract 219.06; Tract 220.01; Tract 220.03; Tract 220.05; Tract 220.06; Tract 221.01; Tract 221.02; Tract 222.01; Tract 222.02; Tract 222.03; Tract 223; Tract 224; Tract 225; Tract 226.03; Tract 226.04; Tract 226.05; Tract 226.06; Tract 227.01; Tract 227.02; Tract 227.03: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1027, Block 1029, Block 1030; Block Group 2; Tract 228.02; Tract 228.03: Block Group 1; Block Group 2; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3041, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3057, Block 3058; Tract 229.01: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2004, Block 2005, Block 2006, Block 2012, Block 2013, Block 2016, Block 2017; Tract 229.02; Tract 240: Block Group 4: Block 4004, Block 4007; Tract 241; Tract 242; Tract 322.14: Block Group 1: Block 1000, Block 1001, Block 1002; Tract 322.15: Block Group 1: Block 1000, Block 1013, Block 1014; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2009, Block 2010, Block 2011, Block 2012, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2030, Block 2031, Block 2038, Block 2039, Block 2045, Block 2047, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053; Tract 323.07; Tract 323.09; Tract 323.11; Tract 323.13; Tract 323.15; Tract 323.16: Block Group 2: Block 2000, Block 2001, Block 2005, Block 2006, Block 2018; Tract 323.18: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1027; Block Group 4: Block 4001; Tract 323.19; Tract 323.20; Tract 323.21; Tract 323.22; Tract 323.23; Tract 323.24; Tract 323.25; Tract 323.26; Tract 323.27; Tract 323.28; Tract 323.29; Tract 324.01; Tract 324.02; Tract 325; Tract 326.01: Block Group 1: Block 1000, Block 1001, Block 1005; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050, Block 2051, Block 2052, Block 2053, Block 2054, Block 2055, Block 2056, Block 2057, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066, Block 2067, Block 2068, Block 2069, Block 2070, Block 2071, Block 2072, Block 2074, Block 2075, Block 2076, Block 2077, Block 2078, Block 2079, Block 2080, Block 2081, Block 2084, Block 2085, Block 2086, Block 2087, Block 2088, Block 2089, Block 2090, Block 2091, Block 2092, Block 2093, Block 2094, Block 2095, Block 2096, Block 2097, Block 2098, Block 2099, Block 2100, Block 2101,

