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Title 29 ELECTIONS

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FOR ELECTORAL SYSTEMS
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WASHINGTON, DC 20005

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number: RCW 3.34.010, 3.34.020.
oath: RCW 3.34.080.
qualifications: RCW 3.34.060.
term of office: RCW 3.34.070.
vacancies—remuneration: RCW 3.34.100.
- District officers: State Constitution Art. 11 § 5.
- Drainage districts
commissioners, vacancies: RCW 85.06.080.
election to authorize: RCW 85.38.050, 85.38.060.
owners of extraterritorial lands on rolls as electors, may be commissioners under drainage district revenue act: RCW 85.32.150.
- Elections generally
continuity of government act as affecting: State Constitution Art. 2 § 42 (Amendment 39).
freedom of elections: State Constitution Art. 1 § 19.
time of holding, constitutional requirements: State Constitution Art. 6 § 8.
- Electors and voters
absence of certain persons not to affect rights as: State Constitution Art. 6 § 3.
age: State Constitution Art. 6 § 1.
basis for ascertaining number of voters required on referendum petition: State Constitution Art. 2 § 1(a).
citizenship qualifications: State Constitution Art. 6 § 1.
disqualification
conviction of infamous crimes: State Constitution Art. 6 § 3.
conviction of subversive act, bars right to vote: RCW 9.81.040.
insane persons, criminals: State Constitution Art. 6 § 3.
- exempt from military duty on election day: State Constitution Art. 6 § 5.
initiative measure, percentage of voters required to propose: State Constitution Art. 2 § 2(a).
majority vote as required for approval of measures submitted to popular vote: State Constitution Art. 2 § 1.
number of voters on referendum petition: State Constitution Art. 2 § 1(a).
percentage of voters required on proposed initiative measures: State Constitution Art. 2 § 1(a).
percentage of voters required on referendum petition: State Constitution Art. 2 § 1(a).
presidential elections: State Constitution Art. 6 § 1(a).
privilege from arrest, when: State Constitution Art. 6 § 5.
qualifications: State Constitution Art. 6 § 1.
recall of public officer, percentage of voters required for petition: State Constitution Art. 1 §§ 33, 34.
referendum petition, basis for ascertaining number of voters required: State Constitution Art. 2 § 1(a).
residence qualifications: State Constitution Art. 6 §§ 1, 4.
secrecy in voting, secured by legislature: State Constitution Art. 6 § 6.
- Eligibility to hold public office in general: RCW 42.04.020.
- Employer's duty to provide time to vote: RCW 49.28.120.
- Executive—State
certain offices may be abolished: State Constitution Art. 3 § 25 (Amendment 31).
elected, when: State Constitution Art. 3 § 1.
returns of elections, canvass, etc.: State Constitution Art. 3 § 4.
- Federal social security, public employees may elect to come under: RCW 41.48.070.
- Filings—Initiative and referendum petitions: State Constitution Art. 2 § 1.
- Financial disclosure by candidates and public officials: Chapter 42.17 RCW.
- Fire protection districts
benefit charges
ballot form: RCW 52.18.050.
voter approval required: RCW 52.18.050.
executory conditional sales contracts for purchase of property: RCW 52.12.061.
formation and organization, generally: Chapter 52.04 RCW.
merger of part of district with adjacent district: RCW 52.06.090.
merger with other districts: RCW 52.06.060.
special elections: RCW 52.30.010.
- Flood control districts
bonds, utility revenue, election to authorize issuance of: RCW 86.09.601.
contracts with United States or state, when submission to electors required: RCW 86.09.172.
creation, election on: RCW 85.38.050, 85.38.060.
dissolution, election for: RCW 86.09.622.
governing board—Terms, etc.: RCW 85.38.070.
- Flood control zone districts
abolishment of, vote on: RCW 86.15.200.
bonds, general obligation, to be issued only upon voter's approval: RCW 86.15.170.
excess levies and assessments to be voted on: RCW 86.15.160.
transfer of property, voter approval, when: RCW 86.15.210.
- Free exercise of right of suffrage: State Constitution Art. 1 § 19.
- Freeholders—Home rule charter: State Constitution Art. 11 § 4.
- General municipal incorporation election, effect: RCW 35.02.130.
- Governor, vacancy in office of, election to fill: State Constitution Art. 3 § 10.
- Initiative and referendum
amendment or repeal by vote of people: State Constitution Art. 2 § 41 (Amendment 26).
as legislative power: State Constitution Art. 2 § 1 (Amendments 7, 26, 30, 36).
ballots: State Constitution Art. 2 § 1 (Amendment 7).
change or amendment of, prohibition against: State Constitution Art. 2 § 1.
cities and towns
cities with commission form of government, ordinances subject to: RCW 35.17.220, 35.17.240.
first class cities, charter provisions: RCW 35.22.200.
noncharter code cities: RCW 35A.11.080 through 35A.11.100.

- ordinances by petition, commission government cities: RCW 35.17.260 through 35.17.360.
- conflicting measures, method of submitting to popular vote: State Constitution Art. 2 § 1.
- effective date of acts or bills subject to referendum: State Constitution Art. 2 § 41.
- effective date of measure after approval on submission to the people: State Constitution Art. 2 § 1.
- elections**
- amendment or repeal of bills approved by electors: State Constitution Art. 2 § 41.
- majority vote as required for approval of measure submitted: State Constitution Art. 2 § 1.
- special, regular, reference of measures to people at: State Constitution Art. 2 § 1.
- exceptions from power of referendum: State Constitution Art. 2 § 1.
- filed when, with whom: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).
- legislature**
- member of, retains right to introduce measure: State Constitution Art. 2 § 1.
- proposal of different measure by legislature: State Constitution Art. 2 § 1.
- referendum through action of: State Constitution Art. 2 § 1.
- rejection of initiative measure by: State Constitution Art. 2 § 1.
- repeal of bill: State Constitution Art. 2 § 41.
- transmitting petition to: State Constitution Art. 2 § 1.
- noncharter code cities, in: RCW 35A.11.080 through 35A.11.100.
- petition**
- precedence over other bills: State Constitution Art. 2 § 1.
- rejected or not acted upon by legislature: State Constitution Art. 2 § 1.
- signatures, number required: State Constitution Art. 2 § 1(a).
- transmission to legislature: State Constitution Art. 2 § 1.
- petition to people, initiative**
- form: State Constitution Art. 2 § 1.
- reservation by the people of the power of: State Constitution Art. 2 § 1.
- precedence of initiative measures over other bills: State Constitution Art. 2 § 1.
- public institutions, exception from power of referendum of bills affecting: State Constitution Art. 2 § 1.
- publicity: State Constitution Art. 2 § 1(e) (Amendment 36).
- referendum by legislature—Power of, exception: State Constitution Art. 2 § 1.
- sales tax referendum by county or city: RCW 82.14.036.
- secretary of state**
- filing of proposals and petitions with: State Constitution Art. 2 § 1.
- general laws governing: State Constitution Art. 2 § 1.
- signatures required: State Constitution Art. 2 § 1(a) (Amendment 30).
- style of bill proposed by initiative petition: State Constitution Art. 2 § 1.
- veto power of governor as extending to measures: State Constitution Art. 2 § 1.
- voters' pamphlet—Publication date: State Constitution Art. 2 § 1.
- Intercounty rural library districts, establishment: RCW 27.12.100.
- Intercounty weed district directors: RCW 17.06.050.
- Intoxicating liquor**
- concurrent liquor elections in same election unit prohibited: RCW 66.40.150.
- local option on sale, generally: Chapter 66.40 RCW.
- purchase election day by candidates, certain purposes, prohibition: RCW 66.44.265.
- Irrigation and rehabilitation districts**
- converting irrigation district to, election on: RCW 87.84.040.
- special assessments for, election on: RCW 87.84.070.
- Irrigation districts**
- ballots: RCW 87.03.075.
- bonds**
- election for: RCW 87.03.200.
- revenue, election on: RCW 87.28.103.
- change of boundaries, election on: RCW 87.03.590.
- comprising two hundred thousand or more acres, contracts with United States by, election on, notice requisites: RCW 87.68.060.
- consolidation of, election for: RCW 87.03.535.
- director divisions**
- election of directors—Terms: RCW 87.04.080.
- election to divide or redivide districts: RCW 87.04.070.
- directors**
- declaration of candidacy—Election—Qualification, terms, etc.: RCW 87.03.020 through 87.03.110.
- recall, discharge: RCW 87.03.083.
- terms, duties, upon consolidation: RCW 87.03.540.
- dissolution of insolvent districts, election on: RCW 87.56.010.
- dissolution when bonded indebtedness, election on: RCW 87.53.040 through 87.53.060.
- dissolution when no bonded indebtedness, 1897 act, election on: RCW 87.52.030, 87.52.040.
- dissolution when no bonded indebtedness, 1939 act, election on: RCW 87.52.090.
- elections, generally: RCW 87.03.020 through 87.03.110.
- exclusion of land from, election on: RCW 87.03.675, 87.03.680.
- generally: RCW 87.03.030.
- merger with drainage, joint drainage, or consolidated drainage improvement district, election on: RCW 87.03.740.
- only one qualified candidate nominated, no election required: RCW 87.03.075.
- organization, generally: RCW 87.03.020, 87.03.030 through 87.03.034.
- petitions for nomination: RCW 87.03.075.
- post-organization: RCW 87.03.085 through 87.03.110.
- proposed works—Plan of development, special election on: RCW 87.03.190.
- refunding bonds—1923 act, election for authorization of: RCW 87.19.010, 87.19.020.
- refunding bonds—1929 act, election to authorize: RCW 87.22.120 through 87.22.140.
- special assessments—Election—Coupon notes: RCW 87.03.470.
- voter qualifications, districts of 200,000 acres: RCW 87.03.045.
- Joint aid river and harbor improvements, indebtedness for, election on:** RCW 88.32.230.
- Judges of court of appeals**
- additional members: RCW 2.06.075.
- generally: RCW 2.06.070.
- Judicial**
- superior court judges**
- election: State Constitution Art. 4 § 5, RCW 2.08.060.
- term of office: RCW 2.08.070.
- to fill vacancy: RCW 2.08.120.
- vacancies resulting from creation of additional judgeships: RCW 2.08.069.
- supreme court justices**
- election: State Constitution Art. 4 § 3.
- election of: RCW 2.04.071.
- vacancy, how filled: RCW 2.04.100.
- Juror must be an elector:** RCW 2.36.070(1).
- Justice and inferior courts act of 1961, election procedure:** RCW 3.34.050.
- Justices of the peace (see also District judges)**
- construction of: RCW 3.30.015.
- Legislature**
- contest of election—Depositions: RCW 44.04.100.
- election of (own) officers: State Constitution Art. 2 § 10.
- election of officers, first legislature to provide for: State Constitution Art. 27 § 11.
- elections—Viva voce vote: State Constitution Art. 2 § 27.
- judges of their own election and qualification: State Constitution Art. 2 § 8.
- limitation on members holding federal or other office: State Constitution Art. 2 § 14.
- limitation on members holding office in the state: State Constitution Art. 2 § 13.
- representatives**
- apportionment: State Constitution Art. 22 § 2.
- election of: State Constitution Art. 2 § 4.
- when to be held: State Constitution Art. 2 § 5.
- senators**
- apportionment: State Constitution Art. 22 § 1.
- election of: State Constitution Art. 2 § 6.

Legislature—Congressional, representatives, election of: State Constitution Art. 27 § 13.

Libraries

board of trustees, election of: RCW 27.12.190.
county, executory conditional sales contracts for purchase of property by, election on, when: RCW 39.30.010.
dissolution of, election on: RCW 27.12.320.
district, executory conditional sales contracts for purchase of property by, election on, when: RCW 39.30.010.
election to establish: RCW 27.12.030.
excess levies for, election on: RCW 27.12.222.
intercounty rural library districts
election on assumption of indebtedness of former library district: RCW 27.12.120.
election to establish: RCW 27.12.100.
rural library district
election to establish: RCW 27.12.040.
election to expand into intercounty rural library district: RCW 27.12.110.

Limitation on levies: State Constitution Art. 7 § 2 (Amendments 55 and 59).

Liquor

concurrent liquor elections in same election unit prohibited: RCW 66.40.150.
local option, election on: Chapter 66.40 RCW.
purchase on election day by candidates, certain purposes, prohibition: RCW 66.44.265.

Materials specifically authorized to be printed and distributed by secretary of state: RCW 43.07.140.

Metropolitan municipal corporations

additional functions: RCW 35.58.100.
annexation of territory: RCW 35.58.530 through 35.58.550.
comprehensive plan, functions: RCW 35.58.114.
election procedure for formation and tax levy: RCW 35.58.090.

Metropolitan park districts

ballots: RCW 35.61.030.
bond issues
canvass: RCW 39.40.030.
certification of results: RCW 39.40.030.
existing election laws apply: RCW 39.40.020.
vote required: RCW 39.40.010.
council ordinances, publication: RCW 35.61.030.
favorable vote, effect: RCW 35.61.090.
laws governing: RCW 35.61.090.
park commissioners: RCW 35.61.050 through 35.61.070.
petitions for: RCW 35.61.020.
voter eligibility: RCW 35.61.080.

Military duty, when voter excepted from: State Constitution Art. 6 § 5.

Military interference prohibited: State Constitution Art. 1 § 19.

Militia

officers of may be elected if legislature so directs: State Constitution Art. 10 § 2.
privileged from arrest while attending elections of officers: State Constitution Art. 10 § 5.

Mosquito control district

annexations: RCW 17.28.340.
consolidations: RCW 17.28.380.
declaration establishing and naming district—Election to form district, etc.: RCW 17.28.090.
dissolution: RCW 17.28.420.
election on annexation of territory: RCW 17.28.340.
election on consolidation of districts: RCW 17.28.380.
election on dissolution of: RCW 17.28.420, 17.28.430.
election on proposition to levy tax: RCW 17.28.100.
excess tax levy proposition: RCW 17.28.252.
expenses of special election: RCW 17.28.300.
formation: RCW 17.28.090.
tax levy propositions: RCW 17.28.100.

Municipal corporations, indebtedness, election to permit special indebtedness: State Constitution Art. 8 § 6 (Amendment 27).

Municipal courts—Cities over five hundred thousand
election of judges—Vacancies: RCW 35.20.150.

qualifications of judges, etc.: RCW 35.20.170.

Newspaper advertising rates for candidates: RCW 65.16.095.

Nonpartisan—Court of appeals judges
additional members: RCW 2.06.075.
generally: RCW 2.06.070.

Park and recreation districts

assumption of office: RCW 36.69.080.
commissioners: RCW 36.69.090.
formation: RCW 36.69.060 through 36.69.080.
property tax levies: RCW 36.69.145.

Parks and recreation—Joint districts, multi-counties

election procedure: RCW 36.69.440.
formation, petition: RCW 36.69.430.
formation procedure: RCW 36.69.440.

Port districts

annexation of property to, election on: RCW 53.04.080.
bond elections

certification of votes—Canvass: RCW 39.40.030.
existing laws to apply: RCW 39.40.020.
forty percent poll of voters required: RCW 39.40.010.
change of name, election on: RCW 53.04.110.

commissioners

change of district boundary not to affect term: RCW 53.16.030.
qualifications—Nominations—Declaration of candidacy—Election—Vacancies—Terms, etc.: Chapter 53.12 RCW.
consolidation of, election for: Chapter 53.46 RCW.

elections

acquisition and operating: RCW 53.04.017.
annexation of territory: RCW 53.04.080, 53.04.100.
bond issues

canvass

certification of results: RCW 39.40.030.
existing election laws apply: RCW 39.40.020.
vote required: RCW 39.40.010.

commission and commissioners

additional commissioners, positions: RCW 53.12.010, 53.12.120, 53.12.130.

administrative programs

coordination: RCW 53.06.050.
reports: RCW 53.06.020.

compensation

generally: RCW 53.12.260.
insurance not deemed compensation: RCW 53.08.170.
waiver of: RCW 53.12.265.

consolidation with other districts, effect: RCW 53.46.030.

number of: RCW 53.12.010.

organization: RCW 53.12.245.

passenger carrying watercraft, commission duties: RCW 53.08.295.

powers

delegation of to managing official: RCW 53.12.270.
generally: RCW 53.12.245.

how exercised: RCW 53.12.010.

quorum: RCW 53.12.246.

reports, administrative programs: RCW 53.06.020.

rules and regulations: RCW 53.08.220.

terms of office, boundary revision, effect: RCW 53.16.030.

vacancies

how caused: RCW 53.12.140.

how filled: RCW 53.12.150.

formation, election on: Chapter 53.04 RCW.

funding or refunding indebtedness, election on: Chapter 53.44 RCW.

harbor improvements, vote on, when: RCW 53.20.040.

indebtedness beyond statutory limitation, election on: RCW 53.36.030.

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operation of foreign trade zones, incurring indebtedness for, election on: RCW 53.08.030.

sale of property no longer needed by vote, when: RCW 53.08.090.

Public disclosure of campaign financing and financial affairs of public officials: Chapter 42.17 RCW.

Public employees, qualifications and eligibility to hold office: RCW 42.04.020.