Block 2102, Block 2103, Block 2104, Block 2105, Block 2106, Block 2107, Block 2108, Block 2109, Block 2110, Block 2111, Block 2112, Block 2113, Block 2114, Block 2115, Block 2116, Block 2117, Block 2118, Block 2119, Block 2120; Tract 326.02: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2013, Block 2014, Block 2017, Block 2018, Block 2019, Block 2021, Block 2022, Block 2023, Block 2034; Tract 327.02: Block Group 5: Block 5000, Block 5001, Block 5003, Block 5007, Block 5008, Block 5010, Block 5011, Block 5012, Block 5013, Block 5014, Block 5015, Block 5016, Block 5017, Block 5018, Block 5019, Block 5020, Block 5021, Block 5022, Block 5023, Block 5025, Block 5026, Block 5027, Block 5028, Block 5029, Block 5030, Block 5031, Block 5032, Block 5033, Block 5034, Block 5035, Block 5036, Block 5037, Block 5038, Block 5039, Block 5040, Block 5041, Block 5042, Block 5043, Block 5044, Block 5045, Block 5046, Block 5047, Block 5048, Block 5049, Block 5050, Block 5051, Block 5052, Block 5053, Block 5054, Block 5055, Block 5056, Block 5057, Block 5058, Block 5059, Block 5060, Block 5061, Block 5062, Block 5063, Block 5064, Block 5065, Block 5066, Block 5067, Block 5068, Block 5069, Block 5070, Block 5071, Block 5072, Block 5073, Block 5074, Block 5075, Block 5076, Block 5077, Block 5078, Block 5079, Block 5080, Block 5081, Block 5083, Block 5084, Block 5085, Block 5086, Block 5087, Block 5088, Block 5089, Block 5090, Block 5091, Block 5092, Block 5093, Block 5094, Block 5095, Block 5096, Block 5097, Block 5098, Block 5099, Block 5100, Block 5101, Block 5102, Block 5103, Block 5104, Block 5111, Block 5112, Block 5113, Block 5114, Block 5115, Block 5116, Block 5120, Block 5121, Block 5135, Block 5197, Block 5198, Block 5213, Block 5248, Block 5250, Block 5251, Block 5254, Block 5255, Block 5256, Block 5257, Block 5258, Block 5259, Block 5260; Tract 327.03: Block Group 2: Block 2003, Block 2070; Tract 327.04: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1008, Block 1010, Block 1011, Block 1012, Block 1014, Block 1016, Block 1018, Block 1019, Block 1020, Block 1057, Block 1058, Block 1059, Block 1060; Block Group 3: Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3011, Block 3012, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3028, Block 3054, Block 3055, Block 3056; Tract 328: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1044, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102, Block 1103, Block 1104, Block 1105, Block 1106, Block 1107, Block 1108, Block 1109, Block 1110, Block 1111, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117, Block 1118, Block 1119, Block 1120, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1129, Block 1130, Block 1131, Block 1132, Block 1133, Block 1134, Block 1135, Block 1136, Block 1137, Block 1138, Block 1139, Block 1140, Block 1141, Block 1142, Block 1143, Block 1144, Block 1145, Block 1146, Block 1147, Block 1148, Block 1149, Block 1150, Block 1151, Block 1152, Block 1153, Block 1154, Block 1155, Block 1156, Block 1157, Block 1158, Block 1159, Block 1160, Block 1161, Block 1162, Block 1163, Block 1164, Block 1165, Block 1168, Block 1169; 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Tract 504.02: Block Group 1: Block 1011; Tract 510: Block Group 1; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021; Block Group 3; Tract 511; Tract 512; Tract 513; Tract 514; Tract 515: Block Group 1; Block Group 2; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009; Block Group 4; Tract 516.01: Block Group 1; Block Group 2; Block Group 3; Block Group 4: Block 4000, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008; Tract 516.02; Tract 517.01; Tract 517.02; Tract 518.02; Tract 518.03; Tract 518.04; Tract 519.05; Tract 519.13; Tract 519.14; Tract 519.15: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1027; 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0011, Block 0012, Block 0013, Block 0014, Block 0015, Block 0016, Block 0017, Block 0018, Block 0019, Block 0020, Block 0021, Block 0022, Block 0023, Block 0024, Block 0025, Block 0026, Block 0027, Block 0028, Block 0029, Block 0030, Block 0031, Block 0032, Block 0033, Block 0034, Block 0035, Block 0036, Block 0037, Block 0038, Block 0039; Tract 9901; Whatcom County (part): Tract 1: Block Group 3: Block 3009, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3066, Block 3067, Block 3068, Block 3069, Block 3072, Block 3073, Block 3074, Block 3075, Block 3076, Block 3077, Block 3078, Block 3079, Block 3080, Block 3081, Block 3082, Block 3083, Block 3084, Block 3085, Block 3086, Block 3087, Block 3088, Block 3089, Block 3090, Block 3091, Block 3092, Block 3093, Block 3094, Block 3095, Block 3096, Block 3097, Block 3098, Block 3099, Block 3100, Block 3101, Block 3102, Block 3103, Block 3104, Block 3105, Block 3106; Tract 2: Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3015, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039; Block Group 4: Block 4060, Block 4062, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4069, Block 4070, Block 4071, Block 4072, Block 4073, Block 4074, Block 4075, Block 4076, Block 4077, Block 4078, Block 4079, Block 4080, Block 4081, Block 4083, Block 4086, Block 4087, Block 4088; Tract 3: Block Group 1: Block 1002, Block 1003, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3023, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035; Block Group 4; Tract 4; Tract 5.01; Tract 5.02; Tract 6; Tract 7; Tract 8.03; Tract 8.04: Block Group 1: Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1039; Block Group 2: Block 2004, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048; Tract 8.05; Tract 8.06: Block Group 1: Block 1008, Block 1026, Block 1027, Block 1028, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096; Block Group 2; Block Group 3; Tract 9.01; Tract 9.02; Tract 10; Tract 11: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1073, Block 1074, Block 1075; Block Group 2; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3057, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3063, Block 3064, Block 3065, Block 3066, Block 3067, Block 3068, Block 3069, Block 3070, Block 3071, Block 3072; Tract 12.01; Tract 12.02; Tract 101: Block Group 4: Block 4222, Block 4223, Block 4224, Block 4225, Block 4231, Block 4232, Block 4233, Block 4234, Block 4235.

District 3: Clark County; Cowlitz County; Klickitat County; Lewis County; Pacific County; Skamania County; Thurston County (part): Tract 125.10; Tract 125.20: Block Group 2: Block 2036, Block 2045, Block 2046, Block 2047, Block 2048, Block 2049, Block 2050; Block Group 3: Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3011, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4039, Block 4040, Block 4041, Block 4042, Block 4043, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4069, Block 4070, Block 4071, Block 4072, Block 4073, Block 4074, Block 4075, Block 4076, Block 4077, Block 4078, Block 4079, Block 4080, Block 4081, Block 4082, Block 4083, Block 4084, Block 4085, Block 4086, Block 4087, Block 4088, Block 4089, Block 4090, Block 4091, Block 4092, Block 4093, Block 4094, Block 4095, Block 4096, Block 4097, Block 4098, Block 4099; Tract 125.30: Block Group 3: Block 3042, Block 3043, Block 3049, Block 3050, Block 3051; Tract 126.20: Block Group 1: Block 1001, Block 1002, Block 1004, Block 1005, Block 1006, Block 1008, Block 1009, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022; Block Group 4: Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4039, Block 4040, Block 4041, Block 4042, Block 4043, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4058, Block 4060, Block 4061, Block 4062, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4069, Block 4070, Block 4071, Block 4072, Block 4073, Block 4074, Block 4075, Block 4076, Block 4077, Block 4078, Block 4079, Block 4080, Block 4081, Block 4082, Block 4083, Block 4084, Block 4085, Block 4086, Block 4087, Block 4088, Block 4089, Block 4090, Block 4091, Block 4092, Block 4093, Block 4094, Block 4095, Block 4096, Block 4097, Block 4098, Block 4099, Block 4100, Block 4101, Block 4102, Block 4103, Block 4104, Block 4105, Block 4106, Block 4107, Block 4108; Block Group 5; Tract 127.10: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1065, Block 1066, Block 1067, Block 1068; Tract 127.20: Block Group 1: Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039; Block Group 2: Block 2006, Block 2007, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2029, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4039, Block 4040, Block 4041, Block 4042, Block 4043, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054; Block Group 5; Wahkiakum County.

District 4: Adams County; Benton County; Douglas County (part): Tract 9501; Tract 9502; Tract 9503; Tract 9504: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2021, Block 2022, Block 2023, Block 2024, Block 2025, Block 2026, Block 2027, Block 2028, Block 2029, Block 2030, Block 2031, Block 2032, Block 2033, Block 2034, Block 2035, Block 2036, Block 2037, Block 2038, Block 2039, Block 2040, Block 2041, Block 2042, Block 2043, Block 2044, Block 2045, Block 2046, Block 2047, Block 2048, Block 2050, Block 2052, Block 2053, Block 2054, Block 2058, Block 2059, Block 2060, Block 2061, Block 2062, Block 2063, Block 2064, Block 2065, Block 2066; Tract 9506: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3005, Block 3006, Block 3007, Block 3008, Block 3015, Block 3017, Block 3018, Block 3019, Block 3020; Block Group 4: Block 4000; Tract 9507: Block Group 3:

Block 3000, Block 3001, Block 3002, Block 3003, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019; Tract 9508: Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2010, Block 2011, Block 2012, Block 2013, Block 2017, Block 2018, Block 2019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3063, Block 3064, Block 3067; Franklin County; Grant County; Okanogan County; Walla Walla County (part): Tract 9200: Block Group 1; Block Group 2; Block Group 3; Block Group 4: Block 4206, Block 4212, Block 4213, Block 4214, Block 4215, Block 4216, Block 4217, Block 4218, Block 4219, Block 4231, Block 4232, Block 4233, Block 4234, Block 4237, Block 4238, Block 4239, Block 4240, Block 4241, Block 4242, Block 4243, Block 4244, Block 4245, Block 4248, Block 4250, Block 4251, Block 4252, Block 4253, Block 4254, Block 4255, Block 4256, Block 4257, Block 4258, Block 4259, Block 4260, Block 4261, Block 4262, Block 4263, Block 4265, Block 4266, Block 4267, Block 4268, Block 4273, Block 4274, Block 4275, Block 4276, Block 4277, Block 4279, Block 4280, Block 4281; Tract 9201: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1044, Block 1045, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060, Block 1061, Block 1062, Block 1063, Block 1064, Block 1066, Block 1067, Block 1068, Block 1069, Block 1070, Block 1071, Block 1072, Block 1075, Block 1076, Block 1077, Block 1078, Block 1079, Block 1080, Block 1081, Block 1082, Block 1083, Block 1084, Block 1085, Block 1086, Block 1087, Block 1088, Block 1089, Block 1090, Block 1091, Block 1092, Block 1093, Block 1094, Block 1095, Block 1096, Block 1097, Block 1098, Block 1099, Block 1100, Block 1101, Block 1102, Block 1104, Block 1105, Block 1106, Block 1107, Block 1108, Block 1109, Block 1110, Block 1111, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117, Block 1118, Block 1119, Block 1120, Block 1121, Block 1122, Block 1123, Block 1124, Block 1125, Block 1126, Block 1127, Block 1128, Block 1129, Block 1130, Block 1131, Block 1132, Block 1133, Block 1134, Block 1135, Block 1136, Block 1137, Block 1138; Block Group 3: Block 3064, Block 3070, Block 3071, Block 3072, Block 3074, Block 3075, Block 3076, Block 3077, Block 3078, Block 3079, Block 3080, Block 3081, Block 3082, Block 3083, Block 3166, Block 3167, Block 3169, Block 3170, Block 3185, Block 3186, Block 3187, Block 3188, Block 3221; Yakima County.