Public hospital districts

- commissioners**
 elections, terms: RCW 70.44.040, 70.44.045.
 members, staggered terms: RCW 70.44.057.
 number: RCW 70.44.053.
 creation of, election: Chapter 70.44 RCW.
 excess levy elections: RCW 70.44.110.
 intercounty districts: RCW 70.44.055.
 plan to construct or improve, election on: RCW 70.44.110.
- Public officers**
 continuity of government: State Constitution Art. 2 § 42 (Amendment 39).
 continuity of government act: Chapter 42.14 RCW.
 subversive persons ineligible: RCW 9.81.040 through 9.81.110.
 term of person elected to fill vacancy: RCW 42.12.030.
- Public utility districts**
 acquisition of property, etc., by, bonding for, election, when: RCW 54.24.018.
 commissioners: RCW 54.08.060.
 consolidation of, election, when: RCW 54.32.010.
 elections generally: RCW 54.04.060.
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- first class district**
 election to reclassify district as—Ballot form—Vote required: RCW 54.40.040.
 existing districts—Qualification—Voter's approval: RCW 54.40.020.
 petition for reclassification—Certificate of sufficiency—Election date, notice: RCW 54.40.050.
- first commissioners:** RCW 54.12.010.
five commissioner districts, classification as: RCW 54.40.040, 54.40.050.
formation, new district: RCW 54.08.010, 54.08.041, 54.08.060.
general provisions: RCW 54.04.060.
power facilities construction, voter approval: RCW 54.08.060.
sale, lease, disposition of properties by, approval by voters: RCW 54.16.180.
- Qualifications of electors: State Constitution Art. 6 § 1 (Amendment 5)**
 registration, compliance with: State Constitution Art. 6 § 7.
 residence, contingencies affecting: State Constitution Art. 6 § 4.
 who disqualified: State Constitution Art. 6 § 3.
- Qualifications of state officer: State Constitution Art. 3 § 25 (Amendment 31).**
- Ratification of constitutional amendments, submission to voters: State Constitution Art. 23 § 1.**
- Recall legislation not to limit initiative and referendum powers reserved to the people: State Constitution Art. 1 § 34 (Amendment 8).**
- Recall of elective officers: State Constitution Art. 1 §§ 33 and 34 (Amendment 8).**
- Reclamation districts of one million acres**
 bonds, negotiable bonds of general improvement or divisional district, election to authorize: RCW 89.30.526 through 89.30.541.
 contracts with United States or state, election on: RCW 89.30.166, 89.30.169.
 creation, election on: RCW 89.30.085 through 89.30.100.
 debt limit, election to exceed: RCW 89.30.403.
 directors—Election, nomination, terms, vacancies, etc.: RCW 89.30.244 through 89.30.256, 89.30.373 through 89.30.385.
 divisional districts: RCW 89.30.484 through 89.30.496.
 elections, generally: RCW 89.30.334 through 89.30.388.
 special assessments by general improvement or divisional district, election on: RCW 89.30.760 through 89.30.772.
 taxes, approval of electors: RCW 89.30.391.
- Referendum (see also Initiative and referendum)**
 cities and towns public transportation systems, financing: RCW 35.95.090.
- Registration, constitutional requirements: State Constitution Art. 6 § 7.**
- Religious qualification, none may be required for any public office: State Constitution Art. 1 § 11 (Amendment 34).**
- Residence—Conditions by which not lost: State Constitution Art. 6 § 4.**
- Rural county library districts, petition for establishment: RCW 27.12.040.**
- School election to be conducted according to Title 29 RCW: RCW 28A.320.410.**
- Schools and school districts**
 acquisition of property by conditional sales contracts, election when: RCW 28A.335.200.
 adjustment of bonded indebtedness
 calling of, requirements: RCW 28A.315.160.
 notice of: RCW 28A.315.170.
 vote required: RCW 28A.315.180.
 board of directors
 appearance of positions on ballot, placement of: RCW 28A.315.480
 designation by lot of positions to be filled: RCW 28A.315.470.
 filing declarations of candidacy: RCW 28A.315.470.
 positions of directors on ballot, order of appearance: RCW 28A.315.480.
 bond issues
 refunding former issues, election not required: RCW 28A.530.040.
 required for issuance: RCW 28A.530.010.
 vote required, when indebtedness exceeded: RCW 28A.530.020.
 capital fund aid by nonhigh districts
 bond, excess levy, elections for: RCW 28A.540.060.
 rejection by voters—Additional elections, etc.: RCW 28A.540.070, 28A.540.080.
 change of name of district: RCW 28A.315.710.
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 ballots, form: RCW 28A.315.480.
 cities of 400,000 in first class
 director districts: RCW 28A.315.670.
 term of office: RCW 28A.315.460.
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 designation of position: RCW 28A.315.470.
 election: RCW 28A.315.450.
 meetings: RCW 28A.315.510.
 number of directors: RCW 28A.315.450.
 oath of office: RCW 28A.315.500.
 qualifications: RCW 28A.315.490.
 term of office: RCW 28A.315.450.
 terms of office: RCW 28A.315.570.
 vacancies, filling: RCW 28A.315.530.
 district bonds for lands, buildings, and equipment
 elections on: RCW 28A.530.010, 28A.530.020.
 refunding former issues without vote of the people: RCW 28A.530.040.
 educational service district board, special rules for electors to vote in joint districts: RCW 28A.315.390.
 elections—Qualifications of electors—Voting place: RCW 28A.320.400.
 first class districts, officers: RCW 28A.330.020.
 law applicable to: RCW 28A.320.410.
 new district formation
 calling of election, requirements: RCW 28A.315.160.
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 nonhigh school district capital fund aid to high school districts, bond issue and tax levy for: RCW 28A.540.060.
 organization, reorganization
 candidates in undivided districts to indicate term sought—How elected: RCW 28A.315.560.
 directors' districts in certain school district containing city—Election to authorize division in school districts not already divided into directors' districts: RCW 28A.315.590.
 elections under, generally: Chapter 28A.315 RCW.
 joint school districts, special rules for electors voting for directors: RCW 28A.315.390.
 special elections for
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 transfer of territory to another district, election on: RCW 28A.315.280.
 union high school districts, directors—Elections—Terms—Number—Declaration of candidacy: RCW 28A.315.450.
 vote, how determined—Certification, etc.: RCW 28A.315.180.
 proper polling places: RCW 28A.320.400.
 qualifications of voters: RCW 28A.320.400.
 real property, sale of, when subject to election: RCW 28A.335.120.
 second and third class districts
 schoolhouses, teachers' cottages, vote on erection of: RCW 28A.335.240.
 vacancies—Declaration of—Filling: RCW 28A.315.530.

- special meetings of voters: RCW 28A.320.420 through 28A.320.440.
 terms of office: RCW 28A.315.570, 28A.315.680, 29.13.050.
 times for holding elections
 first class districts and counties with a population of two hundred
 ten thousand or more with first class city: RCW 29.13.060.
 generally: RCW 29.13.010, 29.13.020.
 vacancies, declaration of, filling: RCW 28A.315.530.
- validating indebtedness
 manner and result of election: RCW 28A.535.040.
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 28A.535.070.
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 28A.535.020.
- Secrecy in voting—Ballots: State Constitution Art. 6 § 6.
 Secretary of state—Certifying of returns: RCW 43.07.030.
- Sewer districts
 additions or betterments, indebtedness for, submission to voters: RCW
 56.16.030.
 annexation of territory to, election for: Chapter 56.24 RCW.
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 commissioners, elections—Terms of office—Nominations—Vacancies:
 RCW 56.12.020, 56.12.030.
 consolidation of districts: RCW 56.32.040.
 formation, election for: Chapter 56.04 RCW.
 general indebtedness, submission to voters: RCW 56.16.010.
 jurisdiction of elections in joint sewer districts—Filing of declarations of
 candidacy—Joint sewer district defined: RCW 56.02.050.
 limitation on indebtedness, election to exceed: RCW 56.16.050.
 merger of districts: RCW 56.32.100, 56.32.110.
- Soil and water conservation districts
 dissolution, election for: RCW 89.08.350.
 election to form: RCW 89.08.110 through 89.08.140.
 supervisors, nomination and election—Terms, vacancies, etc.: RCW
 89.08.190, 89.08.200.
- Special elections
 cities and towns, election for incorporation of as: State Constitution Art.
 11 § 10 (Amendment 40).
 county "Home Rule" charter election as: State Constitution Art. 11 § 4
 (Amendment 21).
 limitation on levies: State Constitution Art. 7 § 2 (Amendments 55 and
 59).
 recall of elective officers as: State Constitution Art. 1 §§ 33 and 34
 (Amendment 8).
 reference of measures to people: State Constitution Art. 2 § 1.
 state, to authorize debt: State Constitution Art. 8 § 3.
- Special indebtedness by state, election to permit: State Constitution Art. 8
 § 3 (Amendment 60).
- State capital
 change of, necessary votes for: State Constitution Art. 14 § 2.
 location of, vote on: State Constitution Art. 14 § 1.
- State measures: State Constitution Art. 23 § 1.
- State officers
 election: State Constitution Art. 3 § 4.
 terms of office: RCW 43.01.010.
- Subversive activities, effect of conviction: RCW 9.81.040.
- Superintendent of public instruction, election—Term of office: RCW
 28A.300.010.
- Superior court
 county clerk as clerk of: State Constitution Art. 4 § 26.
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Chapter 29.01
DEFINITIONS

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29.01.005 Scope of definitions. Words and phrases as defined in this chapter, wherever used in Title 29 RCW, shall have the meaning as in this chapter ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part. [1965 c 9 § 29.01.005. For like prior law see 1907 c 209 § 1, part; RRS § 5177, part.]

29.01.006 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,

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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. [1990 c 59 § 2; 1977 ex.s. c 361 § 1.]

Intent—1990 c 59: "By this act the legislature intends to unify and simplify the laws and procedures governing filing for elective office, ballot layout, ballot format, voting equipment, and canvassing." [1990 c 59 § 1.]

Effective date—1990 c 59: "Sections 1 through 6, 8 through 96, and 98 through 112 of this act shall take effect July 1, 1992." [1990 c 59 § 113.]

The above two annotations apply to 1990 c 59. For codification of that act, see Codification Tables, Volume 0.

Effective date—1977 ex.s. c 361: "This 1977 amendatory act shall take effect January 1, 1978." [1977 ex.s. c 361 § 113.]

Severability—1977 ex.s. c 361: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 361 § 112.]

29.01.008 Canvassing. "Canvassing" means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of and prepare the certification for a primary or general election and includes the tabulation of any votes for that primary or election that were not tabulated at the precinct or in a counting center on the day of the primary or election. [1990 c 59 § 3.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.01.010 City clerk. "City clerk" includes every officer, by whatever name designated, who performs the functions usually performed by a city or town clerk. [1965 c 9 § 29.01.010.]

29.01.020 City council. "City council" includes the governing body of any city or town, by whatever name it may be designated. [1965 c 9 § 29.01.020.]

29.01.030 City precinct. A "city precinct" is a voting precinct lying wholly or partly within a city or town. [1965 c 9 § 29.01.030. Prior: 1957 c 251 § 2; 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.]

29.01.040 Constituency. A "constituency" is a body of voters having the right to take part in the election of a specific public officer or group of public officers. [1965 c 9 § 29.01.040.]

29.01.042 Counting center. "Counting center" means the facility or facilities designated by the county auditor in

which the canvassing of ballots on a vote tallying system is conducted on the day of a primary or election. [1990 c 59 § 4.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.01.043 County auditor. "County auditor" includes 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. [1984 c 106 § 1.]

Effective date—Severability—1984 c 106: See RCW 29.81A.900 and 29.81A.901.

29.01.045 Date of mailing. For registered voters voting by absentee or 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 other absentee voters, "date of mailing" means the date stated by the voter on the envelope in which the ballot is returned to the election official by whom it was issued. [1987 c 346 § 3.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.047 Disabled voter. "Disabled voter" means any registered voter who qualifies for special parking privileges under RCW 46.16.381, or who is defined as blind under RCW 74.18.020, or who qualifies to require assistance with voting under RCW 29.51.200. [1987 c 346 § 4.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.050 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. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.01.055 Election board. "Election board" means a group of election officers serving one precinct or groups of precincts in a polling place. [1986 c 167 § 1.]

Severability—1986 c 167: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1986 c 167 § 26.]

29.01.060 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. [1965 c 9 § 29.01.060.]

29.01.065 Elector. "Elector" means any person who possesses all of the qualifications to vote under Article VI of the state Constitution. [1987 c 346 § 2.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.068 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. [1990 c 59 § 77.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.01.070 General election. "General election" means an election required to be held on a fixed date recurring at regular intervals. [1965 c 9 § 29.01.070.]

29.01.080 Infamous crime. An "infamous crime" is a crime punishable by death in the state penitentiary or imprisonment in a state correctional facility. [1992 c 7 § 31; 1965 c 9 § 29.01.080. Prior: Code 1881 § 3054; 1865 p 25 § 5; RRS § 5113.]

Contests, conviction of felony without reversal or restoration of civil rights as grounds for: RCW 29.65.010.

29.01.087 Local voters' pamphlet. "Local voters' pamphlet" means a pamphlet produced by a county or a first-class or code city that provides information about ballot measures or candidates, or both, and other information related to a primary, special election, or general election. [1984 c 106 § 2.]

Effective date—Severability—1984 c 106: See RCW 29.81A.900 and 29.81A.901.

29.01.090 Major political party. "Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a state-wide office received at least five percent of the total vote cast at the last preceding state general election in an even-numbered year: PROVIDED, That any political party qualifying as a major political party under the previous subsection (2) or subsection (3) of this section prior to its 1977 amendment shall retain such status until after the next state general election following June 30, 1977. [1977 ex.s. c 329 § 9; 1965 c 9 § 29.01.090. Prior: 1907 c 209 § 6, part; RRS § 5183, part.]

Partisan primaries, application of chapter: RCW 29.18.010.

Political parties: Chapter 29.42 RCW.

29.01.100 Minor political party. "Minor political party" means a political organization other than a major political party. [1965 c 9 § 29.01.100. Prior: 1955 c 102 § 8; prior: 1907 c 209 § 26, part; RRS § 5203, part.]

Minor party convention: Chapter 29.24 RCW.

Political parties: Chapter 29.42 RCW.

29.01.110 Measures. "Measure" includes any proposition or question submitted to the voters of any specific constituency. [1965 c 9 § 29.01.110.]

29.01.113 Out-of-state voter. "Out-of-state voter" means any elector of the state of Washington outside the state but not outside the territorial limits of the United States or the District of Columbia. [1987 c 346 § 5.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.117 Overseas voter. "Overseas voter" means any elector of the state of Washington outside the territorial limits of the United States or the District of Columbia. [1987 c 346 § 6.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.120 Precinct. "Precinct" means a geographical subdivision for voting purposes within or without the limits of a city or town, whether established by a board of county commissioners, by a city council, or by the board of supervisors of a township. [1965 c 9 § 29.01.120. Prior: 1933 c 1 § 2; RRS § 5114-2; prior: 1915 c 16 § 1; RRS § 5114.]

29.01.130 Primary. "Primary" or "primary election" means a statutory procedure for nominating candidates to public office at the polls. [1965 c 9 § 29.01.130. Prior: 1907 c 209 § 1, part; RRS § 5177(a). See also 1950 ex.s. c 14 § 2.]

Nonpartisan primaries: Chapter 29.21 RCW.

Partisan primaries: Chapter 29.18 RCW.

Times for holding primaries: Chapter 29.13 RCW.

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

- (1) The results have been certified;
- (2) A certificate has been issued;
- (3) Any required bond has been posted; and
- (4) 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. [1979 ex.s. c 126 § 2.]

Purpose—1979 ex.s. c 126: RCW 29.04.170(1).

29.01.137 Registered voter. "Registered voter" means any elector who possesses all of the statutory qualifications to vote under chapters 29.07 and 29.10 RCW. The terms "registered voter" and "qualified elector" are synonymous. [1987 c 346 § 7.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.140 Residence. "Residence" for the purpose of registering and voting means a person's permanent address where he physically resides and maintains his abode: PROVIDED, That no person gains residence by reason of his presence or loses his residence by reason of his 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. [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.]

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

29.01.150 Rural precinct. "Rural precinct" means a voting precinct lying wholly outside the limits of a city or town. [1965 c 9 § 29.01.150. Prior: 1957 c 251 § 3; 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.]

29.01.155 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 student or member of the faculty at a United States military academy, is a member of the merchant marine of the United States, is a program participant as defined in RCW 40.24.020, or is a member of a religious group or welfare agency officially attached to and serving with the armed forces of the United States. [1991 c 23 § 13; 1987 c 346 § 8.]

Effective dates—1991 c 23: See RCW 40.24.900.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.01.160 September primary. "September primary" means the primary election held in September to nominate candidates to be voted for at the ensuing election. [1965 c 9 § 29.01.160. Prior: 1907 c 209 § 1, part; RRS § 5177(b).]

29.01.170 Special election. "Special election" means any election that is not a general election. [1965 c 9 § 29.01.170. Prior: Code 1881 § 3056; 1865 p 27 § 2; RRS § 5155.]

29.01.180 Short term. "Short term" means the brief period of time starting upon the completion of the certification of election returns and ending with the start of the full term on the second Tuesday of the next January immediately following the election and is applicable only when the office concerned is being held by an appointee to fill a vacancy which occurred after the last election, at which such office could have been voted upon for an unexpired term, prior to the election for such office for the subsequent full term. [1975-'76 2nd ex.s. c 120 § 14.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

29.01.200 Voting system, device, tallying system.

- (1) "Voting system" means a voting device, vote tallying system, or combination of these together with ballots and other supplies or equipment used to conduct a primary or election or to canvass the votes cast in a primary or election;
- (2) "Voting device" means a piece of equipment used for the purpose of or to facilitate the marking of a ballot to be tabulated by a vote tallying system or a piece of mechani-

cal or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters; and

(3) "Vote tallying system" means a piece of mechanical or electronic equipment and associated data processing software used to tabulate votes cast on ballot cards or otherwise recorded on a voting device or to prepare that system to tabulate ballot cards or count votes. [1990 c 59 § 6.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Chapter 29.04 GENERAL PROVISIONS

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Elections and elective rights: State Constitution Art. 6.

29.04.010 Registration required for voting—Exception. Only a registered voter 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.

The provisions of this section shall not apply to township elections. [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.]

Out-of-state, overseas, service voters, same ballots as registered voters: RCW 29.36.010.

Subversive activities, disqualification from voting: RCW 9.81.040.

29.04.020 County auditor designated supervisor of certain primaries and elections. 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 appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books, or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such primaries and elections in the manner provided by law: PROVIDED, That notice of a general election held in an even-numbered year shall indicate that the office of precinct committee officer will be on the ballot; and to apportion to each city, town, or district, its share of the expense of such primaries and elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and certifications by local officers) as provided and required by the laws governing such elections. [1987 c 295 § 1; 1977 ex.s. c 361 § 2; 1971 ex.s. c 202 § 1; 1965 c 123 § 1; 1965 c 9 § 29.04.020. Prior: 1947 c 182 § 1, part; Rem. Supp. 1947 § 5166-10, part; prior: 1945 c 194 § 3, part; 1941 c 180 § 1, part; 1935 c 5 § 1, part; 1933 ex.s. c 29 § 1, part; prior: 1933 c 79 § 1, part; 1927 c 279 § 2, part; 1923 c 53 § 3, part; 1921 c 61 § 5, part; Rem. Supp. 1945 § 5147, part.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Conduct of elections—Canvass: RCW 29.13.040.

Constituencies to bear all or share of election costs—Procedure to recover: RCW 29.13.045.

General election laws govern primary: RCW 29.18.120.

Oaths of officers, county auditor to provide forms for: RCW 29.45.080.

29.04.025 Handling of reports filed under public disclosure law. Each county auditor or county elections official shall ensure that reports filed pursuant to chapter 42.17 RCW are arranged, handled, indexed, and disclosed in a manner consistent with the rules of the public disclosure commission adopted under RCW 42.17.375. [1983 c 294 § 2.]

29.04.030 Prevention and correction of election frauds and errors. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and

to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

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

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

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

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

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

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

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election. [1977 ex.s. c 361 § 3; 1973 1st ex.s. c 165 § 1; 1971 c 81 § 74; 1965 c 9 § 29.04.030. Prior: (i) 1907 c 209 § 25, part; RRS § 5202, part. (ii) 1889 p 407 § 19; RRS § 5276.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Certiorari, mandamus, and prohibition: Chapter 7.16 RCW.

Contests: Chapter 29.65 RCW.

Crimes and penalties: Chapter 29.85 RCW.

29.04.035 Prohibition against campaign materials deceptively similar to voters' or candidates' pamphlets. No person or entity may publish or distribute any campaign material that is deceptively similar in design or appearance to a voters' pamphlet or candidates' pamphlet or combination thereof, which pamphlet or combination was published by the secretary of state during the ten-year period prior to the publication or distribution 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 shall be liable for the state's legal expenses and other costs resulting from the violation. Any funds recovered under this section shall be transmitted to the state treasurer for deposit in the general fund. [1984 c 41 § 1.]

29.04.040 Precincts—Number of voters—Dividing, altering, or combining—Creating new precincts. (1) No paper ballot precinct may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, overpopulated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) 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 (5) of this section, no precinct boundaries may be changed during the period starting on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters, but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the precincts. The county auditor shall thereupon designate the voting place for each such precinct. [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.]

Severability—1986 c 167: See note following RCW 29.01.055.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Severability—1977 ex.s. c 128: "If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1977 ex.s. c 128 § 6.]

Effective date—Severability—1975-'76 2nd ex.s. c 129: See notes following RCW 29.04.140.

"City precinct" defined: RCW 29.01.030.

"Precinct" defined: RCW 29.01.120.

"Rural precinct" defined: RCW 29.01.150.

29.04.050 Precincts—Restrictions on precinct boundaries—Designated by number. (1) Every voting precinct must be wholly within a single congressional district, a single legislative district, and a single district of a county legislative authority.

(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, the county auditor shall send to the secretary of state a copy of the legal description and a map or maps of the changes and, if all or part of the changes do not follow visible, physical features, 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 consecutively 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. [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.]

Severability—1977 ex.s. c 128: See note following RCW 29.04.040.

29.04.055 Combining or dividing precincts, election boards. At any election, general or special, or at any

primary, the county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election. [1986 c 167 § 3; 1977 ex.s. c 361 § 5; 1974 ex.s. c 127 § 1; 1965 c 9 § 29.04.055. Prior: 1963 c 200 § 22; 1951 c 70 § 1.]

Severability—1986 c 167: See note following RCW 29.01.055.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.04.060 Publication of election laws by secretary of state. In every year in which state and county officers are to be elected, the secretary of state shall cause the election laws of the state then in force to be published in pamphlet form and distributed through the county auditors at least twenty days prior to the primary next preceding the election in sufficient number to place a copy thereof in the hands of all officers of elections. [1965 c 9 § 29.04.060. Prior: (i) 1907 c 209 § 16; RRS § 5193. (ii) 1889 p 413 § 34; RRS § 5299.]

Candidates' pamphlet, secretary of state's duties: Chapter 29.80 RCW.

Primaries, when held: RCW 29.13.070.

Voters' pamphlet, distribution by secretary of state to voters, officers, and institutions: RCW 29.81.140, 29.81.150.

29.04.070 Secretary of state designated chief election officer. The secretary of state through his election division shall be the chief election officer for all federal, state, county, city, town, and district elections and it shall be his duty to keep records of such elections held in the state and to make such records available to the public upon request. [1965 c 9 § 29.04.070. Prior: 1963 c 200 § 23; 1949 c 161 § 12; Rem. Supp. 1949 § 5147-2.]