District 5: Asotin County; Columbia County; Ferry County; Garfield County; Lincoln County; Pend Oreille County; Spokane County; Stevens County; Walla Walla County (part): Tract 9200: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4011, Block 4012, Block 4013, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024, Block 4025, Block 4026, Block 4027, Block 4028, Block 4029, Block 4030, Block 4031, Block 4032, Block 4033, Block 4034, Block 4035, Block 4036, Block 4037, Block 4038, Block 4039, Block 4040, Block 4041, Block 4042, Block 4043, Block 4044, Block 4045, Block 4046, Block 4047, Block 4048, Block 4049, Block 4050, Block 4051, Block 4052, Block 4053, Block 4054, Block 4055, Block 4056, Block 4057, Block 4058, Block 4059, Block 4060, Block 4061, Block 4062, Block 4063, Block 4064, Block 4065, Block 4066, Block 4067, Block 4068, Block 4069, Block 4070, Block 4071, Block 4072, Block 4073, Block 4074, Block 4075, Block 4076, Block 4077, Block 4078, Block 4079, Block 4080, Block 4081, Block 4082, Block 4083, Block 4084, Block 4085, Block 4086, Block 4087, Block 4088, Block 4089, Block 4090, Block 4091, Block 4092, Block 4093, Block 4094, Block 4095, Block 4096, Block 4097, Block 4098, Block 4099, Block 4100, Block 4101, Block 4102, Block 4103, Block 4104, Block 4105, Block 4106, Block 4107, Block 4108, Block 4109, Block 4110, Block 4111, Block 4112, Block 4113, Block 4114, Block 4115, Block 4116, Block 4117, Block 4118, Block 4119, Block 4120, Block 4121, Block 4122, Block 4123, Block 4124, Block 4125, Block 4126, Block 4127, Block 4128, Block 4129, Block 4130, Block 4131, Block 4132, Block 4133, Block 4134, Block 4135, Block 4136, Block 4137, Block 4138, Block 4139, Block 4140, Block 4141, Block 4142, Block 4143, Block 4144, Block 4145, Block 4146, Block 4147, Block 4148, Block 4149, Block 4150, Block 4151, Block 4152, Block 4153, Block 4154, Block 4155, Block 4156, Block 4157, Block 4158, Block 4159, Block 4160, Block 4161, Block 4162, Block 4163, Block 4164, Block 4165, Block 4166, Block 4167, Block 4168, Block 4169, Block 4170, Block 4171, Block 4172, Block 4173, Block 4174, Block 4175, Block 4176, Block 4177, Block 4178, Block 4179, Block 4180, Block 4181, Block 4182, Block 4183, Block 4184, Block 4185, Block 4186, Block 4187, Block 4188, Block 4189, Block 4190, Block 4191, Block 4192, Block 4193, Block 4194, Block 4195, Block 4196, Block 4197, Block 4198, Block 4199, Block 4200, Block 4201, Block 4202, Block 4203, Block 4204, Block 4205, Block 4207, Block 4208, Block 4209, Block 4210, Block 4211, Block 4220, Block 4221, Block 4222, Block 4223, Block 4224, Block 4225, Block 4226, Block 4227, Block 4228, Block 4229, Block 4230, Block 4235, Block 4236, Block 4246, Block 4247, Block 4249, Block 4264, Block 4269, Block 4270, Block 4271, Block 4272, Block 4278, Block 4282, Block 4283, Block 4284, Block 4285, Block 4286, Block 4287, Block 4288, Block 4289, Block 4290, Block 4291, Block 4292,

Block 4293, Block 4294; Tract 9201: Block Group 1: Block 1065, Block 1073, Block 1074, Block 1103; Block Group 2; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3030, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3037, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044, Block 3045, Block 3046, Block 3047, Block 3048, Block 3049, Block 3050, Block 3051, Block 3052, Block 3053, Block 3054, Block 3055, Block 3056, Block 3057, Block 3058, Block 3059, Block 3060, Block 3061, Block 3062, Block 3063, Block 3065, Block 3066, Block 3067, Block 3068, Block 3069, Block 3073, Block 3084, Block 3085, Block 3086, Block 3087, Block 3088, Block 3089, Block 3090, Block 3091, Block 3092, Block 3093, Block 3094, Block 3095, Block 3096, Block 3097, Block 3098, Block 3099, Block 3100, Block 3101, Block 3102, Block 3103, Block 3104, Block 3105, Block 3106, Block 3107, Block 3108, Block 3109, Block 3110, Block 3111, Block 3112, Block 3113, Block 3114, Block 3115, Block 3116, Block 3117, Block 3118, Block 3119, Block 3120, Block 3121, Block 3122, Block 3123, Block 3124, Block 3125, Block 3126, Block 3127, Block 3128, Block 3129, Block 3130, Block 3131, Block 3132, Block 3133, Block 3134, Block 3135, Block 3136, Block 3137, Block 3138, Block 3139, Block 3140, Block 3141, Block 3142, Block 3143, Block 3144, Block 3145, Block 3146, Block 3147, Block 3148, Block 3149, Block 3150, Block 3151, Block 3152, Block 3153, Block 3154, Block 3155, Block 3156, Block 3157, Block 3158, Block 3159, Block 3160, Block 3161, Block 3162, Block 3163, Block 3164, Block 3165, Block 3168, Block 3171, Block 3172, Block 3173, Block 3174, Block 3175, Block 3176, Block 3177, Block 3178, Block 3179, Block 3180, Block 3181, Block 3182, Block 3183, Block 3184, Block 3189, Block 3190, Block 3191, Block 3192, Block 3193, Block 3194, Block 3195, Block 3196, Block 3197, Block 3198, Block 3199, Block 3200, Block 3201, Block 3202, Block 3203, Block 3204, Block 3205, Block 3206, Block 3207, Block 3208, Block 3209, Block 3210, Block 3211, Block 3212, Block 3213, Block 3214, Block 3215, Block 3216, Block 3217, Block 3218, Block 3219, Block 3220, Block 3222, Block 3223, Block 3224, Block 3225, Block 3226, Block 3227; Block Group 4; Block Group 5; Tract 9202; Tract 9203; Tract 9204; Tract 9205; Tract 9206; Tract 9207.01; Tract 9207.02; Tract 9208.01; Tract 9208.02; Tract 9209; Whitman County.

District 6: Clallam County; Grays Harbor County; Jefferson County; Kitsap County; Mason County (part): Tract 9400; Tract 9601; Tract 9602; Tract 9603; Tract 9604; Tract 9605; Tract 9606: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1020, Block 1021, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2018, Block 2019, Block 2020, Block 2028, Block 2032, Block 2033; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3018, Block 3019, Block 3020, Block 3021, Block 3022, Block 3023, Block 3024, Block 3025, Block 3026, Block 3027, Block 3028, Block 3029, Block 3031, Block 3032, Block 3033, Block 3034, Block 3035, Block 3036, Block 3038, Block 3039, Block 3040, Block 3041, Block 3042, Block 3043, Block 3044; Tract 9608: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1020; Block Group 2: Block 2019; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3020, Block 3021, Block 3022, Block 3023; Tract 9610: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037; Tract 9611; Tract 9612; Tract 9613: Block Group 1: Block 1024, Block 1033, Block 1034, Block 1035, Block 1036; Block Group 2; Pierce County (part): Tract 602: Block Group 1: Block 1108, Block 1109, Block 1110, Block 1111, Block 1112, Block 1113, Block 1114, Block 1115, Block 1116, Block 1117, Block 1118, Block 1119, Block 1120, Block 1121, Block 1122, Block 1123, Block 1124, Block 1149, Block 1153, Block 1233, Block 1234, Block 1235, Block 1245, Block 1246, Block 1247, Block 1248, Block 1249; Tract 603; Tract 604; Tract 605; Tract 606; Tract 607; Tract 608; Tract 609.03; Tract 609.04; Tract 609.05; Tract 609.06; Tract 610.01; Tract 610.02; Tract 611; Tract 612; Tract 613; Tract 614; Tract 615; Tract 616.01; Tract 616.02: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1027, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1033, Block 1034, Block 1035, Block 1036, Block 1037, Block 1038, Block 1039, Block 1040, Block 1041, Block 1042, Block 1043, Block 1046, Block 1047, Block 1048, Block 1049, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1055, Block 1056, Block 1057, Block 1058, Block 1059, Block 1060,