29.04.080 Secretary of state to make rules and regulations—Use of electronic or automatic data processing systems. The secretary of state shall make rules and regulations not inconsistent with the federal, state, county, city, town, and district election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures. He shall provide uniform regulations governing the maintenance of voter registration records on electronic or automatic data processing systems so that the records of counties using such systems shall be compatible. He shall supervise the development and use of such systems to insure that they conform to all the provisions of Title 29 RCW and the regulations provided for in this section. [1971 ex.s. c 202 § 2; 1965 c 9 § 29.04.080. Prior: 1963 c 200 § 24; 1949 c 161 § 13; Rem. Supp. 1949 § 5147-3.]

Absentee voters, secretary of state duties regarding: RCW 29.36.150.

Candidates' pamphlets, rules by secretary of state: RCW 29.80.070.

Forms

report of deaths, secretary of state to furnish: RCW 29.10.095.

statement of change in residence of voter, design by secretary of state—Availability to public: RCW 29.10.150.

statement registered voter is deceased, design by secretary of state: RCW 29.10.090.

Sworn recount proceedings, rules for: RCW 29.64.070.

Sworn statement of cancellations (registration), furnished by secretary of state: RCW 29.10.120.

Voters' pamphlet, rules by secretary of state: RCW 29.81.070.

29.04.095 Definitions for purposes of RCW 29.04.100 through 29.04.120. For purposes of RCW 29.04.100 through 29.04.120, the following words shall have the following meanings:

(1) "County auditor" means the county auditor in any noncharter county and in a charter county that county official having the overall responsibility to maintain voter registration information.

(2) "Person" means an individual, partnership, joint venture, public or private corporation, association, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(3) "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. [1973 1st ex.s. c 111 § 1.]

29.04.100 Poll books, current lists of voters—As public records—Information to be furnished upon request—Restriction. All poll books or current lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish current lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such information: PROVIDED, That such lists and labels 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: PROVIDED, HOWEVER, That such lists and labels may be used for any political purpose. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information. [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.]

Forms, secretary of state to design—Availability to public: RCW 29.10.150. Signature required to vote—Procedure if voter unable to sign name: RCW 29.51.060.

29.04.110 Poll books and precinct lists—Furnishing of data upon request—Cost—Use restricted. A reproduction of any form of data storage, in the custody of the county auditor, for poll books and precinct lists of registered voters, including magnetic tapes or discs, punched cards, and any other form of storage of such books and lists, shall at the written request of any person be furnished to him by the county auditor pursuant to such reasonable rules and regulations as the county auditor may prescribe, and at a cost equal to the county's actual cost in reproducing such form of data storage. Any data contained in a form of storage furnished under this section 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: PROVIDED, HOWEVER, That such data may be used for any political purpose. Whenever the county auditor furnishes any form of data storage under this section, he shall also furnish the person receiving the same with a copy of RCW 29.04.120. [1973 1st ex.s. c 111 § 3.]

29.04.120 Violations of restricted use of registered voter data—Penalties—Liabilities. (1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 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 shall be guilty of a 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 five thousand dollars or both such fine and imprisonment, and shall be 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: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be 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 which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near the person's residence shall not be any indication that such 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) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to 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: PROVIDED, That such 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 shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data. [1992 c 7 § 32; 1974 ex.s. c 127 § 3; 1973 1st ex.s. c 111 § 4.]

29.04.140 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) Adopt rules pursuant to chapter 34.05 RCW governing the preparation, maintenance, distribution, review, and filing of precinct maps under RCW 29.04.050;

(b) Coordinate and monitor precinct mapping functions of the county auditors and county engineers;

(c) Maintain official state base maps and correspondence lists and maintain an index of all such maps and lists;

(d) 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. [1989 c 278 § 2; 1977 ex.s. c 128 § 4; 1975-'76 2nd ex.s. c 129 § 2.]

Severability—1977 ex.s. c 128: See note following RCW 29.04.040.

Effective date—1975-'76 2nd ex.s. c 129: "This 1976 amendatory act shall take effect on February 1, 1977." [1975-'76 2nd ex.s. c 129 § 5.]

Severability—1975-'76 2nd ex.s. c 129: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 129 § 6.]

29.04.150 Computer tape or data file of records of registered voters—Duplicate to be furnished secretary of state by county auditors—Master tape or file to be compiled. Not earlier than January 1st nor later than February 1st of each calendar year and not earlier than July 1st nor later than August 1st of each calendar year each county auditor shall provide to the secretary of state, or a data processing agency designated by him, a duplicate computer tape or data file of the records of the registered voters in that county, containing the information specified in RCW 29.07.220. The secretary of state shall reimburse each county for the actual cost of reproduction and mailing of the duplicate computer tape or data file. He shall arrange for a master computer tape or data file of the records of all the registered voters of the state to be compiled. [1975-'76 2nd ex.s. c 46 § 2.]

29.04.160 Computer tape or data file of records of registered voters—Master state-wide tape or file furnished to political parties—Duplicate copy to statute law committee—Restrictions and penalties. No later than February 15th and no later than August 15th of each year, the secretary of state shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the state central committee of each major political party, at actual duplication cost, and shall provide a duplicate copy of the master state-wide computer tape or data file of registered voters to the statute law committee without cost. The master state-wide computer tape or data file of registered voters or portions of the tape or file shall be available to any other political party, at actual duplication cost, upon written request to the secretary of state. Restrictions as to the commercial use of the information on the state-wide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW

29.04.110 and 29.04.120 as now existing or hereafter amended. [1977 ex.s. c 226 § 1; 1975-'76 2nd ex.s. c 46 § 3.]

29.04.170 Local elected officials, commencement of term of office—Purpose, 1979 ex.s. c 126. (1) The legislature finds that certain laws are in conflict governing the election of various local officials. The purpose of *this legislation 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. It is also the purpose of *this legislation 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 shall end and the term of successors shall begin after the successor is elected and qualified, and the term shall commence 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 shall occur when the successor becomes qualified in accordance with RCW 29.01.135.

(3) For elective offices governed by this section, the oath of office shall be taken as the last step of qualification as defined in RCW 29.01.135 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. [1980 c 35 § 7; 1979 ex.s. c 126 § 1.]

***Reviser's note:** The phrase "this legislation" refers to the enactment of RCW 29.01.135, 29.04.170, and 42.17.241, the 1979 ex.s. c 126 amendment of RCW 14.08.304, 28A.57.312, 28A.57.328, 28A.57.355 through 28A.57.358, 29.13.021 through 29.13.025, 29.13.050, 29.13.060, 35.03.040, 35.17.020, 35.17.400, 35.18.020, 35.18.270, 35.23.040, 35.24.050, 35.27.090, 35.61.050, 35A.29.090, 36.16.020, 36.32.030, 36.69.070, 36.69.080, 36.69.090, 52.12.010, 52.12.020, 52.12.060, 53.12.172, 53.12.220, 54.08.060, 54.12.010, 56.12.020, 57.12.030, 68.16.140, and 70.44.040, and the repeal of RCW 28A.57.329 and 53.12.240 by 1979 ex.s. c 126.

Severability—1980 c 35: See note following RCW 28A.315.450.

29.04.180 Write-in voting—Candidates, declaration. Any person who desires to be a write-in candidate and have such votes counted at a primary or election may, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the day before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy shall be filed with the secretary of state not later than the day before the primary or election. Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by political parties pursuant to RCW 29.18.160 need only specify the name of the candidate in the appropriate

ate 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 or political party, if applicable.

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

(1) 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;

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

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

The declaration of candidacy shall be similar to that required by RCW 29.15.010. No write-in candidate filing under RCW 29.04.180 may be included in any voter's pamphlet produced under chapter 29.80 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 29.81A RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets. [1990 c 59 § 100; 1988 c 181 § 1.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.04.190 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 29.04.180 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. [1988 c 181 § 2.]

29.04.200 Voting devices, machines—Recording requirements. (1) Beginning January 1, 1993, no voting device or machine may be used in a county with a population of seventy thousand or more to conduct a primary or general or special election in this state unless it 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.

(2) Beginning January 1, 1993, 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.

(3) Beginning January 1, 1993, a county with a population of less than seventy thousand may use a voting machine or device for conducting a primary or general or special election which does not record on a separate ballot, available for audit purposes after the primary or election, the votes

cast by each elector for any person and for or against any measure if:

(a) The device was certified under this title before January 1, 1993, for use in this state;

(b) The device otherwise satisfies the requirements of this title; and

(c) Not more than twenty percent of the votes cast during any primary or general or special election conducted after January 1, 1998, in the county are cast using such a machine or device.

(4) The purpose of subsection (3) of this section is to permit less populous counties to replace voting equipment in stages over several years. These less populous counties are, nonetheless, encouraged to secure as expeditiously as possible voting equipment which would satisfy the requirements of subsection (1) of this section established for more populous counties. The secretary of state shall report to the legislature by January 1st of each odd-numbered year through 1997 on the progress of such less populous counties in replacing equipment which does not satisfy the requirements of subsection (1) of this section established for more populous counties. [1991 c 363 § 30; 1990 c 184 § 1.]

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

29.04.210 Ballots, voting systems—Rules by secretary of state. The secretary of state shall adopt rules to:

(1) Establish standards for the design, layout, and production of ballots;

(2) Provide for the examination and testing of voting systems for certification;

(3) Specify the source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;

(4) Establish standards and procedures for the acceptance testing of voting systems by counties;

(5) Establish standards and procedures for testing the programming of vote tallying software for specific primaries and elections;

(6) Establish 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;

(7) Establish standards and procedures to ensure the accurate tabulation and canvassing of ballots;

(8) Provide 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;

(9) Ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;

(10) Govern the use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device and from the substitute device or means, and the documentation that must be submitted to the county auditor regarding such circumstances; and

(11) Govern the transportation of sealed containers of voted ballots or sealed voting devices.

The secretary shall publish proposed rules implementing this section not later than December 15, 1991. [1990 c 59 § 7.]

Intent—1990 c 59: See note following RCW 29.01.006.

29.04.230 Electronic facsimile documents—

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

- (1) Declarations and affidavits of candidacy;
- (2) County canvass reports;
- (3) Candidates' 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 mandatory recount;
- (8) Requests for absentee ballots;
- (9) Any other election related document authorized by rule adopted by the secretary of state under RCW 29.04.235.

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.

If the original copy of a document must be signed and a copy of the document is filed by facsimile transmission under this section, the original copy shall be subsequently filed with the official with whom the facsimile was filed. The original copy shall be filed by a deadline established by the secretary by rule. The secretary may by rule require that the original of any document, a copy of which is filed by facsimile transmission under this section, also be filed by a deadline established by the secretary by rule. [1991 c 186 § 1.]

29.04.235 Electronic facsimile documents—Rules.

The secretary of state shall adopt rules in accordance with chapter 34.05 RCW to implement RCW 29.04.230. [1991 c 186 § 2.]

Chapter 29.07

REGISTRATION OF VOTERS

Sections

- 29.07.010 County auditor as chief registrar of voters, custodian of records—Deputy registrars.
- 29.07.015 Definitions.
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- 29.07.025 Voter registration in state offices.
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- 29.07.050 Oaths administered to registration officers.
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- 29.07.090 Signature upon card for secretary of state's file.
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- 29.07.160 Closing registration files—Notice.
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- 29.07.250 Handling of reports filed under public disclosure law.
- 29.07.260 Registration with driver's license application or renewal.
- 29.07.270 Duties of secretary of state and department of licensing.
- 29.07.280 Forwarding of forms to voter's county.
- 29.07.290 Records—Correction, sorting, transmittal.
- 29.07.300 Delivery of files to auditors.
- 29.07.310 Driver licensing and voter registration—Duties of secretary of state.
- 29.07.320 Driver licensing and voter registration—Funding.
- 29.07.400 Registration law—Registrar violations.
- 29.07.410 Registration law—Voter violations.

Out-of-state, overseas, service voters, same ballots as registered voters:
RCW 29.36.010.

Registration

state Constitution Art. 6 § 7.

transfers and cancellations: Chapter 29.10 RCW.

Residence defined for purpose of registering and voting: RCW 29.01.140.

29.07.010 County auditor as chief registrar of voters, custodian of records—Deputy registrars. (1) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. He or she shall appoint a deputy registrar for each precinct or group of precincts and shall appoint city or town clerks as deputy registrars to assist in registering persons residing in cities, towns, and rural precincts within the county.

(2) In addition, the auditor shall appoint a deputy registrar for each common school. A deputy registrar in a common school shall be a school official or school employee. The auditor shall appoint a deputy registrar for each fire station that he or she finds is convenient to the public for registration purposes and is adequately staffed so that registration would not be a great inconvenience for the fire station personnel. A fire station appointee shall be a person employed at the station.

(3) The auditor shall also appoint deputy registrars to provide voter registration services for each state office providing voter registration under RCW 29.07.025.

(4) A deputy registrar shall be a registered voter. Except for city and town clerks, each registrar shall hold office at the pleasure of the county auditor.

(5) The county auditor shall be the custodian of the official registration records of each precinct within that county. [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.]

Intent—1984 c 211: See note following RCW 29.07.025.

Rural precinct defined: RCW 29.01.150.

29.07.015 Definitions. (1) A "permanent voter registration facility" means any offices or other locations specifically required to provide voter registration services under this chapter or the location of any deputy registrar appointed by the county auditor to serve for an indefinite period of time.

(2) A "temporary voter registration facility" means the location of any deputy registrar appointed by the county auditor to serve for a definite or limited period of time. [1985 c 205 § 15.]

29.07.020 City clerk as deputy registrar. The city clerk shall be a deputy registrar of voters in all precincts within the county. [1971 ex.s. c 202 § 5; 1965 c 9 § 29.07.020. Prior: 1957 c 251 § 5; 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.]

29.07.025 Voter registration in state offices. (1) The director or chief administrative officer of each state agency shall provide voter registration services for employees and the public within each office of that agency which is convenient to the public for registration purposes except where, or during such times as, the director or officer finds that there would be a great inconvenience to the public or to the operation of the agency due to inadequate staff time for this purpose.

(2) 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. [1984 c 211 § 2.]

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.]

29.07.030 Expense of registration. The expense of registration in all rural precincts shall be paid by the county; in all precincts lying wholly within a city or town by the city or town. In precincts lying partly within and partly outside of a city or town, the expense of registration shall be apportioned between the county and city or town according to the number of voters registered in the precinct living within the city or town and the number living outside of it. [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.]

29.07.040 Fees of deputy registrars. Each deputy registrar, other than city or town clerks so deputized, shall be entitled to receive a fee of not less than twenty cents, the exact fee to be set by the board of county commissioners, for each elector registered: PROVIDED, That no employee of the county receiving a salary shall be entitled to such fees. [1971 ex.s. c 202 § 6; 1965 c 9 § 29.07.040. Prior: 1957 c 251 § 7; prior: (i) 1945 c 74 § 1; 1933 c 1 § 28; Rem. Supp. 1945 § 5114-28; prior: 1915 c 16 § 14; RRS § 5132. (ii) 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part.]

29.07.050 Oaths administered to registration officers. The registration officers, including such clerks in their office as the county auditor may deputize to take registrations, shall take and subscribe to the following oath or affirmation before taking any registrations: "I, A.B., do swear (or affirm) that I will truly, faithfully and impartially perform my duties as registration officer, to the best of my judgment and abilities, and that I will register no person except upon his personal application before me." This oath shall be administered and certified to by an officer legally authorized to administer oaths, and shall be filed with the county auditor. [1971 ex.s. c 202 § 7; 1965 c 9 § 29.07.050. Prior: 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part.]

29.07.060 Oaths—Registration officers may administer, certify. The registration officers including deputized clerks, after they themselves have taken and subscribed to the oath prescribed for them, may administer such oaths and certify to the oath on such affidavits as are required in the procedure of registration of voters. [1973 1st ex.s. c 21 § 1; 1971 ex.s. c 202 § 8; 1965 c 9 § 29.07.060. Prior: (i) 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part. (ii) 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.]

29.07.065 Identity of applicant for registration—Establishment—Voting age proof. In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicaid;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer shall require the applicant to produce a record that establishes the applicant's date of birth.

Failure to produce such identification except when necessary to establish the applicant's date of birth at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced". [1986 c 167 § 4; 1973 1st ex.s. c 21 § 2.]

Severability—1986 c 167: See note following RCW 29.01.055.

29.07.070 Information from voter as to qualifications. Except as provided under RCW 29.07.260, an applicant for voter registration shall provide a voter registrar with the following information concerning his or her qualifications as a voter in this state:

- (1) The address of the last former registration of the applicant as a voter in the state;
- (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) A declaration that the applicant is a citizen of the United States; and
- (8) 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.

The following warning shall appear in a conspicuous place on the voter registration form:

"Knowingly providing false information on this voter registration form or knowingly making a false declaration about your qualifications for registration is a class C felony that is punishable by imprisonment for up to five years, or by a fine not to exceed ten thousand dollars, or by both such imprisonment and fine." [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.]

Effective date—1990 c 143 §§ 1-8: See note following RCW 29.07.260.

Civil disabilities of wife abolished: RCW 26.16.160.

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 29.01.140.

Restoration of civil rights: Chapter 9.96 RCW.

Subversive activities as disqualification for voting: RCW 9.81.040.

United States constitutional amendment conventions, delegates, qualifications of voters: RCW 29.74.090.

Who disqualified: State Constitution Art. 6 § 3.

29.07.080 Oath of applicant. For voter registrations executed under this section, the registrar shall require the applicant to sign the following oath:

"I declare that the facts relating to my qualifications as a voter recorded on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of an infamous crime, I will have lived in this state, county, and precinct for thirty days immediately preceding the next election at which I offer to vote, and I will be at least eighteen years of age at the time of voting."

The registration officer shall attest and date this oath in the following form:

"Subscribed and sworn to before me this day of, 19. . ., Registration Officer."

[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.]

Effective date—1990 c 143 §§ 1-8: See note following RCW 29.07.260.

29.07.090 Signature upon card for secretary of state's file. At the time of registering any voter, each registration officer shall require him to sign his name upon a card containing spaces for his surname followed by his given name or names and the name of the county and city or town, with post office and street address, and the name or number of the precinct, in which the voter is registered. [1973 1st ex.s. c 21 § 5; 1971 ex.s. c 202 § 11; 1965 c 9 § 29.07.090. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part.]

29.07.092 New voter registration or transfer—Acknowledgment. The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his current precinct and containing such other information as may be prescribed by the secretary of state. [1975 1st ex.s. c 184 § 1; 1973 c 153 § 2.]

Severability—1975 1st ex.s. c 184: "If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975 1st ex.s. c 184 § 5.]

29.07.095 Registration of person temporarily residing outside county of permanent residence. Any person temporarily residing outside of the county of his permanent residence, but within the state of Washington, may register with the registration officer of the place where he is temporarily residing in the usual manner as required in this chapter. The registration officer administering the oath and receiving the application and registration forms as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the county auditor of the county where the applicant permanently resides for processing in the same manner as though the applicant had personally applied directly to the registration officer of his residence.

Notwithstanding the provisions of RCW 29.07.160 the registration application shall be received and acted upon immediately by the registration officer of the place of permanent residence of the applicant if the application was received and oath administered by the registration officer at the place of temporary residence not less than thirty days preceding the next election. [1973 1st ex.s. c 21 § 6; 1971 ex.s. c 202 § 12; 1965 c 9 § 29.07.095. Prior: 1957 c 251 § 13.]

29.07.100 Time and places for registration—Cities and towns. Registration officers in incorporated cities and towns shall keep their respective offices open for registration of voters during the days and hours when the same are open for the transaction of public business: PROVIDED, That in cities of the first class, the county auditor shall establish on a permanent basis at least one registration office in each

legislative district that lies wholly or partially within the city limits by appointing persons as deputy registrars who may register any eligible elector of such city.

Each such deputy registrar, except for city and town clerks, shall hold office at the pleasure of the county auditor and shall maintain a fixed place, conveniently located, for the registration of voters but nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer. [1971 ex.s. c 202 § 13; 1965 c 9 § 29.07.100. Prior: 1957 c 251 § 10; 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 35 § 5, part; 1893 c 45 § 1, part; 1889 p 415 § 6, part; RRS § 5124, part.]

29.07.105 Time and places for registration—Additional temporary facilities in first, second, third class cities. In all cities of the first, second and third class, the governing body shall by ordinance with the consent of the county auditor provide for additional temporary registration facilities during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state primary election and during the fifteen day period, excepting Sundays, prior to the last day to register in order to be eligible to vote at a state general election by stationing deputy registrars at stores, public buildings or other temporary locations. The county auditor may deputize additional deputy registrars for the periods of temporary registration if so requested by the governing body of the city. The number of such temporary registration places to be so established and the hours to be maintained shall be, in the judgment of the governing body of the city concerned, adequate to afford ample opportunity for all qualified electors to register for voting, but in no event shall there be less than two such temporary registration places so established. Nothing in this section shall preclude door-to-door registration including registration from a portable office as in a trailer. [1971 ex.s. c 202 § 14; 1965 c 9 § 29.07.105. Prior: 1957 c 251 § 12.]

29.07.110 Time and places for registration—Deputy registrars located outside county courthouse. Every deputy registrar located outside the county courthouse shall keep registration supplies at his usual place of residence or usual place of business at reasonable hours and at the end of each week mail to the county auditor the cards of those who have registered during the week: PROVIDED, That with the written consent of the county auditor a deputy registrar may designate some centrally located place for registration in lieu of the usual place where registration supplies are kept by giving notice thereof in such manner as he may deem expedient stating therein the days and hours when the place will be open for registration: PROVIDED FURTHER, That such consent of the county auditor may include authorization for door-to-door registration including registration from a portable office as in a trailer and the person or persons so deputized may register all eligible electors residing in any precinct within the county concerned. [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.]

29.07.115 Registration records—Weekly transmittal. Once weekly, the deputy registrars shall transmit all registration records properly completed to the county auditor. [1971 ex.s. c 202 § 23.]

29.07.120 Registrar's cards—Weekly transmittal. On each Monday next following the registration of any voter each county auditor shall transmit all cards required by RCW 29.07.090 which have been executed and received in his office during the prior week to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the registrar that the cards so transmitted are the original cards, that they were signed by the voters whose names appear thereon and that the voters are registered in the precincts and from the addresses shown thereon. [1971 ex.s. c 202 § 16; 1965 c 9 § 29.07.120. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part.]

29.07.130 Registration records—Originals and automated files—Public access. (1) The cards required by RCW 29.07.090 shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. The secretary may maintain an automated file of voter registration information for any county or counties in lieu of filing or maintaining these voter registration cards if the automated file includes all of the information from the cards including, but not limited to, a retrievable facsimile of the signature of each voter of that county or counties. Such an automated file may be used only for the purpose authorized for the use of the cards.

(2) The county auditor shall have custody of the voter registration records for each county. The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct. An automated file of all registered voters shall be maintained pursuant to RCW 29.07.220. 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.

(3) 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: The voter's name, gender, voting record, date of registration, and registration number. The address of a registered voter or addresses of a group of voters are available for public inspection and copying except to the extent that the address of a particular voter is not so available under RCW 42.17.310(1)(bb). The political jurisdictions within which a voter or group of voters reside are also available for public inspection and copying except that the political jurisdictions within which a particular voter resides are not available for such inspection and copying if the address of the voter is not so available under RCW 42.17.310(1)(bb). No other information from voter registration records or files is available for public inspection or copying. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.07.140 Form of registration records—Single completion—Furnished by secretary of state. (1) The secretary of state shall specify by rule the form of the voter registration records required under RCW 29.07.070 and 29.07.260. These forms shall be compatible with existing voter registration records. An applicant for voter registration shall be required to complete only one form and to provide the required information other than his or her signature no more than one time.

These forms shall also contain information for the voter to transfer his or her registration.

(2) The secretary of state shall adopt by rule a uniform data format for transferring voter registration records on machine-readable media.

(3) All registration forms required under RCW 29.07.070 and 29.07.260 shall be produced and furnished by the secretary of state to the county auditors and the department of licensing.

(4) The secretary of state shall produce and distribute any instructional material and other supplies needed to implement RCW 29.07.260 through 29.07.300 and 46.20.155. [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.]

29.07.160 Closing registration files—Notice. The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every election and primary to be held in such precincts, respectively.

The county auditor shall give notice of the closing of said files for original registration and transfer by one publication in a newspaper of general circulation in the county at least five days before such closing, except as provided for special elections in accordance with *section 3 of this 1980 act. [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.]

*Reviser's note: Section 3 of this 1980 act [1980 c 3 § 3] was a temporary section, uncodified.

29.07.170 Delivery of certified registration records to polls. Immediately upon closing his registration files preceding an election, the county auditor shall insert therein his certificate as to the authenticity thereof. He shall then deliver the registration records for each precinct thus certified to the inspector or one of the judges thereof at the proper polling place before the polls open. [1971 ex.s. c 202 § 21; 1965 c 9 § 29.07.170. Prior: 1957 c 251 § 8; prior: 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part.]

29.07.180 Return of registration records after election—Public records. The registration records of each precinct delivered to the precinct election officers for use on

the day of an election held in that precinct shall be returned by them to the county auditor upon the completion of the count of the votes cast in the precinct at that election. While in possession of the county auditor they shall be open to public inspection under such reasonable rules and regulations as may be prescribed therefor. [1971 ex.s. c 202 § 22; 1965 c 9 § 29.07.180. Prior: 1933 c 1 § 8, part; RRS § 5114-8, part; prior: 1919 c 163 § 7, part; 1915 c 16 § 7, part; 1905 c 171 § 3, part; 1901 c 135 § 3, part; 1893 c 45 § 2, part; 1889 p 415 § 7, part; RRS § 5125, part.]

29.07.220 Computer file of voter registration records—Establishment—Duties of county auditor. Each county auditor shall maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county. Where it is necessary or advisable, the auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included. [1991 c 81 § 22; 1974 ex.s. c 127 § 12.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.07.230 Payment to counties for maintenance of voter registration records on electronic data processing systems. To compensate counties with fewer than ten thousand registered voters at the time of the most recent state general election for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems, the secretary of state shall, in June of each year, pay such counties an amount equal to thirty cents for each registered voter in the county at the time of the most recent state general election. [1980 c 32 § 6; 1974 ex.s. c 127 § 13.]

29.07.240 Computer file of voter registration records—Rules and regulations—Assistance. The secretary of state, as chief election officer, shall adopt rules and regulations, not inconsistent with the provisions of this chapter to:

(1) Facilitate the establishment and maintenance of voter registration records by county auditors and the use of voter registration information in the conduct of elections; and

(2) Establish standards and procedures for the establishment and maintenance of voter registration records on electronic data processing systems.

He shall provide planning, coordination, training and other assistance in the conversion of voter registration files to maintenance by electronic data processing and he shall administer the voter registration assistance account. [1974 ex.s. c 127 § 14.]

29.07.250 Handling of reports filed under public disclosure law. See RCW 29.04.025.

29.07.260 Registration with driver's license application or renewal. (1) A person may register to vote or transfer a 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 transfer a voter registration under this section, the applicant shall provide the following:

(a) His or her full name;

(b) Whether the address in the driver's license file is the same as his or her residence for voting purposes;

(c) The address of the residence for voting purposes if it is different from the address in the driver's license file;

(d) His or her mailing address if it is not the same as the address in (c) of this subsection;

(e) Additional information on the physical location of that voting residence if it is only identified by route or box;

(f) The last address at which he or she was registered to vote in this state;

(g) A declaration that he or she is a citizen of the United States; and

(h) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and to prevent duplicate or fraudulent voter registrations.

(3) The following warning shall appear in a conspicuous place on the voter registration form:

"Knowingly providing false information on this voter registration form or knowingly making a false declaration about your qualifications for registration is a class C felony that is punishable by imprisonment for up to five years, or by a fine not to exceed ten thousand dollars, or by both such imprisonment and fine."

(4) The applicant shall sign a portion of the form that can be used as an initiative signature card for the verification of petition signatures by the secretary of state and shall sign and attest to the following oath:

"I declare that the facts relating to my qualifications as a voter recorded on this voter registration form are true. I am a citizen of the United States, I am not presently denied my civil rights as a result of being convicted of an infamous crime, I will have lived in this state, county, and precinct for thirty days immediately preceding the next election at which I offer to vote, and I will be at least eighteen years of age at the time of voting."

(5) The driver licensing agent shall record that the applicant has requested to register to vote or transfer a voter registration. [1990 c 143 § 1.]

Effective date—1990 c 143 §§ 1-8: "Sections 1 through 8 of this act shall take effect January 1, 1992." [1990 c 143 § 13.]

Driver licensing agents duties regarding voter registration: RCW 46.20.155.

29.07.270 Duties of secretary of state and department of licensing. (1) The secretary of state shall provide for the voter registration forms submitted under RCW 29.07.260 to be collected from each driver's licensing facility at least once each week.

(2) The department of licensing shall produce and transmit to the secretary of state a machine-readable file containing the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility during each period for which forms are transmitted under subsection (1) of this section: The name, address, date of birth, and sex of the applicant and the driver's license number, the date on which the application for voter registration or transfer was submitted, and the location of the office at which the application was submitted. [1990 c 143 § 2.]

Effective date—1990 c 143 §§ 1-8: See note following RCW 29.07.260.

29.07.280 Forwarding of forms to voter's county. The voter registration forms from the driver's licensing facilities shall be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected under RCW 29.07.270(1). [1990 c 143 § 3.]

Effective date—1990 c 143: See note following RCW 29.07.260.

29.07.290 Records—Correction, sorting, transmittal. (1) For any voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

(2) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county shall be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.

(3) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions. [1990 c 143 § 4.]

Effective date—1990 c 143 §§ 1-8: See note following RCW 29.07.260.

29.07.300 Delivery of files to auditors. The secretary of state shall deliver the files and lists of voter registration information produced under RCW 29.07.290 to the county auditors no later than ten days after the date on which that information was to be transmitted under RCW 29.07.270(1). The county auditor shall process these records in the same manner as voter registrations executed under RCW 29.07.080. [1990 c 143 § 5.]

Effective date—1990 c 143: See note following RCW 29.07.260.

29.07.310 Driver licensing and voter registration—Duties of secretary of state. The secretary of state shall:

(1) Coordinate with the department of licensing and county auditors on the implementation of RCW 29.07.260 through 29.07.300 and 46.20.155;

(2) Adopt rules governing the delivery and processing of voter registrations submitted under RCW 29.07.260 and

insuring the integrity of the voter registration process and of the data on registered voters collected under RCW 29.07.260 through 29.07.300 and 46.20.155;

(3) Develop and enter into interlocal agreements with county auditors and with the department of licensing governing the systems development, testing, implementation, and other data processing services provided by the county auditors and the department of licensing in carrying out RCW 29.07.260 through 29.07.300 and 46.20.155 and providing for the reimbursement of all costs to county auditors and the department of licensing for these data processing services. [1990 c 143 § 10.]

29.07.320 Driver licensing and voter registration—Funding. The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out the purposes of RCW 29.07.260 through 29.07.300 and 46.20.155, including the reimbursement of costs to county auditors and the department of licensing under RCW 29.07.310(3). [1990 c 143 § 11.]

29.07.400 Registration law—Registrar violations. If any registrar or deputy registrar:

(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. [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 29.85.190.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.07.410 Registration law—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; or

(5) 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. [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 29.85.200.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Chapter 29.10

REGISTRATION TRANSFERS AND CANCELLATIONS

Sections

- 29.10.020 Transfer from one address to another in same county—Rules on transfer by telephone.
- 29.10.040 Reregistration on transfer to another county.
- 29.10.051 Voter name change.
- 29.10.060 Change of precinct boundaries—Transfer of registration.
- 29.10.080 Cancellation for failure to vote.
- 29.10.090 Cancellation for death.
- 29.10.095 Report of deaths to secretary of state.
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- 29.10.125 Challenge of registration—Initiation.
- 29.10.127 Challenge of registration—Voting by person challenged—Burden of proof, procedures.
- 29.10.130 Challenge of registration—Affidavit—Administration, notice of challenge.
- 29.10.140 Challenge of registration—Procedural steps before cancellation.
- 29.10.150 Challenge of registration—Forms, availability.
- 29.10.170 Transfer on election day.
- 29.10.180 Voter change-of-address—Inquiries of registration validity—Corrections and cancellations.

Registration

of person temporarily residing outside county of residence: RCW 29.07.095.

of voters: Chapter 29.07 RCW.

29.10.020 Transfer from one address to another in same county—Rules on transfer by telephone. A registered voter who changes his or her residence from one address to another within the same county shall, to maintain a valid voter registration, transfer his or her registration to the new address in one of the following ways: (1) Sending to the county auditor a signed request stating the voter's present address and precinct and the address and precinct from which the voter was last registered; (2) appearing in person before the auditor and signing such a request; (3) transferring the registration in the manner provided by RCW 29.10.170; or (4) telephoning the county auditor to transfer the registration. The telephone call transferring a registration by telephone must be received by the auditor before the precinct registration files are closed to new registrations for the next primary or special or general election in which the voter participates.

The secretary of state shall adopt rules facilitating the transfer of a registration by telephone authorized by this section. The rules shall include, but need not be limited to, those establishing the form which must be signed by a voter subsequent to transferring a registration by telephone. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Severability—1975 1st ex.s. c 184: See note following RCW 29.07.092.

Rural precinct defined: RCW 29.01.150.

29.10.040 Reregistration on transfer to another county. Except as provided in RCW 29.10.170, a registered voter who changes his or her residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his or her present registration. The authorization shall be on a form prescribed by the secretary of state by rule. The authorization shall be forwarded promptly to the county auditor of the county in which the voter was previously registered. The county auditor of the county where the previous registration was made shall cancel the registration of the voter if it appears that the signatures in the registration record and on the cancellation authorization form were made by the same person. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

City precinct defined: RCW 29.01.030.

Precinct defined: RCW 29.01.120.

Residence defined: RCW 29.01.140.

Rural precinct defined: RCW 29.01.150.

29.10.051 Voter name change. To maintain a valid voter registration, a person who changes his or her name shall notify the county auditor regarding the name change in one of the following ways: (1) By sending the auditor 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. Such a notice must be signed by the voter using both this former name and the voter's new name; (2) by appearing in person before the auditor or a deputy registrar and signing such a change-of-name notice; or (3) by signing such a change-of-name notice at the voter's precinct polling place on the day of a primary or special or general election.

A properly registered voter who files a change-of-name notice at the voter's precinct polling place during a primary or election and who desires to vote at that primary or election shall sign the poll book using the voter's former and new names in the same manner as is required for the change-of-name notice.

The secretary of state may adopt rules facilitating the implementation of this section. [1991 c 81 § 25.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.10.060 Change of precinct boundaries—Transfer of registration. If the boundaries of any city, township, or rural precinct are changed in the manner provided by law, the county auditor shall transfer the registration cards of every registered voter whose place of residence is affected thereby to the files of the proper precinct, noting thereon the name or number of the new precinct, or change the addresses, the precinct names or numbers, and the special district designations for those registered voters on the voter registration lists of the county. It shall not be necessary for any registered voter whose residence has been changed from one

precinct to another, by a change of boundary, to apply to the registration officer for a transfer of registration. The county auditor shall mail to each registrant in the new precinct a notice that his precinct has been changed from to, and that thereafter he will be entitled to vote in the new precinct, giving the name or number. [1971 ex.s. c 202 § 27; 1965 c 9 § 29.10.060. Prior: 1933 c 1 § 17; RRS § 5114-17.]

29.10.080 Cancellation for failure to vote. (1) After each state general election and prior to January 1st of the next calendar year, the county auditor shall cancel the voter registration record of any registered voter who fails to meet the requirements of subsection (2) of this section for retaining registered status. He shall notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than twenty-four months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

(2) A registered voter shall retain such status by either having voted at (a) any election, general or special, or at any primary within the past twenty-four months, or (b) the most recent presidential election. [1977 ex.s. c 361 § 27; 1971 ex.s. c 202 § 28; 1967 ex.s. c 109 § 3; 1965 c 9 § 29.10.080. Prior: 1945 c 30 § 1; 1933 c 1 § 19; Rem. Supp. 1945 § 5114-19.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.10.090 Cancellation for death. The local registrar of vital statistics in cities of the first class shall submit monthly to the county auditor a list of the names and addresses, if known, of all persons over eighteen years of age who have died.

The registrar of vital statistics of the state shall supply such monthly lists for each county of the state, exclusive of cities of the first class, to the county auditor thereof. The county auditors shall compare such lists with the registration records and cancel the registrations of deceased voters.

In addition to the above manner of canceling registration records of deceased voters, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his personal knowledge or belief another registered voter is deceased. This statement may be filed with any registration officer and the deputy registrar shall promptly forward such statement to the county auditor. Upon the receipt of such signed statement, the county auditor shall cancel the registration records concerned and so notify the secretary of state. Upon receipt of such notice, the secretary of state shall in turn cancel his copy of said registration record.

The secretary of state as chief elections officer shall cause such form to be designed to carry out the provisions of this section. The county auditors shall have such forms available for public use. Further, each such public officer having jurisdiction of an election shall make available a reasonable supply of such forms for the use of the precinct

election officers at each polling place on the day of an election. [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.]

29.10.095 Report of deaths to secretary of state. On or before the fifteenth day of July and quarterly thereafter, the local registrar of vital statistics in cities of the first class and the registrar of vital statistics of the state shall file a sworn statement with the secretary of state. The form of said statement shall be furnished by the secretary and shall recite the number of deaths that have occurred during the three months' period immediately preceding the date of said report and the fact that the county auditor has been notified. The number of deaths shall be further segregated as to city, town or rural areas. [1971 ex.s. c 202 § 30; 1965 c 9 § 29.10.095. Prior: 1951 c 250 § 1.]

29.10.100 Weekly report of transfers and cancellations. On the Monday next following the transfer or cancellation of the registration of any voter, each county auditor must certify to all transfers or cancellations made during the prior week to the secretary of state. The certificate shall set forth the name of each voter whose registration has been transferred or canceled, the county, city or town, and precinct in which he was registered and, in case of a transfer, also the name of the county and city or town, the name or number of the precinct and the post office address (including street and number) to which the registration of the voter was transferred. [1971 ex.s. c 202 § 31; 1965 c 9 § 29.10.100. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part.]

29.10.110 Record of cancellations. Every county auditor shall carefully preserve in a separate file or list the registration records of persons whose voter registrations have been canceled as authorized under this title. The files or lists shall be kept 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 29.07.130 for other voter registration information.

The county auditor may destroy the voter registration information and records of any person whose voter registration has been canceled for a period of two years or more. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.10.125 Challenge of registration—Initiation. Registration of a person as a voter is presumptive evidence of his or her right to vote at any primary or election, general or special. A person's right to vote may be challenged at the polls only by a precinct election officer. A challenge may be made only upon the belief or knowledge of the challenging officer that the voter is unqualified. The challenge must be supported by evidence or testimony given to the county canvassing board under RCW 29.10.127 and may not be based on unsupported allegations or allegations by anonymous third parties. The identity of the challenger,

and any third person involved in the challenge, shall be public record and shall be announced at the time the challenge is made.

Challenges initiated by a registered voter must be filed not later than the day before any primary or election, general or special, at the office of the appropriate county auditor. A challenged voter may properly transfer or reregister until three days before the primary or election, general or special, by applying personally to the county auditor. [1987 c 288 § 1; 1983 1st ex.s. c 30 § 2.]