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District 7: King County (part): Tract 1; Tract 2; Tract 3; Tract 4.01; Tract 4.02; Tract 5; Tract 6; Tract 7; Tract 8; Tract 9; Tract 10; Tract 11; Tract 12; Tract 13; Tract 14; Tract 15; Tract 16; Tract 17.01; Tract 17.02; Tract 18; Tract 19; Tract 20; Tract 21; Tract 22; Tract 24; Tract 25; Tract 26; Tract 27; Tract 28; Tract 29; Tract 30; Tract 31; Tract 32; Tract 33; Tract 34; Tract 35; Tract 36; Tract 38; Tract 39; Tract 40; Tract 41; Tract 42; Tract 43.01; Tract 43.02; Tract 44; Tract 45; Tract 46; Tract 47; Tract 48; Tract 49; Tract 50; Tract 51; Tract 52; Tract 53.01; Tract 53.02; Tract 54; Tract 56; Tract 57; Tract 58.01; Tract 58.02; Tract 59; Tract 60; Tract 61; Tract 62; Tract 63; Tract 64; Tract 65; Tract 66; Tract 67; Tract 68; Tract 69; Tract 70; Tract 71; Tract 72; Tract 73; Tract 74.01; Tract 74.02; Tract 75: Block Group 1; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010; Block Group 3; Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003, Block 4004, Block 4005, Block 4006, Block 4007, Block 4008, Block 4009, Block 4010, Block 4014, Block 4015, Block 4016, Block 4017, Block 4018, Block 4019, Block 4020, Block 4021, Block 4022, Block 4023, Block 4024; Block Group 5; Tract 76; Tract 77: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1011, Block 1012, Block 1013; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2018; Block Group 4: Block 4001, Block 4002, Block 4004, Block 4005; Tract 78: Block Group 1: Block 1000, Block 1001, Block 1002, Block 1003, Block 1004, Block 1005, Block 1007, Block 1008, Block 1009, Block 1010, Block 1013, Block 1014, Block 1015, Block 1016, Block 1017, Block 1018, Block 1019, Block 1020, Block 1021, Block 1022, Block 1023, Block 1024, Block 1025, Block 1026, Block 1028, Block 1029, Block 1030, Block 1031, Block 1032, Block 1035, Block 1036, Block 1050, Block 1051, Block 1052, Block 1053, Block 1054, Block 1056, Block 1057; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block 2015, Block 2016, Block 2017, Block 2026, Block 2027, Block 2033; Block Group 3: Block 3000, Block 3001, Block 3002, Block 3003, Block 3004, Block 3005, Block 3006, Block 3007, Block 3008, Block 3009, Block 3010, Block 3011, Block 3012, Block 3013, Block 3014, Block 3015, Block 3016, Block 3017, Block 3026, Block 3027, Block 3028; Block Group 4; Tract 79: Block Group 4: Block 4000, Block 4001, Block 4002, Block 4003; Block Group 5; Tract 80.01; Tract 80.02; Tract 81; Tract 82; Tract 83; Tract 84: Block Group 1; Block Group 2: Block 2000, Block 2001, Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2013, Block 2014, Block 2015, Block 2016; Block Group 3; Tract 85: Block Group 1: Block 1006, Block 1007, Block 1008, Block 1009, Block 1010, Block 1022, Block 1023, Block 1024; Block Group 3: Block 3006, Block 3007; Tract 92: Block Group 2: Block 2002, Block 2003, Block 2004, Block 2005, Block 2006, Block 2007, Block 2008, Block 2009, Block 2010, Block 2011, Block 2012, Block 2013, Block 2014, Block

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Chapter 29A.80 RCW
POLITICAL PARTIES

Sections

29A.80.010 Rule-making authority.
29A.80.020 State committee.
29A.80.030 County central committee—Organization meetings.
29A.80.031 Precinct committee officer.
29A.80.041 Precinct committee officer, eligibility.
29A.80.051 Precinct committee officer—Election—Term.
29A.80.061 Legislative district chair—Election—Term—Removal.

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

Party affiliation not required: RCW 29A.08.166.

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: (1) 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.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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

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: (1) 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.

(2) The constitutionality of Initiative Measure No. 872 was upheld in *Washington State Grange v. Washington State Republican Party, et al*., 552 U.S. . . . (2008).

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.]

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.]

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.]

29A.80.041 Precinct committee officer, eligibility. Any member of a major political party who is a registered voter in the precinct 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. When elected at the primary, the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct. [2009 c 106 § 3; 2004 c 271 § 148.]

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.

29A.80.061 Legislative district chair—Election—Term—Removal. Within forty-five 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 electing 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 elected.

The legislative district chair may be removed only by the majority vote of the elected precinct committee officers in the chair's district. [2004 c 271 § 150.]