29.10.127 Challenge of registration—Voting by person challenged—Burden of proof, procedures. When the right of a person has been challenged under RCW 29.10.125 or 29.10.130(2), the challenged person shall be permitted to vote a ballot which shall be placed in a sealed envelope separate from other voted ballots. In precincts where voting machines are used, any person whose right to vote is challenged under RCW 29.10.125 or 29.10.130(2) shall be furnished a paper ballot, which shall be placed in a sealed envelope after being marked. Included with the challenged ballot shall be (1) an affidavit filed under RCW 29.10.130 challenging the person's right to vote or (2) an affidavit signed by the precinct election officer and any third party involved in the officer's challenge and stating the reasons the voter is being challenged. The sealed ballots of challenged voters shall be transmitted at the close of the election to the canvassing board or other authority charged by law with canvassing the returns of the particular primary or election. The county auditor shall notify the challenger and the challenged voter, by certified mail, of the time and place at which the county canvassing board will meet to rule on challenged ballots. If the challenge is made by a precinct election officer under RCW 29.10.125, the officer must appear in person before the board unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenging officer has based his or her challenge upon evidence provided by a third party, that third party must appear with the challenging officer before the canvassing board, unless he or she has received written authorization from the canvassing board to submit an affidavit supporting the challenge. If the challenge is filed under RCW 29.10.130, the challenger must either appear in person before the board or submit an affidavit supporting the challenge. The challenging party must prove to the canvassing board by clear and convincing evidence that the challenged voter's registration is improper. If the challenging party fails to meet this burden, the challenged ballot shall be accepted as valid and counted. The canvassing board shall give the challenged voter the opportunity to present testimony, either in person or by affidavit, and evidence to the canvassing board before making their determination. All challenged ballots must be determined no later than the time of canvassing for the particular primary or election. The decision of the canvassing board or other authority charged by law with canvassing the returns shall be final. Challenges of absentee ballots shall be determined according to RCW 29.36.100. [1987 c 288 § 2; 1983 1st ex.s. c 30 § 3.]

29.10.130 Challenge of registration—Affidavit—Administration, notice of challenge. (1) Any registered voter may request that the registration of another voter be canceled if he or she believes that the voter does not meet the requirements of Article VI, section 1 of the state Constitution or that voter no longer maintains a legal voting residence at the address shown on his or her registration record. The challenger shall file with the county auditor a signed affidavit subject to the penalties of perjury, to the effect that to his or her personal knowledge and belief another registered voter does not actually reside at the address as given on his or her registration record or is otherwise not a qualified voter and that the voter in question is not protected by the provisions of Article VI, section 4, of the Constitution of the state of Washington. The person filing the challenge must furnish the address at which the challenged voter actually resides.

(2) Any such challenge of a voter's registration and right to vote made less than thirty days before a primary or election, special or general, shall be administered under RCW 29.10.127. The county auditor shall notify the challenged voter and the precinct election officers in the voter's precinct that a challenge has been filed, provide the name of the challenger, and instruct both the precinct election officers and the voter that, in the event the challenged voter desires to vote at the ensuing primary or election, a challenged ballot will be provided. The voter shall also be informed that the status of his or her registration and the disposition of any challenged ballot will be determined by the county canvassing board in the manner provided by RCW 29.10.127. If the challenged voter does not vote at the ensuing primary or election, the challenge shall be processed in the same manner as challenges made more than thirty days prior to the primary or election under RCW 29.10.140. [1987 c 288 § 3; 1983 1st ex.s. c 30 § 4; 1967 c 225 § 2; 1965 ex.s. c 156 § 2.]

29.10.140 Challenge of registration—Procedural steps before cancellation. All challenges of voter registration under RCW 29.10.130 made thirty days or more before a primary or election, general or special, shall be delivered to the appropriate county auditor who shall notify the challenged voter, by certified mail, that his or her voter registration has been challenged.

The notification shall be mailed to the address at which the challenged voter is registered, any address provided by the challenger under RCW 29.10.130, and to any other address at which the individual whose registration is being challenged is alleged to reside or at which the county auditor would reasonably expect that individual to receive notice of the challenge of his or her voter registration. Included in the notification shall be a request that the challenged voter appear at a hearing to be held within ten days of the mailing of the request, at the place, day, and hour stated, in order to determine the validity of his or her registration. The challenger shall be provided with a copy of this notification and request. If either the challenger or the challenged voter is unable to appear in person, he or she may file a reply by means of an affidavit stating under oath the reasons he or she believes the registration to be invalid or valid.

If both the challenger and the challenged voter file affidavits instead of appearing in person, an evaluation of the affidavits by the county auditor constitutes a hearing for the purposes of this section.

The county auditor shall hold a hearing at which time both parties may present their facts and arguments. After reviewing the facts and arguments, including any evidence submitted by either side, the county auditor shall rule as to the validity or invalidity of the challenged registration. His or her ruling is final subject only to a petition for judicial review by the superior court under chapter 34.05 RCW. If either party, or both parties, fail to appear at the meeting or fail to file an affidavit, the county auditor shall determine the status of the registration based on his or her evaluation of the available facts. [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.]

29.10.150 Challenge of registration—Forms, availability. The secretary of state as chief elections officer shall cause appropriate forms to be designed to carry out the provisions of RCW 29.10.130 through *29.10.160. The county auditors and registrars shall have such forms available. Further, a reasonable supply of such forms shall be at each polling place on the day of a primary or election, general or special. [1991 c 81 § 27; 1971 ex.s. c 202 § 35; 1965 ex.s. c 156 § 4.]

*Reviser's note: RCW 29.10.160 was repealed by 1991 c 81 § 41, effective July 1, 1992; the reference should be to RCW 29.10.140.

Effective date—1991 c 81: See note following RCW 29.85.010.

29.10.170 Transfer on election day. (1) A person who is registered to vote in this state may transfer his or her voter registration on the day of a special or general election or primary under the following procedures:

(a) The voter may complete, at the polling place, a registration transfer form designed by the secretary of state and supplied by the county auditor; or

(b) The voter may write in his or her new residential address in the precinct list of registered voters.

The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county.

(2) A voter who transfers his or her registration in the manner authorized by this section shall vote in the precinct in which he or she was previously registered.

(3) The auditor shall, within ninety days, mail to each voter who has transferred a registration under this section a notice of his or her current precinct and polling place. [1991 c 81 § 28; 1979 c 96 § 1.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.10.180 Voter change-of-address—Inquiries of registration validity—Corrections and cancellations. (1) The county auditor may enter one or more contracts with the United States postal service, or its licensee, which permit the auditor to use postal service change-of-address information. If the auditor finds that information received under such a contract gives the appearance that a voter has changed his or her residence address, the auditor shall notify the voter

concerning the requirements of state and federal laws governing voter registration and residence.

(2) Whenever any vote-by-mail ballot, notification to voters following reprecincting of the county, notification to voters of selection to serve on jury duty, notification under subsection (1) of this section, or initial voter identification card is returned by the postal service as undeliverable, the county auditor shall, in every instance, inquire into the validity of the registration of that voter.

(3) The county auditor shall initiate his or her inquiry by sending, by first-class mail, a written notice to the challenged voter at the address indicated on the voter's permanent registration record and to any other address at which the county auditor could reasonably expect mail to be received by the voter. The county auditor shall not request any restriction on the forwarding of such notice by the postal service. The notice shall contain the nature of the inquiry and provide a suitable form for reply. The notice shall also contain a warning that the county auditor must receive a response within forty-five days from the date of mailing or the individual's voter registration will be canceled.

(4) The voter, in person or in writing, may state that the information on the permanent voter registration record is correct or may request a change in the address information on the permanent registration record no later than the forty-fifth day after the date of mailing the inquiry.

(5) Upon the timely receipt of a response signed by the voter, the county auditor shall consider the inquiry satisfied and will make any address corrections requested by the voter on the permanent registration record. The county auditor shall cancel the registration of a voter who fails to respond to the notice of inquiry within forty-five days after the date of mailing.

(6) The county auditor shall notify any voter whose registration has been canceled by sending, by first class mail, a written notice to the address indicated on the voter's permanent registration record and to any other address to which the original inquiry was sent. Upon receipt of a satisfactory voter response, the auditor shall reinstate the voter.

(7) A voter whose registration has been canceled under this section and who offers to vote at the next ensuing election shall be issued a questioned ballot. Upon receipt of such a questioned 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 shall be immediately reinstated, and the voter's questioned ballot shall be counted. If the original cancellation was not in error, the voter shall be afforded the opportunity to reregister at his or her correct address, and the voter's questioned ballot shall not be counted. [1991 c 363 § 31; 1989 c 261 § 1; 1987 c 359 § 1.]

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

Chapter 29.13

TIMES FOR HOLDING ELECTIONS AND PRIMARIES

Sections	
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County officers, generally, time of election: RCW 36.16.010.

District elections, time of holding, see under particular district.

Elections, time of holding: State Constitution Art. 6 § 8.

School elections conducted according to Title 29 RCW: RCW 28A.320.410.

Special primary for United States senate vacancy in 1983: Chapter 3, Laws of 1983 3rd ex. sess. (uncodified).

29.13.010 State and local general elections—State-wide 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, district, and precinct 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 state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: **PROVIDED**, That the state-wide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29.13.020, 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, if it deems an emergency to exist, call a special county election by presenting a resolution to the county auditor at least forty-five days

prior to the proposed election date. Except as provided in subsection (4) of this section, 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 first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

(3) In addition to the dates set forth in subsection (2) (a) through (f) 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 failure of a county to pass a special levy for the first time or from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(4) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(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 except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer. [1992 c 37 § 1; 1989 c 4 § 9 (Initiative Measure No. 99); 1980 c 3 § 1; 1975-'76 2nd ex.s. c 111 § 1; 1975-'76 2nd ex.s. c 3 § 1; 1973 2nd ex.s. c 36 § 1; 1973 c 4 § 1; 1965 c 123 § 2; 1965 c 9 § 29.13.010. Prior: 1955 c 151 § 1; prior: (i) 1923 c 53 § 1; 1921 c 61 § 1; RRS § 5143. (ii) 1921 c 61 § 3; RRS § 5145.]

Severability—1989 c 4: See RCW 29.19.900.

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

29.13.020 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 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.315.280 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(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 at least forty-five days prior to the proposed election date, may, if the county auditor deems an emergency to exist, 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. Except as provided in subsection (3) of this section, such a special election shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March;
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

(3) In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29.19 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(4) In addition to subsection (2) (a) through (f) 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 failure of a school or junior taxing district to pass a special levy or bond issue for the first time or 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) (e) and (f) 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. [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.]

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

Severability—1989 c 4: See RCW 29.19.900.

Severability—1986 c 167: See note following RCW 29.01.055.

Severability—1975-'76 2nd ex.s. c 111: See note following RCW 29.13.010.

29.13.021 First class commission cities with charters providing triennial elections. All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years. All city officials shall be elected for

terms of four years and until their successors are elected and qualified and then assume office in accordance with RCW 29.04.170. [1983 c 3 § 43; 1979 ex.s. c 126 § 10; 1965 c 9 § 29.13.021. Prior: 1963 c 200 § 4.]

Purpose—1979 ex.s. c 126: See RCW 29.04.170(1).

29.13.023 First class mayor-council cities—Twelve councilmembers. All regular elections in first class cities having a mayor-council form of government whose charters provide for twelve councilmembers elected for a term of two years, two being elected from each of six wards, and for the election of a mayor, treasurer, and comptroller for terms of two years, shall be held biennially as provided in RCW 29.13.020. The term of each councilmember, mayor, treasurer, and comptroller shall be four years and until his or her successor is elected and qualified and assumes office in accordance with RCW 29.04.170. The terms of the councilmembers shall be so staggered that six councilmembers shall be elected to office at each regular election. [1981 c 213 § 3; 1979 ex.s. c 126 § 11; 1965 c 9 § 29.13.023. Prior: 1963 c 200 § 2; 1957 c 168 § 1.]

Purpose—1979 ex.s. c 126: See RCW 29.04.170(1).

29.13.024 First class mayor-council cities—Seven councilmembers. All regular elections in first class cities having a mayor-council form of government whose charters provide for seven councilmembers, one to be elected from each of six wards and one at large, for a term of two years, and for the election of a mayor, comptroller, treasurer and attorney for two year terms, shall be held biennially as provided in RCW 29.13.020. The terms of the six councilmembers to be elected by wards shall be four years and until their successors are elected and qualified and the term of the councilmember to be elected at large shall be two years and until their successors are elected and qualified. The terms of the councilmembers shall be so staggered that three ward councilmembers and the councilmember at large shall be elected at each regular election. The term of the mayor, attorney, treasurer, and comptroller shall be four years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. [1981 c 213 § 4; 1979 ex.s. c 126 § 12; 1965 c 9 § 29.13.024. Prior: 1963 c 200 § 3; 1957 c 168 § 2.]

Purpose—1979 ex.s. c 126: See RCW 29.04.170(1).

29.13.040 Conduct of elections—Canvass. All elections, whether special or general, held under RCW 29.13.010 and 29.13.020 as now or hereafter amended, shall be conducted by the county auditor as ex officio county supervisor of elections and except as provided in RCW 29.62.100 the returns thereof shall be canvassed by the county canvassing board. [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.]

County auditor designated as supervisor of certain elections: RCW 29.04.020.

29.13.045 Election costs borne by constituencies. Every city, town, and district shall be liable for its proportionate share of the costs when such elections are held in

conjunction with other elections held under RCW 29.13.010 and 29.13.020.

Whenever any city, town, or district shall hold any primary or election, general or special, on an isolated date, all costs of such elections shall 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 shall be promptly notified by the county treasurer whenever such transfer has been completed: PROVIDED, HOWEVER, That in those districts wherein a treasurer, other than the county treasurer, has been appointed such transfer procedure shall not apply but the district shall promptly issue its warrant for payment of election costs. [1965 c 123 § 5; 1965 c 9 § 29.13.045. Prior: 1963 c 200 § 7; 1951 c 257 § 5.]

County, municipality, or special district facilities as polling places, payments for: RCW 29.48.007.

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 distributing ballot materials: RCW 29.30.130.

Expense of recount—Charges: RCW 29.64.060.

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

Public utility district elections, expense of: RCW 54.12.010.

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

Sewer districts, formation of, expense: RCW 56.04.080.

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

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

29.13.047 State share of election costs. (1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year under RCW 29.13.010, 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 29.68 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 29.13.045 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. [1985 c 45 § 2; 1977 ex.s. c 144 § 4; 1975-'76 2nd ex.s. c 4 § 1; 1973 c 4 § 2.]

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.] Sections 2 through 7 of this act consisted of the 1985 c 45 amendments to RCW 29.13.047, 29.68.070, 29.68.080, 29.68.100, 29.68.120, and 29.68.130.

29.13.048 Interest on reimbursement of costs. For any reimbursement of election costs under RCW 29.13.047, 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 under *RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047. [1986 c 167 § 7.]

*Reviser's note: RCW 43.88.111 was repealed by 1986 c 215 § 7.
Severability—1986 c 167: See note following RCW 29.01.055.

29.13.050 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 shall begin in accordance with RCW 29.04.170: PROVIDED, That any 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 29.01.135.

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office. [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.]

Purpose—1979 ex.s. c 126: See RCW 29.04.170(1).

29.13.060 Elections in certain first class school districts. 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 29.13.020.

Except as provided in RCW 28A.315.460, the directors to be elected shall be elected for terms of six years and until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. [1991 c 363 § 32; 1990 c 33 § 563; 1989 c 10 § 7. Prior: 1979 ex.s. c 183 § 11; 1979 ex.s. c 126 § 15; 1965 c 9 § 29.13.060; prior: 1963 c 200 § 9; 1943 c 10 § 1; Rem. Supp. 1943 § 4810-1.]

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

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

Purpose—1979 ex.s. c 126: See RCW 29.04.170(1).

Effective date—Severability—1979 ex.s. c 183: See notes following RCW 28A.315.580.

Directors—Number and terms of in new first class district having city with population of 400,000 people or more: RCW 28A.315.630.

29.13.070 Primaries. Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first. [1977 ex.s. c 361 § 29; 1965 ex.s. c 103 § 6; 1965 c 9 § 29.13.070. Prior: 1963 c 200 § 25; 1907 c 209 § 3; RRS § 5179.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.13.080 Opening and closing polls. At all primaries and elections, general or special, in all counties the polls must be kept open from seven o'clock a.m. to eight o'clock p.m. All qualified electors who are at the polling place at eight o'clock p.m., shall be allowed to cast their votes. [1973 c 78 § 1; 1965 ex.s. c 101 § 13; 1965 c 9 § 29.13.080. Prior: (i) 1921 c 61 § 7; RRS § 5149. (ii) 1921 c 170 § 5; RRS § 5154. (iii) 1921 c 178 § 7; 1907 c 235 § 1; 1889 p 413 § 35; RRS § 5319. (iv) 1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part.]

Closing the polls: RCW 29.51.250.

District elections, hours, see particular districts.

Employer's duty to provide time to vote: RCW 49.28.120.

Polls open continuously—Announcement of closing: RCW 29.51.240.

Proclamation opening the polls: RCW 29.48.100.

29.13.100 United States Constitutional amendment conventions—Election of convention delegates. See RCW 29.74.030.

Chapter 29.15 FILING FOR OFFICE

Sections

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29.15.010 Declaration and affidavit 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 and affidavit 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 indicate a party designation, if applicable;

(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 nominating petition in lieu of the filing fee under RCW 29.15.050;

(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.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process. [1990 c 59 § 82.]

29.15.020 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 no earlier than the fourth Monday in July and no later than 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. [1990 c 59 § 81;

1986 c 167 § 8; 1984 c 142 § 2. Formerly RCW 29.18.025.]

Severability—1986 c 167: See note following RCW 29.01.055.

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.] For codification of 1984 c 142, see Codification Tables, Volume 0.

29.15.025 Qualifications for filing, appearance on ballot. (1) A person filing a declaration and affidavit of candidacy for an office shall, at the time of filing, possess the qualifications specified by law for persons who may be elected to the office.

(2) The name of a candidate for an office shall not appear on a ballot for that office unless the candidate is, at the time the candidate's declaration and affidavit 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 and affidavit of candidacy is filed, properly registered to vote in that district or division. The officer with whom declarations and affidavits of candidacy must be filed under this title shall review each such declaration filed regarding compliance with this subsection.

(3) This section does not apply to the office of a member of the United States congress. [1991 c 178 § 1. Formerly RCW 29.18.021.]

29.15.026 Information on geographical boundaries.

(1) The legislative authority of each county and each city, town, and special purpose district which lies entirely 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.

(2) A city, town, or special purpose district that lies in more than one county shall provide the secretary of state 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 secretary is kept current. The secretary of state shall promptly transmit to each county in which a city, town, or special purpose district is located information regarding the boundaries of that jurisdiction which is provided to the secretary. [1991 c 178 § 2. Formerly RCW 29.04.220.]

29.15.030 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 state-wide 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 voters from a district comprising more than one county vote upon the candidates;

(3) The county auditor for all other offices. For any nonpartisan office, other than judicial offices, 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.

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 forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his 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 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. [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 29.18.040.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Construction—1975-'76 2nd ex.s. c 112: RCW 42.17.945.

Severability—1975-'76 2nd ex.s. c 112: RCW 42.17.912.

Precinct committee officer, filing of declaration of candidacy with county auditor: RCW 29.42.040.

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

29.15.040 Declaration of candidacy—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. In partisan and judicial elections the filing officer shall determine by lot the order in which the names of those candidates shall appear upon sample and absentee primary ballots.

(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. [1987 c 110 § 2; 1986 c 120 § 2. Formerly RCW 29.18.045.]

Precinct committee officer, declaration of candidacy, fee: RCW 29.42.040, 29.42.050.

29.15.050 Declaration of candidacy—Fees and petitions. A filing fee of one dollar shall accompany each declaration of candidacy for precinct committee officer; 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 any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

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 nominating 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 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.

(2) 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. [1990 c 59 § 85; 1987 c 295 § 2; 1984 c 142 § 4; 1965 c 9 § 29.18.050. Prior: 1909 c 82 § 2; 1907 c 209 § 5; RRS § 5182. Formerly RCW 29.18.050.]

Intent—1984 c 142: See note following RCW 29.15.020.

Precinct committee officer, declaration of candidacy, fee: RCW 29.42.040, 29.42.050.

29.15.060 Nominating petition—Form. The nominating petition authorized by RCW 29.15.050 shall be printed on sheets of uniform color and size, shall contain no more than twenty numbered lines, and shall be in substantially the following form:

WARNING

Any person who signs this petition with any other than his or her true name, or who knowingly (1) signs more than one petition for any single candidate, (2) signs the petition when he or she is not a legal voter, or (3) makes any false statement may be subject to fine, or imprisonment, or both.

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).

Signature	Printed Name	Residence Address	City	County
1-----				
2-----				
3-----				
etc.				

[1984 c 142 § 5. Formerly RCW 29.18.053.]

Intent—1984 c 142: See note following RCW 29.15.020.

29.15.070 Nominating petitions—Rejection—Acceptance, canvass of signatures—Judicial review. Nominating petitions may be rejected for the following reasons:

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

If the petition is accepted, the officer with whom it is filed shall canvass the signatures contained on it and shall reject the signatures of those persons who are not registered voters and the signatures of those persons who are not registered to vote within the jurisdiction of the office for which the nominating petition is filed. He or she shall additionally reject any signature that appears on the nominating 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. [1984 c 142 § 6. Formerly RCW 29.18.055.]

Intent—1984 c 142: See note following RCW 29.15.020.

29.15.080 Nominating petitions—Penalties for improperly signing. The following apply to persons signing nominating petitions prescribed by RCW 29.15.060:

- (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. [1984 c 142 § 8. Formerly RCW 29.18.057.]

Intent—1984 c 142: See note following RCW 29.15.020.

29.15.090 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.

(1992 Ed.)

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.

The secretary of state shall adopt rules to resolve those instances when candidates have filed for the same office whose last names are so similar in sound or spelling as to be confusing to the voter. [1990 c 59 § 83.]

29.15.100 Duplication of, use of nonexistent or untrue names, as felony. A person is guilty of a felony 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 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. [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 29.18.070.]

29.15.110 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, shall be guilty of a felony. In addition thereto such person or persons shall be subject to a suit for civil damages the amount of which shall not exceed the salary which the injured person would have received had he been elected or reelected. [1965 c 9 § 29.18.080. Prior: 1943 c 198 § 6; Rem. Supp. 1943 § 5213-15. Formerly RCW 29.18.080.]

29.15.120 Withdrawal of candidacy. A candidate may withdraw his or her declaration of candidacy at any time before the close of business on the Thursday following the last day for candidates to file under RCW 29.15.020 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. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not been printed. 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. [1990 c 59 § 86; 1984 c 142 § 7. Formerly RCW 29.18.105.]

Intent—1984 c 142: See note following RCW 29.15.020.

29.15.130 Officials to designate position numbers, when—Effect. Not less than thirty days before the first day for filing declarations of candidacy under RCW 29.15.020 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. [1990 c 59 § 79; 1965 c 52 § 1. Formerly RCW 29.18.015.]

29.15.140 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.

In filing the declaration of candidacy in such cases the candidate shall specify that the candidacy is for the short term, the full term, or the unexpired term. 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 on the second Monday in January following the election to assume office for the full term. [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 29.21.140.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

Term of person elected to fill vacancy: RCW 42.12.030.

Vacancies in public office, how filled: RCW 42.12.010.

29.15.150 Elections to fill unexpired term—No primary, when. Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no September primary

election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist:

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

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

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot. [1973 c 4 § 3. Formerly RCW 29.13.075.]

29.15.160 Void in candidacy—Exception. A void in candidacy for a nonpartisan office occurs when an election for such office, except for the short term, 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. [1975-'76 2nd ex.s. c 120 § 9; 1972 ex.s. c 61 § 1. Formerly RCW 29.21.350.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

Severability—1972 ex.s. c 61: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 61 § 8.]

29.15.170 Reopening of filing—Occurrences before fourth Tuesday before primary. Filings for a nonpartisan office shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law whenever before the fourth Tuesday prior to a primary:

(1) A void in candidacy occurs;

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

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

Candidacies validly filed within said three-day period shall appear on the ballot as if made during the earlier filing period. [1975-'76 2nd ex.s. c 120 § 10; 1972 ex.s. c 61 § 2. Formerly RCW 29.21.360.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

29.15.180 Reopening of filing—Occurrences after fourth Tuesday before primary. Filings for a nonpartisan office (other than judge of the supreme court or superintendent of public instruction) shall be reopened for a period of three normal business days, such three day period to be fixed by the election officer with whom such declarations of

candidacy are filed and notice thereof given by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law, when:

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

(2) A nominee for judge of the superior court eligible after a contested primary for a certificate of election by Article 4, section 29, Amendment 41 of the state Constitution, dies or is disqualified within the ten day period when a petition for write-in candidacy may be received; or

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

The candidate receiving a plurality of the votes cast for that office in the general election shall be deemed elected. [1975-'76 2nd ex.s. c 120 § 11; 1972 ex.s. c 61 § 3. Formerly RCW 29.21.370.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.15.160.

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

29.15.190 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:

(1) In an election for judge of the supreme court or superintendent of public instruction, a void in candidacy occurs on or after the fourth Tuesday prior to a primary, public filings and the primary being an indispensable phase of the election process for such offices;

(2) Except as otherwise specified in RCW 29.15.180, as now or hereafter amended, a nominee for judge of the superior court entitled to a certificate of election pursuant to Article 4, section 29, Amendment 41 of the state Constitution dies or is disqualified on or after the fourth Tuesday prior to a primary;

(3) In other elections for nonpartisan office a void in candidacy occurs or a vacancy occurs involving an unexpired term to be filled on or after the fourth Tuesday prior to an election. [1975-'76 2nd ex.s. c 120 § 12; 1972 ex.s. c 61 § 4. Formerly RCW 29.21.380.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

29.15.200 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 29.15.170 and 29.15.180, as now or hereafter amended, have passed and still 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 his successor is elected at the next election when such positions are voted upon as provided by RCW 29.21.410, as now or hereafter amended. [1975-'76 2nd ex.s. c 120 § 13. Formerly RCW 29.21.385.]

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

29.15.210 Notice of void in candidacy. The election officer with whom declarations of candidacy are filed shall give notice of a void in candidacy for a nonpartisan office, by notifying press, radio, and television in the county and by such other means as may now or hereafter be provided by law. The notice shall state the office, and the time and place for filing declarations of candidacy. [1972 ex.s. c 61 § 5. Formerly RCW 29.21.390.]

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

29.15.220 Filings to fill void in candidacy—How made. Filings to fill a void in candidacy for nonpartisan office shall be made in the same manner and with the same official as required during the regular filing period for such office: PROVIDED, That nominating signature petitions which may be required of candidates filing for certain district offices during the normal filing period shall not be required of candidates filing during the special three day filing period. [1972 ex.s. c 61 § 6. Formerly RCW 29.21.400.]

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

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

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

Candidacies validly filed within the special three-day filing period shall appear on the primary ballot as if filed during the regular filing period. [1981 c 180 § 2. Formerly RCW 29.18.032.]

Severability—1981 c 180: See note following RCW 42.12.040.

Vacancy in partisan elective office, successor elected, when: RCW 42.12.040.

Vacancy in United States senate, special filing period in 1983: Chapter 1, Laws of 1983 3rd ex. sess. (uncodified).

29.15.800 Rules by secretary of state. The secretary of state shall adopt rules consistent with the provisions of this chapter to facilitate its implementation. The secretary shall publish proposed rules implementing this section not later than December 15, 1991. [1990 c 59 § 97.]

29.15.900 Intent—1990 c 59. See note following RCW 29.01.006.

29.15.901 Effective date—1990 c 59. See note following RCW 29.01.006.

Chapter 29.18
PARTISAN PRIMARIES

Sections

- 29.18.010 Application of chapter.
 29.18.120 General election laws govern primary.
 29.18.150 Vacancies on major party ticket caused by no filing—How filled.
 29.18.160 Vacancies caused by death or disqualification—How filled—Correcting ballots and labels—Counting votes already cast for person named to vacancy, when.
 29.18.200 Blanket primary authorized.

Contest, ineligibility to hold office at time declared elected as ground for: RCW 29.65.010.

Notice of primary election: RCW 29.27.030.

Political party conventions not to nominate candidates to be voted on in primary: RCW 29.42.010.

29.18.010 Application of chapter. Candidates for the following offices shall be nominated at partisan primaries held pursuant to the provisions of this chapter:

- (1) Congressional offices;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise. [1990 c 59 § 78; 1965 c 9 § 29.18.010. Prior: 1911 c 101 § 2; 1909 c 82 § 1; 1907 c 209 § 2; RRS § 5178.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.18.120 General election laws govern primary. So far as applicable, the provisions of this title relating to conducting general elections shall govern the conduct of primaries. [1990 c 59 § 87; 1971 ex.s. c 112 § 1; 1965 c 9 § 29.18.120. Prior: (i) 1907 c 209 § 14; RRS § 5191. (ii) 1921 c 178 § 5; 1907 c 209 § 21; RRS § 5197. (iii) 1909 c 82 § 10; 1907 c 209 § 33; RRS § 5208.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.18.150 Vacancies on major party ticket caused by no filing—How filled. Should a place on the ticket of a major political party be vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW 29.15.120, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy. [1990 c 59 § 102; 1977 ex.s. c 329 § 12; 1965 c 9 § 29.18.150. Prior: 1961

c 130 § 17; prior: (i) 1933 c 21 § 1, part; 1919 c 163 § 24, part; RRS § 5200, part. (ii) 1889 p 404 § 12; RRS § 5176.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.18.160 Vacancies caused by death or disqualification—How filled—Correcting ballots and labels—Counting votes already cast for person named to vacancy, when. A vacancy caused by the death or disqualification of any candidate or nominee of a major or minor political party may be filled at any time up to and including the day prior to the election for that position. For state partisan offices in any political subdivision voted on solely by electors of a single county, an individual shall be appointed to fill such vacancy by the county central committee in the case of a major political party or by the state central committee or comparable governing body in the case of a minor political party. For other partisan offices, including federal or state-wide offices, an individual shall be appointed to fill such vacancy by the state central committee or comparable governing body of the appropriate political party.

Should such vacancy occur no later than the third Tuesday prior to the state primary or general election concerned and the ballots and voting machine labels have been printed, it shall be mandatory that they be corrected by the appropriate election officers. In making such correction, it shall not be necessary to reprint complete ballots if any other less expensive technique can be used and the resulting correction is reasonably clear.

Should such vacancy occur after the third Tuesday prior to said state primary or general election and time does not exist in which to correct paper ballots (including absentee ballots) or voting machine labels, either in total or in part, then the votes cast or recorded for the person who has died or become disqualified shall be counted for the person who has been named to fill such vacancy.

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

In the event that the secretary of state has already sent forth his certificate when the appointment to fill a vacancy is filed with him, he shall forthwith certify to the county auditors of the proper counties the name and place of residence of the person appointed to fill a vacancy, the office for which he is a candidate or nominee, the party he represents and all other pertinent facts pertaining to the vacancy. [1977 ex.s. c 329 § 13.]

29.18.200 Blanket primary authorized. Except as provided otherwise in chapter 29.19 RCW, all properly registered voters may vote for their choice at any primary held under this title, for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter. [1990 c 59 § 88; 1965 c 9 § 29.18.200. Prior: 1935 c 26 § 5, part; No RRS.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Chapter 29.19

PRESIDENTIAL PREFERENCE PRIMARY

Sections

29.19.010	Intent.
29.19.020	Date of primary.
29.19.030	Ballot—Names included.
29.19.040	Ballot—Arrangement and form.
29.19.050	Primary procedures—Ballot requests.
29.19.060	Allocation of delegates—Commitment—Vacancies.
29.19.070	Rules—Secretary of state.
29.19.080	Allocation of costs.
29.19.900	Severability—1989 c 4.

29.19.010 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 handicapped, 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. [1989 c 4 § 1 (Initiative Measure No. 99).]

29.19.020 Date of primary. On the fourth Tuesday in May of each year when a president of the United States is to be nominated and elected, or such other date as may be selected by the secretary of state to advance the concept of a regional primary, a presidential preference primary shall be held at which voters may express their preferences as to who should be the nominee of a major political party for the office of president. [1989 c 4 § 2 (Initiative Measure No. 99).]

29.19.030 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 the thirty-ninth day 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 29.79.200 and 29.79.210.

The secretary of state shall place the name of the candidate on the ballot unless the candidate, at least thirty-five 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. [1989 c 4 § 3 (Initiative Measure No. 99).]

29.19.040 Ballot—Arrangement and form. The arrangement and form of presidential primary ballots shall be substantially as provided for any primary election within the state except as may be modified by this chapter or by rule of the secretary of state as provided for in RCW 29.19.070 to adequately reflect the intent of this chapter.

A separate ballot shall be prepared for each major political party that has candidates whose names have been authorized for placement on presidential preference primary ballots under RCW 29.19.030. The names of all candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. There shall be a printed box adjacent to the name of each candidate. A blank space to allow the voter to write in the name of another candidate shall also be included on each ballot.

The ballot, in providing for a choice of candidates for the office of president, shall set forth only those candidates, with their political party affiliation, who have qualified for a place on the ballot under RCW 29.19.030. [1989 c 4 § 4 (Initiative Measure No. 99).]

29.19.050 Primary procedures—Ballot requests. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state partisan primary, including the certification of the election returns by the secretary of state. The requirement of rotation of names on the ballot does not apply to the candidates listed on the presidential preference primary ballot. County auditors may combine and consolidate two or more precincts for the purpose of conducting the presidential preference primary only if precinct vote totals for the primary can still be made available and the consolidation does not require a voter to go to a location different from that of the last regular election.

Each person desiring to vote in the presidential preference primary shall receive a ballot request form on which

the voter shall sign his or her name and address and declare the party primary in which he or she wishes to participate.

The secretary shall prescribe rules for providing each party central committee a list of the voters who participated in the presidential primary of that party.

The signed ballot request forms shall be maintained in the centralized containers by the county auditor for a period of time as specified by rule of the secretary of state, after which time they shall be destroyed, unless otherwise directed by federal law.

At a presidential preference primary, a voter may cast no more than one vote on a ballot. Any presidential preference primary ballot with more than one vote is void, and notice to this effect, couched in clear, simple language, and printed in large type, shall appear on the face of each presidential preference primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device. [1989 c 4 § 5 (Initiative Measure No. 99).]

29.19.060 Allocation of delegates—Commitment—Vacancies. (1) The results of the presidential preference primary shall determine the percentage of delegate positions to be allocated to each presidential candidate. Selection of individuals to delegate positions shall be in compliance with applicable state party rules, and to the extent practicable, delegates shall be apportioned among the state's congressional districts. Delegate positions shall be allocated to presidential candidates in the manner specified in subsection (3) of this section except as otherwise provided by national party rules.

(2) All votes cast for a particular presidential candidate in a party's primary shall be considered votes for delegate positions committed to that candidate.

Each candidate for a delegate position who is committed to a particular presidential candidate, before the selection of delegates, shall sign and submit to the appropriate party's state committee the following pledge:

Delegate Pledge

I,, do hereby swear that I am a supporter of for the office of President of the United States; and that if elected as a delegate to the Party National Convention I pledge to cast my ballot as a delegate to the convention for that candidate on the first two ballots unless released by the candidate, and I pledge furthermore to do all that I can to advance the cause of that candidate at the national convention.

(3) Except as otherwise provided by national party rules, delegate positions shall be allocated from the state at-large among presidential candidates who receive at least fifteen percent of the total votes cast for candidates of the same political party, or such other percentage as national party rules may provide. Each candidate so qualified shall be allocated a percentage of delegate positions equal to as nearly as practicable that candidate's percentage of the total votes cast for candidates of the same political party in the presidential preference primary. The votes of candidates who do not receive at least fifteen percent of the total votes cast in their parties' presidential preference primary shall be

proportionately allocated to those candidates who did receive fifteen percent or more of the total votes cast in their parties' presidential preference primary.

(4) If any presidential candidate, at any time after the presidential preference primary, formally releases the delegates holding positions committed to him or her under the formula established by subsection (3) of this section, the delegates shall be considered uncommitted. The delegates holding positions committed to a candidate shall be considered formally released when the candidate so notifies, in writing, the chair of his or her party's delegation.

(5) In the event of the death of a candidate to whom delegate positions have been committed, all such positions shall be considered uncommitted.

(6) If no ballot choice on a political party ballot receives fifteen percent or more of the total votes cast, the state committee of the political party shall determine how delegate positions allotted to the state by the national committee shall be committed.

(7) If a vacancy occurs in the position of delegate, the remaining delegates committed to the same preference as the vacating person shall name a person to fill the vacancy. [1989 c 4 § 6 (Initiative Measure No. 99).]

29.19.070 Rules—Secretary of state. The secretary of state as chief election officer may make rules in accordance with chapter 34.05 RCW or its statutory successor to facilitate the operation, accomplishment, and purpose of this chapter. [1989 c 4 § 7 (Initiative Measure No. 99).]

29.19.080 Allocation of costs. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding the election if it is held alone. If any other election or elections are held at the same time, the state is liable only for its prorated share. The county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefore with the secretary of state. The secretary of state shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims. [1989 c 4 § 8 (Initiative Measure No. 99).]

29.19.900 Severability—1989 c 4. 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. [1989 c 4 § 12 (Initiative Measure No. 99).]

Chapter 29.21

NONPARTISAN PRIMARIES AND ELECTIONS

Sections

29.21.010 Primaries in cities, towns, and certain districts.
29.21.015 When no city, town, or district primary required—
Procedure.

29.21.070 Nonpartisan offices specified.
29.21.410 Special election to fill unexpired term.

Candidates' pamphlet: Chapter 29.80 RCW.

Contest, ineligibility to hold office at time declared elected as ground for: RCW 29.65.010.

Notice of primary: RCW 29.27.030.

29.21.010 Primaries in cities, towns, and certain districts. 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 29.13.070.

The purpose of this section is to establish the holding of a primary, subject to the exemptions in RCW 29.21.015, 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. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1975-'76 2nd ex.s. c 120: "If any provision of this 1976 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 120 § 16.]

29.21.015 When no city, town, or district primary required—Procedure. No primary may be held for any single position in any city, town, or district, as required by RCW 29.21.010, 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. Names of candidates so notified shall be printed upon the general election ballot in the manner specified by RCW 29.30.025. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1975-'76 2nd ex.s. c 120: See note following RCW 29.21.010.

29.21.070 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. [1990 c 59 § 91; 1987 c 202 § 193; 1971 c 81 § 75; 1965 c 9 § 29.21.070. 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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Intent—1987 c 202: See note following RCW 2.04.190.

Eligibility of judges: State Constitution Art. 4 § 17.

29.21.410 Special election to fill unexpired term.

Whenever it shall be necessary to hold a special election to fill an unexpired term of an elective office of any city, town, or district, such special election shall be held in concert with the next general election which is to be held by the respective city, town, or district concerned for the purpose of electing officers to full terms: PROVIDED, That this section shall not apply to any city of the first class whose charter provision relating to elections to fill unexpired terms are inconsistent herewith. [1972 ex.s. c 61 § 7.]

Severability—1972 ex.s. c 61: See note following RCW 29.15.160.

Chapter 29.24

NOMINATIONS OTHER THAN BY PRIMARY

Sections

- 29.24.010 Definitions—"Convention" and "election jurisdiction."
- 29.24.020 Nomination by convention or write-in—Date for convention—Multiple conventions by single party.
- 29.24.025 Notice of convention.
- 29.24.030 Requirements for validity of convention.
- 29.24.035 Nominating petition—Name—Registered voters.
- 29.24.040 Certificate of nomination—Requisites.
- 29.24.055 Presidential electors—Selection at convention.
- 29.24.060 Certificate of nomination—Checking signatures—Appeal of determination.
- 29.24.070 Declarations of candidacy required, exceptions—Payment of fees.

Special procedures for United States senate vacancy in 1983: Chapter 1, Laws of 1983 3rd ex. sess. (uncodified).

29.24.010 Definitions—"Convention" and "election jurisdiction." 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. As used in this chapter, the term "election jurisdiction" shall mean the state or any political subdivision or jurisdiction of the state from which partisan officials are elected. This term shall include county commissioner districts or council districts for members of a county legislative authority, counties for county officials who are nominated and elected on a county-wide basis, legislative districts for members of the legislature, congressional districts for members of congress, and the state for president and vice president, members of the United States senate, and state officials who are elected on a state-wide basis. [1977 ex.s. c 329 § 1; 1965 c 9 § 29.24.010. Prior: 1955 c 102 § 2; prior: 1937 c 94 § 2, part; RRS § 5168, part.]

Minor political party defined: RCW 29.01.100.

Registration of voters: Chapter 29.07 RCW.