Chapter 29A.84 RCW
CRIMES AND PENALTIES

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No link between voter and ballot choices: RCW 29A.08.161.

Party affiliation not required: RCW 29A.08.166.

GENERAL PROVISIONS

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.]

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.

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.]

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.]

Political advertising
generally: RCW 42.17A.320 through 42.17A.340.
rates for candidates: RCW 65.16.095.

Additional notes found at www.leg.wa.gov

29A.84.050 Tampering with registration form, ballot declaration. (1) A person who knowingly destroys, alters, defaces, conceals, or discards a completed voter registration form or signed ballot declaration 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 or signed ballot declaration to the proper state or county elections office by the applicable deadline is guilty of a gross misdemeanor. [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.

REGISTRATION

29A.84.110 Officials' violations. If any county auditor or registration assistant:

(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,

he or she 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 § 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.]

Additional notes found at www.leg.wa.gov

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.]

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 c 1 § 27; RRS § 5114-27; prior: 1893 c 45 § 5; 1889 p 418 § 16; RRS § 5136. Formerly RCW 29.07.410, 29.85.200.]

Additional notes found at www.leg.wa.gov

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. [2005 c 246 § 22; 2003 c 111 § 2108. Prior: 2001 c 41 § 13. Formerly RCW 29.85.249.]

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

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.

PETITIONS AND SIGNATURES

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.]

Additional notes found at www.leg.wa.gov

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.

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.

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.

Additional notes found at www.leg.wa.gov

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.

29A.84.250 Violations—Corrupt practices—Initiative, referendum petitions. 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.

Misconduct in signing a petition: RCW 9.44.080.

Additional notes found at www.leg.wa.gov

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.]

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.

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.]

Additional notes found at www.leg.wa.gov

FILING FOR OFFICE, DECLARATIONS, AND NOMINATIONS

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 chap-

ter 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.]

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.

BALLOTS

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

VOTING CENTER

29A.84.510 Acts prohibited in voting center—Prohibited practices. (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:

(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) 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) Any sheriff, deputy sheriff, or municipal law enforcement officer shall stop the prohibited activity, and may arrest any person engaging in the prohibited activity.

(3) 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. [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.

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

Additional notes found at www.leg.wa.gov

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, gen-

eral 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.

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.

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 gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. [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.

Additional notes found at www.leg.wa.gov

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.

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 and for enabling a voter to prepare his or her ballot is guilty of a class C felony punishable under RCW 9A.20.021. [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.

Additional notes found at www.leg.wa.gov

29A.84.560 Voting machines, devices—Tampering with—Extra keys. 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 makes or has in his or her possession a key to a 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. [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.]

Additional notes found at www.leg.wa.gov

VOTING

29A.84.610 Deceptive, incorrect vote recording. 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; or

(2) Records the vote of any voter in a manner other than as designated by the voter.

Such a gross misdemeanor is punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. [2003 c 111 § 2127. Prior: 1991 c 81 § 4. Formerly RCW 29.85.051.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.

Additional notes found at www.leg.wa.gov

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.]

Additional notes found at www.leg.wa.gov

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.

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

Tampering with registration form, ballot declaration: RCW 29A.84.050.

Additional notes found at www.leg.wa.gov

CANVASSING AND CERTIFYING

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.]

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 who, in the performance of such duty, or in his or her 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 his or her office. [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.]

Additional notes found at www.leg.wa.gov

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.

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

Divulging returns in voting device precincts: RCW 29A.60.120.

Additional notes found at www.leg.wa.gov

Chapter 29A.88 RCW
NUCLEAR WASTE SITE—ELECTION FOR DISAPPROVAL

Sections

29A.88.010 Findings.
29A.88.020 High-level repository—Selection of site in state—Special election for disapproval.
29A.88.030 Costs of election.
29A.88.040 Special election—Notification of auditors—Application of election laws.
29A.88.050 Ballot title.
29A.88.060 Effect of vote.

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.]

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.]

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.]

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.]

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.]

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.]