29.24.020 Nomination by convention or write-in—Date for convention—Multiple conventions by single party. Any nomination of a candidate for partisan public office by other than a major political party shall only be made either: (1) In a convention held not earlier than the last Saturday in June and not later than the first Saturday in July or during any of the seven days immediately preceding the first day for filing declarations of candidacy as fixed in accordance with RCW 29.68.080; or (2) as provided by RCW 29.51.170. A minor political party may hold more than one convention but in no case shall any such party

nominate more than one candidate for any one partisan public office or position. For the purpose of nominating candidates for the offices of president and vice-president, United States senator, or a state-wide office, a minor party or independent candidate holding multiple conventions may add together the number of signatures of different individuals from each convention obtained in support of the candidate or candidates in order to obtain the number required by RCW 29.24.030. For all other offices for which nominations are made, signatures of the requisite number of registered voters must be obtained at a single convention. [1989 c 215 § 2; 1977 ex.s. c 329 § 2; 1965 c 9 § 29.24.020. Prior: 1955 c 102 § 3; prior: (i) 1937 c 94 § 1; RRS § 5167. (ii) 1937 c 94 § 4; RRS § 5170. (iii) 1937 c 94 § 10; RRS § 5170-6. (iv) 1907 c 209 § 26, part; RRS § 5203, part.]

Primaries, when held: RCW 29.13.070.

29.24.025 Notice of convention. 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. [1989 c 215 § 1.]

29.24.030 Requirements for validity of convention. (1) To be valid, a convention must be attended by at least twenty-five registered voters.

(2) In order to nominate candidates for the offices of president and vice-president of the United States, United States senator, or any state-wide office, a nominating convention shall obtain and submit to the filing officer the signatures of at least two hundred registered voters of the state of Washington. In order to nominate candidates for any other office, a nominating convention shall obtain and submit to the filing officer the signatures of twenty-five persons who are registered to vote in the jurisdiction of the office for which the nominations are made. [1989 c 215 § 3; 1977 ex.s. c 329 § 3; 1965 c 9 § 29.24.030. Prior: 1955 c 102 § 4; prior: (i) 1937 c 94 § 2, part; RRS § 5168, part. (ii) 1937 c 94 § 3; RRS § 5169.]

29.24.035 Nominating petition—Name—Registered voters. 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 29.24.030(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 a primary or election. [1989 c 215 § 5.]

*Reviser's note: The reference to RCW 29.24.030(3) appears to be erroneous. The section governing the certificate of nomination is RCW 29.24.040(3).

29.24.040 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 residence, and the office for which he is named, and if the nomination is for the offices of president and vice-president of the United States, 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 registered voters equal in number to that required by RCW 29.24.030;
- (6) Contain proof of publication of the notice of calling the convention; and
- (7) Be submitted to the appropriate filing officer not later than one week following the adjournment of the convention at which the nominations were made. If the nominations are made only for offices whose jurisdiction is entirely within one county, the certificate and nominating petitions must be filed with the county auditor. If a minor party or independent candidate convention nominates any candidates for offices whose jurisdiction encompasses more than one county, all nominating petitions and the convention certificates must be filed with the secretary of state. [1989 c 215 § 4; 1977 ex.s. c 329 § 4; 1965 c 9 § 29.24.040. Prior: 1955 c 102 § 5; prior: 1937 c 94 § 5, part; RRS § 5170-1, part.]

Requirements of candidates for public office under subversive activities act: Chapter 9.81 RCW.

29.24.055 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. [1989 c 215 § 6.]

29.24.060 Certificate of nomination—Checking signatures—Appeal of determination. Upon the receipt of the certificate of nomination, the officer with whom it is filed shall check the certificate and canvass the signatures on the accompanying nominating petitions to determine if the requirements of RCW 29.24.030 have been met. Once the determination has been made, the filing officer 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 filing officer's determination must be filed with the superior court of the county in which the certificate or petitions were filed 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. [1989 c 215 § 7; 1977 ex.s. c 329 §

6; 1965 c 9 § 29.24.060. Prior: 1937 c 94 § 6; RRS § 5170-2.]

29.24.070 Declarations of candidacy required, exceptions—Payment of fees. Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. Except for the offices of president and vice-president, persons nominated under this chapter shall file declarations of candidacy as provided by RCW 29.15.010 and 29.15.030. The name of a candidate nominated at a convention shall not be printed upon the primary ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary. [1990 c 59 § 103; 1989 c 215 § 8; 1977 ex.s. c 329 § 7; 1965 c 9 § 29.24.070. Prior: 1955 c 102 § 7; prior: (i) 1937 c 94 § 7, part; RRS § 5170-3, part. (ii) 1907 c 209 § 26, part; RRS § 5203, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Chapter 29.27

CERTIFICATES AND NOTICES

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29.27.020 Certifying primary candidates. On or before the day following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party designation, if any. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Special procedures for primary for United States senate vacancy in 1983: Chapter 1, Laws of 1983 3rd ex. sess. (uncodified).

29.27.030 Notice of primary. Not more than ten nor less than three days prior to the primary election the county auditor shall publish notice of such primary in one or more newspapers of general circulation within the county. Said notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration of candidacy to be voted upon at that primary election, the hours during which the polls will be open, and that the election will be held in the regular polling place in each precinct, giving the address of each polling place: PROVIDED, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for the holding of any primary election. [1965 c 9 § 29.27.030. 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.]

29.27.050 Certification of nominees. 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 persons nominated for offices, the returns of which have been canvassed by the secretary of state. [1990 c 59 § 9; 1965 ex.s. c 103 § 7; 1965 c 9 § 29.27.050. Prior: 1961 c 130 § 19; 1889 p 403 § 9; RRS § 5173.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.27.060 Certification of measures—Ballot titles. When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding seventy-five words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

The concise statement constitutes the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amend-

ment or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums. [1985 c 252 § 1; 1977 c 4 § 3; 1973 1st ex.s. c 118 § 1; 1965 c 9 § 29.27.060. Prior: 1953 c 242 § 1; 1913 c 135 § 1; 1889 p 405 § 14; RRS § 5271.]

Severability—1977 c 4: See note following RCW 84.52.052.

Ballot titles to initiatives and referendums: RCW 29.79.040 through 29.79.070.

Review of proposed initiatives by code reviser: RCW 29.79.015.

29.27.065 Certification of measures—Notice of ballot title. Upon the filing of a ballot title as defined in RCW 29.27.060, the secretary of state, in event it is a state question, or the county auditor in the event it is a county or other local question, shall forthwith notify the persons proposing the measure of the exact language of the ballot title. [1965 c 9 § 29.27.065. Prior: 1953 c 242 § 3.]

29.27.067 Certification of measures—Ballot title—Appeal to superior court. If the persons filing any state or local question covered by RCW 29.27.060 are dissatisfied with the ballot title formulated by the attorney general, 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 appeal to the superior court of Thurston county if it is a state-wide question, or to the superior court of the county where the question is to appear on the ballot, if it is a county or local question, by petition setting forth the measure, the ballot title objected to, their objections to the ballot title and praying for amendment thereof. The time of the filing of the ballot title, as used herein in determining the time for appeal, is the time the ballot title is first filed with the secretary of state, if concerning a state-wide question, or the county auditor, if a local question, the secretary of state or the county officer being herein called the "filing officer."

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the filing officer and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall forthwith, 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 thereto and may hear arguments thereon, and shall as soon as possible render its decision and certify to and file with the filing officer such ballot title as it determines will meet the requirements of this chapter. The decision of the superior court shall be final, and the title so certified shall be the established ballot title. Such appeal shall be heard without cost to either party. [1965 c 9 § 29.27.067. Prior: 1953 c 242 § 4.]

29.27.072 Notice of constitutional amendments and state debts—Method. The secretary of state shall cause notice of the proposed constitutional amendments and laws authorizing state debts that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state and shall supplement publication thereof by radio and television broadcast as provided in RCW 65.16.130, 65.16.140, and 65.16.150. [1967 c 96 § 1; 1965 c 9 § 29.27.072. Prior: 1961 c 176 § 1.]

29.27.074 Notice of constitutional amendments and state debts—Contents. The notice provided for in RCW 29.27.072 shall set forth 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. [1967 c 96 § 2; 1965 c 9 § 29.27.074. Prior: 1961 c 176 § 2.]

29.27.076 Notice of constitutional amendments and state debts—Explanatory statement. The attorney general shall, by the first day of July preceding each general election, prepare the explanatory statements required in RCW 29.27.074. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the proposed state measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the proposed state measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirement of RCW 29.27.072 through 29.27.076. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party. [1967 c 96 § 3; 1965 c 9 § 29.27.076. Prior: 1961 c 176 § 3.]

29.27.080 Notice of election—Certification of measures. (1) Except as provided in RCW 29.81A.060, notice for any state, county, district, or municipal election, whether special or general, shall be given by at least one publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: PROVIDED, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county,

district, or municipal general or special election and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements for the giving of notice of any general or special elections.

(2) All school district elections held on February 5, 1980, at which the number and proportion of persons required by law voted to authorize bonds or tax levies, are hereby validated regardless of any failure to publish notice of such election. No action challenging the validity of any such election may be brought later than April 15, 1980, or thirty days from June 12, 1980, whichever is later. Notice of provisions of this subsection shall be published within five days after February 28, 1980, in a newspaper of general circulation within each county where a school district election was held on February 5, 1980, and where notice of such election was not published as provided in subsection (1) of this section. [1984 c 106 § 12; 1980 c 35 § 8; 1965 c 9 § 29.27.080. Prior: 1955 c 153 § 1; 1951 c 101 § 7; 1949 c 161 § 11; Rem. Supp. 1949 § 5148-3a.]

Effective date—Severability—1984 c 106: See RCW 29.81A.900 and 29.81A.901.

Severability—1980 c 35: See note following RCW 28A.315.450.

29.27.090 Preservation of nominating certificates. The secretary of state, county auditor of each county, and clerks of the several municipal corporations shall preserve all certificates of nomination filed in their respective offices for six months. All certificates shall be open to public inspection under proper regulations made by the officer with whom they are filed. [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.]

29.27.100 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 he serves as supervisor of elections, the county auditor shall notify the person elected, and upon his demand issue to him a certificate of his election. [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.]

Tie votes in final election: RCW 29.62.080.

29.27.110 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. [1965 c 9 § 29.27.110. Prior: (i) 1933 c 92 § 1; RRS § 5343-1. (ii) Code 1881 § 3100, part; No RRS.]

Judges of their own election and qualification—Quorum: State Constitution Art. 2 § 8.

Returns of elections, canvass, etc.: State Constitution Art. 3 § 4.

Tie votes in final election: RCW 29.62.080.

29.27.120 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. [1965 c 9 § 29.27.120. Prior: Code 1881 § 3102; 1865 p 41 § 13; RRS § 5347.]

29.27.130 Certificates of nomination and ballots—Fraud. See RCW 29.85.100.

Chapter 29.30

BALLOTS

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- 29.30.221 Recall—Conduct of election—Form of ballot.
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- 29.30.235 Ballots—Unlawful printing or distribution.
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- 29.30.240 Divulging ballot count—Penalty.

Absentee ballots: Chapter 29.36 RCW.

Ballots, constitutional provisions

Constitution, state, form used for voting on: State Constitution Art. 27 § 18.
constitutional requirements: State Constitution Art. 6 § 6.
Cemetery districts, formation of and first commissioners, election on, ballot form: RCW 68.52.160.
Certification of measures generally, ballot titles: RCW 29.27.060.
Cities and towns
city of first class, election on adoption of charter, ballot form: RCW 35.22.090.
commission form of government, under
abandonment form of ballots on election on: RCW 35.17.440.
ordinances initiated by petition, ballot form for election on: RCW 35.17.320.
organization—Ballot form for election on: RCW 35.17.390.
disincorporation, ballots, form of: RCW 35.07.060.
incorporation proceedings, generally, ballots form of: RCW 35.02.110.
position of names on: RCW 35.02.086.
metropolitan park districts
election on annexation to, ballot form: RCW 35.61.270.
election on, ballot form: RCW 35.61.030.
organization under council-manager plan, form of ballots for election on: RCW 35.18.260.
pedestrian malls, election to discontinue, ballot form: RCW 35.71.130.
Counties
park and recreation service areas, election for formation, ballot form: RCW 36.68.480.
road improvement districts, election on, ballot form: RCW 36.88.030.
roads and bridges, election on issuance of bonds for, 1913 Act, ballot form: RCW 36.76.090.
Counting ballots: Chapter 29.54 RCW.
Diking, drainage, sewerage improvement district, merger with irrigation districts, election on, ballot form: RCW 85.08.870.
Execution of affidavit as to subversive activities as prerequisite to placing name on ballot: RCW 9.81.100.
Fire protection district, election to form, ballot form: RCW 52.02.090.
General elections in first, second, and third class cities, ballots: RCW 29.21.010 and 29.21.015.
Initiative, referendum: State Constitution Art. 2 § 1; Chapter 29.79 RCW.
Irrigation districts
dissolution when bonded indebtedness, election on, ballot form: RCW 87.53.050.
dissolution when no bonded indebtedness, 1897 Act, election on, ballot form: RCW 87.52.030.
elections in, ballot forms, generally: RCW 87.03.020 through 87.03.110.
Liquor, local option, election on, ballot form: RCW 66.40.110.
Metropolitan municipal corporations
additional functions authorized by election, ballot form: RCW 35.58.100.
annexing of property to, election on, ballot form: RCW 35.58.550.
election procedure to form, tax levy, ballot form: RCW 35.58.090.
Mosquito control district
election on proposition to levy tax, ballot form: RCW 17.28.100.
election to form, ballot form: RCW 17.28.090.
Port district commissioners, election of, ballots: Chapter 53.12 RCW.
Port districts
annexation of property to, ballot form: RCW 53.04.080 and 53.04.100.
change of name, election on, ballot form: RCW 53.04.110.
formation, election on, ballots, form of: RCW 53.04.020.
Prevention and correction of election frauds and errors: RCW 29.04.030.
Primaries in first, second, and third class cities, ballots: RCW 29.21.010.
Public utility districts
election to qualify as first class district, ballot form: RCW 54.04.040.
formation of, election on, ballot form: RCW 54.08.010 and 54.08.060.
Reclamation districts of one million acres
election to form, ballot form: RCW 89.30.097.
elections generally, ballots: RCW 89.30.358 and 89.30.385.
special assessments by, general improvement or divisional district, election on, ballot form: RCW 89.30.772.
Schools, directors, ballots, form of: RCW 28A.315.480.

Sewer districts, annexation of territory to, election on, ballot form: RCW 56.24.080.

Soil and water conservation districts, election to form, ballot form: RCW 89.08.120.

Townships
disorganization of, election on, ballot form: RCW 45.76.050.
vote on organization, ballot form: RCW 45.04.030.

Vacancies on ticket—How filled—Correcting ballots and labels: RCW 29.18.150.

Water districts
annexation of territory by, election on, ballot form: RCW 57.24.020.
formation of, election, ballot form: RCW 57.04.050.
withdrawal of territory from, election on, ballot form: RCW 57.28.090.

29.30.005 Names on primary ballot. Except for the candidates for the positions of president and vice-president or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who have filed for nomination under chapter 29.18 RCW and those independent candidates and candidates of minor political parties who have been nominated under chapter 29.24 RCW shall appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated. [1990 c 59 § 93.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.30.010 Uniformity, arrangement, contents required. Every ballot for a single combination of issues and offices 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 in any way that would permit the identification of the person who voted that ballot. [1990 c 59 § 10; 1986 c 167 § 10; 1977 ex.s. c 361 § 51; 1965 c 9 § 29.30.010. Prior: (i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1986 c 167: See note following RCW 29.01.055.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.020 Order of offices and issues—Party indication. The positions or offices on a primary 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.

The order of the positions or offices on an election ballot shall be substantially the same as on a primary ballot except that the offices of president and vice-president of the United States shall precede all other offices on a presidential election ballot. State ballot issues shall be placed before all offices on an 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.

The political party or independent candidacy of each candidate for partisan office shall be indicated next to the name of the candidate on the primary and election ballot. [1990 c 59 § 11; 1977 ex.s. c 361 § 52; 1971 c 81 § 76; 1965 c 9 § 29.30.020. Prior: 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.025 Order of candidates on ballots. After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media and by any candidate. If no primary is required for any nonpartisan office under RCW 29.15.150 or 29.21.015, the names shall appear on the general election ballot in the order determined by lot. [1990 c 59 § 80.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.30.040 Primaries—Rotating names of candidates. At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, and for judicial offices shall, for each office or position, be arranged initially in the order determined under RCW 29.30.025. Additional sets of ballots shall be prepared in which the positions of the names of all candidates for each office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. As nearly as possible an equal number of ballots shall be prepared after each change. In making the changes of position between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence

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in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated. [1990 c 59 § 94; 1977 ex.s. c 361 § 54; 1965 c 9 § 29.30.040. Prior: 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.060 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 general election, but the names of candidates for the individual positions need not be shown. [1991 c 363 § 33; 1990 c 59 § 12; 1987 c 295 § 3; 1986 c 120 § 3; 1977 ex.s. c 361 § 55; 1965 c 9 § 29.30.060. Prior: (i) 1935 c 26 § 2, part; 1933 c 95 § 2, part; 1917 c 71 § 1, part; 1909 c 82 § 3, part; 1907 c 209 § 10, part; RRS § 5187, part. (ii) 1909 c 82 § 5, part; 1907 c 209 § 13, part; RRS § 5190, part.]

Effective dates—1991 c 363 §§ 28, 29, 33, 47, 131: See note following RCW 28A.315.670.

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

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.075 Primary ballots for absentee voters, date ready. Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have sufficient absentee ballots ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.081 Arrangement of instructions, measures, offices—Order of candidates—Numbering of ballots. (1) On the top of each ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters at that election.

(2) The candidate or candidates of the major political party which 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 shall appear first following the appropriate office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and independent candidates and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state.

(3) The names of candidates for president and vice-president for each political party shall be grouped together with a single response position for a voter to indicate his or her choice.

(4) All paper ballots and ballot cards shall be sequentially numbered in such a way to permit removal of such numbers without leaving any identifying marks on the ballot. [1990 c 59 § 13; 1986 c 167 § 11; 1982 c 121 § 1; 1977 ex.s. c 361 § 60.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1986 c 167: See note following RCW 29.01.055.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.085 Nonpartisan candidates qualified for general election. (1) Except as provided in RCW 29.30.086 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, 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. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29.30.025.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position. [1992 c 181 § 2; 1990 c 59 § 95.]

Effective date—1992 c 181: See note following RCW 29.30.086.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.30.086 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. [1992 c 181 § 1.]

Effective date—1992 c 181: "This act shall take effect July 1, 1992." [1992 c 181 § 3.]

29.30.095 Partisan candidates qualified for general election. The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position sought and a plurality of the votes cast for the candidates of his or her party for that office at the preceding primary. [1990 c 59 § 96.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.30.101 Names qualified to appear on election ballot. The names of the persons certified as nominees by the secretary of state or the county canvassing board shall be printed on the ballot at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall 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, or (3) a minor party convention or the state or county central committee of a major political party to fill a vacancy on its ticket under RCW 29.18.160.

Excluding the office of precinct committee officer, a candidate's name shall not appear more than once upon a ballot. [1990 c 59 § 14; 1987 c 295 § 4; 1977 ex.s. c 361 § 58.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.30.111 Ballot proposition for certain regular property tax levies—Form. The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, or 84.52.069 shall contain in substance the following:

"Shall 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 shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title. [1984 c 131 § 3.]

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.] "Sections 3 through 9 of this act" consist of the enactment of RCW 29.30.111 and 36.68.525 and the 1984 c 131 amendments to RCW 67.38.130, 84.52.069, 36.69.145, 36.68.480, and 36.68.520.

29.30.130 Expense of printing and distributing ballot materials. The cost of printing ballots, ballot cards, and instructions and the delivery of this material to the precinct election officers shall be an election cost that shall be borne as determined under RCW 29.13.045 and 29.13.047, as appropriate. [1990 c 59 § 16; 1965 c 9 § 29.30.130. Prior: 1889 p 400 § 1; RRS § 5269.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Constituencies to bear all or share of election costs—Procedure to recover: RCW 29.13.045.

29.30.160 Certification of measures—Ballot titles. See RCW 29.27.060.

29.30.165 Certification of measures—Notice of ballot title to persons proposing measure. See RCW 29.27.065.

29.30.167 Certification of measures—Ballot title—Appeal to superior court. See RCW 29.27.067.

29.30.170 Destroying surplus ballots. See RCW 29.54.010.

29.30.180 United States presidential electors—Nomination—What names on ballots—How counted. See RCW 29.71.020.

29.30.190 United States constitutional amendment conventions—Delegates—Ballots. See RCW 29.74.080.

29.30.200 Initiative, referendum—Ballot title—Formulation by attorney general. See RCW 29.79.040.

29.30.201 Initiative, referendum—Ballot title—Notice to proponents. See RCW 29.79.050.

29.30.203 Initiative, referendum—Ballot title—Appeal to superior court. See RCW 29.79.060.

29.30.205 Initiative, referendum—Ballot title—Mailed to proponents. See RCW 29.79.070.

29.30.207 Initiative, referendum—Referendum bills by legislature—Ballot title. See RCW 29.79.260.

29.30.209 Initiative, referendum—Substitute for rejected initiative—Ballot title. See RCW 29.79.290.

29.30.211 Initiative, referendum—Printing ballot titles on ballots—Order and form. See RCW 29.79.300.

29.30.213 Initiative, referendum—Printing provisions on ballots for voting except on alternative measures. See RCW 29.79.310.

29.30.215 Initiative, referendum—Printing provisions on ballots for voting on alternative measures. See RCW 29.79.320.

29.30.221 Recall—Conduct of election—Form of ballot. See RCW 29.82.130.

29.30.230 Ballots—Counterfeiting or unlawful possession. See RCW 29.85.010.

29.30.231 Ballots—Officer tampering with. See RCW 29.85.020.

29.30.235 Ballots—Unlawful printing or distribution. See RCW 29.85.040.

29.30.239 Certificates of nomination and ballots—Fraud as to. See RCW 29.85.100.

29.30.240 Divulging ballot count—Penalty. See RCW 29.85.225.

Chapter 29.33

VOTING SYSTEMS

(Formerly: Voting machines)

Sections

- 29.33.020 Authority for use.
- 29.33.041 Inspection and test by secretary of state—Report.
- 29.33.051 Submitting system or component for examination.
- 29.33.061 Independent evaluation.
- 29.33.081 Approval required for use in primary or election—Modification.
- 29.33.130 Responsibility for maintenance and operation.

29.33.145	Acceptance test.
29.33.300	Requirements of voting devices for approval.
29.33.310	Single district and precinct on voting devices.
29.33.320	Requirements of vote tallying systems for approval.
29.33.330	Record of ballot format—Devices sealed.
29.33.340	Election officials—Instruction, compensation, requirements.
29.33.350	Vote tallying systems—Programming tests.
29.33.360	Procedure manuals.

29.33.020 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 29.33.041. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Voting devices and vote tallying systems: Chapter 29.34 RCW.

29.33.041 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 29.33.051. 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. [1990 c 59 § 18; 1982 c 40 § 1.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

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

29.33.051 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 29.33.041. [1990 c 59 § 19; 1982 c 40 § 2.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1982 c 40: See note following RCW 29.33.041.

29.33.061 Independent evaluation. (1) The secretary of state may rely on the results of independent design, engineering, and performance evaluations in the examination under RCW 29.33.041 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 29.33.051 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 distribu-

tor who submitted the voting system or component for examination. [1990 c 59 § 20; 1982 c 40 § 3.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1982 c 40: See note following RCW 29.33.041.

29.33.081 Approval required for use in primary or election—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 *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 29.33.041. [1990 c 59 § 21; 1982 c 40 § 4.]

***Reviser's note:** Chapter 29.34 RCW was repealed or recodified in its entirety by 1990 c 59.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1982 c 40: See note following RCW 29.33.041.

29.33.130 Responsibility for 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. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Recanvass of machine votes—Procedure to test counting mechanism—Statement: RCW 29.62.070.

29.33.145 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 prescribed by the secretary of state sufficient to demonstrate that the equipment is identical to that certified by the secretary of state and that the equipment is operating correctly as delivered to the county. [1990 c 59 § 23.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.33.300 Requirements of voting devices 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) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;
- (4) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- (5) 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

(6) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction. [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 29.34.080.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1982 c 40: See note following RCW 29.33.041.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Severability—1971 ex.s. c 6: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 6 § 3.]

29.33.310 Single district and precinct on voting devices. The ballot on a single voting device shall not contain the names of candidates for the offices of United States representative, state senator, state representative, county council, or county commissioner in more than one district. In all general elections, primaries, and special elections, in each polling place the voting devices containing ballots for candidates from each congressional, legislative, or county council or commissioner district shall be grouped together and physically separated from those devices containing ballots for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices. [1990 c 59 § 27; 1989 c 155 § 1; 1987 c 295 § 8; 1983 c 143 § 1. Formerly RCW 29.34.085.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.33.320 Requirements of vote 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) Accommodates rotation of candidates' names on the ballot under RCW 29.30.040;

(5) Produces precinct and cumulative totals in printed form; and

(6) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction. [1990 c 59 § 28; 1982 c 40 § 7; 1967 ex.s. c 109 § 19. Formerly RCW 29.34.090.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Severability—1982 c 40: See note following RCW 29.33.041.

29.33.330 Record of ballot format—Devices sealed. In preparing a voting device for a primary or election, a record shall be made of the ballot format installed in each

device and the precinct or portion of a precinct for which that device has been prepared. Except where provided by a rule adopted under RCW 29.04.210, after being prepared for a primary or election, each device shall be sealed with a uniquely numbered seal and provided to the inspector of the appropriate polling place. [1990 c 59 § 25.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.33.340 Election officials—Instruction, compensation, requirements. (1) Before each state primary or general election at which voting systems are to be used, the county auditor shall instruct all precinct election officers appointed under RCW 29.45.010, counting center personnel, and political party observers designated under RCW 29.54.025 in the proper conduct of their duties.

(2) The county auditor may waive instructional requirements for precinct election officers, counting center personnel, and political party observers 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) As compensation for the time spent in receiving instruction, each precinct election officer who qualifies and serves at the subsequent primary or election shall receive an additional two hours compensation, to be paid at the same time and in the same manner as compensation is paid for services on the day of the primary or election.

(4) Except for the appointment of a precinct election officer to fill a vacancy under RCW 29.45.040, no inspector or judge may serve at any primary or election at which voting systems are used unless he or she has received the required instruction and is qualified to perform his or her duties in connection with the voting devices. No person may work in a counting center at a primary or election at which a vote tallying system is used 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. No person may serve as a political party observer unless that person has received the required instruction and is familiar with the operation of the counting center and the vote tallying system and the procedures to be employed to verify the accuracy of the programming for that vote tallying system. [1990 c 59 § 29; 1977 ex.s. c 361 § 69. Formerly RCW 29.34.143.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.33.350 Vote tallying systems—Programming tests. At least three days before each state primary or general election, the programming for each vote tallying system to be used at that primary or general election shall be tested by the office of the secretary of state to 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 tests shall be conducted by processing a preaudited group of ballots marked with a predetermined number of ballot votes for each candidate and for and

against each measure. For each office for which there are two or more candidates and for each issue, the group of test ballots shall include one or more ballots which have votes in excess of the number allowed by law, in order to verify the ability of the vote tallying system to reject such votes. 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 secretary of state, 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. [1990 c 59 § 32; 1977 ex.s. c 361 § 73. Formerly RCW 29.34.163.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.33.360 Procedure manuals. The secretary of state shall publish manuals of recommended procedures for the operation of the various vote tallying systems that have been approved. These manuals shall contain any applicable rules and statutes relating to the printing of ballots and preparation and testing of the various vote tallying systems, the duties and functions of the precinct election officers, and the duties and functions of the counting center personnel and operators of vote tallying systems at counting centers. [1990 c 59 § 34; 1977 ex.s. c 361 § 75; 1967 ex.s. c 109 § 32. Formerly RCW 29.34.170.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Chapter 29.36 ABSENTEE VOTING

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Irrigation district elections, absentee voting provisions: RCW 87.03.020 through 87.03.110.

Recount of absentee ballots: RCW 29.64.010.

29.36.010 When permitted—Request for absentee ballot. Any registered voter of the state or any out-of-state voter, overseas voter, or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. Out-of-state voters, 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.

(1) Except as provided in subsections (2) and (3) of this section, in RCW 29.36.013, and in RCW 29.36.170, a registered voter or elector desiring to cast an absentee ballot must request the absentee ballot from his or her county auditor no earlier than forty-five days nor later than the day before any election or primary. Except as provided in subsection (3) of this section and in RCW 29.36.170, the request may be made orally in person, by telephone, or in writing. An application or request for an absentee ballot made under the authority of any federal statute or regulation shall be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) For any registered voter, a request for an absentee ballot for a primary shall be honored as a request for an absentee ballot for the following general election if the voter so indicates in his or her request. For any out-of-state voter, overseas voter, or service voter, a request for an absentee ballot for a primary election shall also be honored as a request for an absentee ballot for the following general election.

(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the voter's written application for an absentee ballot.

(4) In a voter's request for an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an out-of-state voter, overseas voter, or service voter shall state the address of that elector's last residence for voting purposes in the state of Washington and either a written application or the oath on the return envelope shall include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee ballot from any other voter

shall state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify such information from the voter registration records of the county.

(5) A request for an absentee ballot from a registered voter who is within this state shall be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an out-of-state voter, overseas voter, or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contain any return address other than that of the appropriate county auditor.

(6) A person may request an absentee ballot for use by the person as a registered voter and may request an absentee ballot on behalf of any member of that person's immediate family who is a registered voter for use by the family member. As a means of ensuring that a person who requests an absentee ballot is requesting the ballot for only that person or a member of the person's immediate family, the secretary of state shall adopt rules prescribing the circumstances under which an auditor: May require a person who requests an absentee ballot to identify the date of birth of the voter for whom the ballot is requested; and may deny a request which is not accompanied by this information. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—1987 c 346: "By this act the legislature intends to combine and unify the laws and procedures governing absentee voting. These amendments are intended: (1) To clarify and incorporate into a single chapter of the Revised Code of Washington the preexisting statutes under which electors of this state qualify for absentee ballots under state law, federal law, or a combination of both state and federal law, and (2) to insure uniformity in the application, issuance, receipt, and canvassing of these absentee ballots. Nothing in this act is intended to impose any new requirement on the ability of the registered voters or electors of this state to qualify for, receive, or cast absentee ballots in any primary or election." [1987 c 346 § 1.]

Effective date—1987 c 346: "This act shall take effect on January 1, 1988." [1987 c 346 § 25.]

The above two annotations apply to 1987 c 346. For codification of that act, see Codification Tables, Volume 0.

Severability—1986 c 167: See note following RCW 29.01.055.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.36.013 Ongoing absentee status—Request for—Termination. Any disabled voter or any voter over the age of sixty-five may apply, in writing, for status as an ongoing absentee voter. Each such voter shall be granted that status by his or her county auditor and shall automatically receive an absentee ballot for each ensuing election for which he or she is entitled to vote and need not submit a separate request

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for each election. Ballots received from ongoing absentee voters shall be validated, processed, and tabulated in the same manner as other absentee ballots.

Status as an ongoing absentee voter shall be terminated upon any of the following events:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record;
- (4) The return of an ongoing absentee ballot as undeliverable; or
- (5) January 1st of each odd-numbered year. [1991 c 81 § 30; 1987 c 346 § 10; 1986 c 22 § 1; 1985 c 273 § 2.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.016 Ongoing absentee voters—Notice of termination of status—Renewal. As soon as practical following the first day of January of each odd-numbered year, the county auditor shall notify each ongoing absentee voter of the termination of his or her status as such a voter under RCW 29.36.013(5). Included with this notice shall be a postage prepaid return form permitting any such voter to renew his or her status as an ongoing absentee voter. Upon receipt and signature verification of the renewal form, the county auditor shall continue to provide absentee ballots to such voters, subject to the provisions of RCW 29.36.013. [1985 c 273 § 3.]

29.36.030 Acceptance or rejection of request—Issuance of ballots and other materials. If the information contained in a request for an absentee ballot received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law, the county auditor shall issue an absentee ballot for the primary or election for which the absentee ballot was requested. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted.

At each general election in an even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committee officer unless fewer than two candidates have filed for the same political party in the absentee voter's precinct. The ballot shall provide space for writing in the name of additional candidates.

When mailing an absentee ballot to a registered voter temporarily outside the state or to an out-of-state voter, overseas voter, or service voter, the county auditor shall send a copy of the state voters' and candidates' pamphlet with the absentee ballot. The county auditor shall mail all absentee ballots and related material to voters outside the territorial limits of the United States and the District of Columbia under 39 U.S.C. 3406. [1991 c 81 § 31. Prior: 1987 c 346 § 11; 1987 c 295 § 9; 1977 ex.s. c 361 § 77; 1974 ex.s. c 73 § 1; 1965 c 9 § 29.36.030; prior: 1963 ex.s. c 23 § 3; 1955 c 167 § 4; prior: (i) 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. (ii) 1933 ex.s. c 41 § 3, part; 1923 c 58 § 3, part; 1921 c 143 § 3, part; 1917 c 159 § 3, part; 1915 c 189 § 3, part; RRS § 5282, part.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.36.035 Qualifications for delivery of ballot. The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer unless the voter is hospitalized on election day and applies by messenger in accordance with RCW 29.36.010 for an absentee ballot on the day of the primary or election. In this latter case, the messenger may pick up the hospitalized voter's absentee ballot.

(2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.

(3) No absentee ballot shall be issued on the day of the primary or election concerned, except as provided by RCW 29.36.010, for a voter confined to a hospital on the day of a primary or election. [1984 c 27 § 2; 1965 c 9 § 29.36.035. Prior: 1963 ex.s. c 23 § 4.]

29.36.045 Envelopes and instructions. The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The larger return envelope shall contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The return envelope shall provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. A summary of the applicable penalty provisions of this chapter shall be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope shall affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter shall be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued. [1987 c 346 § 12.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.050 Prohibition against voting in home precinct. A registered voter shall not be allowed to vote in the precinct in which he or she is registered at any election or primary for which that voter has cast an absentee ballot. A registered voter who has requested an absentee ballot for a primary or special or general election but chooses to vote at the voter's precinct polling place in that primary or election shall cast a ballot in the manner prescribed by RCW

29.10.127 for challenged ballots. The canvassing board shall not count the ballot if it finds that the voter has also voted by absentee ballot in that primary or election. [1987 c 346 § 13; 1965 c 9 § 29.36.050. Prior: 1955 c 167 § 6; prior: 1933 ex.s. c 41 § 4; 1921 c 143 § 5; RRS § 5284.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.060 Processing incoming absentee ballots. The opening and subsequent processing of return envelopes for any primary or election may begin on or after the tenth day prior to such primary or election. The opening of the security envelopes and tabulation of absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election.

After opening the return envelopes, the county canvassing board shall place all of the ballot envelopes in containers that can be secured with numbered seals. These sealed containers shall be stored in a secure location until after 8:00 o'clock p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation before sealing the containers.

The canvassing board shall examine the postmark, statement, and signature on each return envelope containing the security envelope and absentee ballot. They shall verify that the voter's signature is the same as that in the registration files for that voter. For absentee voters other than out-of-state voters, overseas voters, and service voters, if the postmark is illegible, the date on the return envelope to which the voter attests shall determine the validity, as to the time of voting, of that absentee ballot under this chapter. For any absentee voter, a variation between the signature of the voter on the return envelope and that 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

County canvassing board, meeting to process absentee ballots, canvass returns: RCW 29.62.020.

29.36.070 Grouping of absentee ballots. The absentee ballots shall be grouped and counted by congressional and legislative district without regard to precinct, except as required under RCW 29.62.090(2).

These returns shall be added to the total of the votes cast at the polling places. [1990 c 262 § 2; 1987 c 346 § 15; 1974 ex.s. c 73 § 2; 1965 c 9 § 29.36.070. Prior: 1955 c 50 § 3; 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.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.075 Uncontested offices—Ballots not tabulated, exception—Voter credited with voting—Retention of ballots. In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committee person who have filed valid declarations of candidacy under RCW 29.04.180. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under RCW 29.04.180.

Each registered voter casting an absentee ballot shall be credited with voting on his or her voter registration record.

Absentee ballots shall be retained for the same length of time and in the same manner as ballots cast at the precinct polling places. [1988 c 181 § 3; 1987 c 346 § 16; 1983 c 136 § 1; 1965 c 9 § 29.36.075. Prior: 1961 c 78 § 1.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.097 Record of requests for absentee ballots—Public access. Each county auditor shall maintain in his or her office, open for public inspection, a record of the requests he or she has received for absentee ballots under this chapter.

The information from the requests shall be recorded and lists of this information shall be available no later than twenty-four hours after their receipt.

This information about absentee voters shall be available according to the date of the requests and by legislative district. It shall include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public for the actual cost of production or copying. [1991 c 81 § 33; 1987 c 346 § 17; 1973 1st ex.s. c 61 § 1.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.100 Challenges. The qualifications of any absentee voter may be challenged at the time the signature on the return envelope is verified and the ballot is processed by the canvassing board. The board has the authority to determine the legality of any absentee ballot challenged under this section. [1987 c 346 § 18; 1965 c 9 § 29.36.100. Prior: 1917 c 159 § 5; 1915 c 189 § 5; RRS § 5286.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.120 Election by mail—Small precincts, nonpartisan special elections—Notice and application form. At any primary or election, general or special, the county auditor may, in any precinct having fewer than one

hundred registered voters at the time of closing of voter registration as provided in RCW 29.07.160, conduct the voting in that precinct by mail ballot. For any precinct having fewer than one hundred registered voters where voting at a primary or a general election is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of that primary or general election, mail or deliver to each registered voter within that precinct a notice that the voting in that precinct will be by mail ballot, an application form for a mail ballot, and a postage prepaid envelope, preaddressed to the issuing officer. A mail ballot shall be issued to each voter who returns a properly executed application to the county auditor no later than the day of that primary or general election. Such application is valid for all subsequent mail ballot elections in that precinct so long as the voter remains qualified to vote.

At any nonpartisan special election not being held in conjunction with a state primary or general election, the county, city, town, or district requesting the election pursuant to RCW 29.13.010 or 29.13.020 may also request that the election be conducted by mail ballot. The county auditor may honor the request or may determine that the election is not to be conducted by mail ballot. The decision of the county auditor in this regard is final.

In no instance shall any special election be conducted by mail ballot in any precinct with more than one hundred registered voters if candidates for partisan office are to be voted upon.

For all special elections not being held in conjunction with a state primary or state general election where voting is conducted by mail ballot, the county auditor shall, not less than fifteen days prior to the date of such election, mail or deliver to each registered voter a mail ballot and an envelope, preaddressed to the issuing officer. [1983 1st ex.s. c 71 § 1; 1974 ex.s. c 35 § 2; 1967 ex.s. c 109 § 6.]

29.36.122 Special election by mail—Sending ballots to voters. For any special election conducted by mail, the county auditor shall send a mail ballot with a return identification envelope to each registered voter of the district in which the special election is being conducted not sooner than the twenty-fifth day before the date of the election and not later than the fifteenth day before the date of the election. The envelope in which the ballot is mailed shall be clearly marked "Do Not Forward - Return to Sender - Return Postage Guaranteed." [1983 1st ex.s. c 71 § 2.]

29.36.124 Election by mail—Replacement ballots—Deposit of ballots. (1) If a county auditor conducts an election by mail, the county auditor shall designate the county auditor's office or a central location in the district in which the election is conducted as the single place to obtain a replacement ballot. The county auditor also shall designate one or more places for the deposit of ballots not returned by mail. The places designated under this section shall be open on the date of the election for a period of thirteen hours, beginning at 7:00 a.m. and ending at 8:00 p.m.

(2) A registered voter may obtain a replacement ballot as provided in this subsection if the ballot is destroyed, spoiled, lost, or not received by the voter. A registered voter seeking a replacement ballot shall sign a sworn statement

that the ballot was destroyed, spoiled, lost, or not received and shall present the statement to the county auditor no later than the day of the election. Each spoiled ballot must be returned to the county auditor before a new one is issued. The county auditor shall keep a record of each replacement ballot provided under this subsection. [1983 1st ex.s. c 71 § 3.]

29.36.126 Election by mail—Return of marked ballots. Upon receipt of the mail ballot, the voter shall mark it, sign the return identification envelope supplied with the ballot, and comply with the instructions provided with the ballot. The voter may return the marked ballot to the county auditor by United States mail or to any other place of deposit designated by the county auditor. The ballot must be returned in the return identification envelope. If mailed, a ballot must be postmarked not later than the date of the election. Otherwise, the ballot must be deposited at the office of the county auditor or the designated place of deposit not later than 8:00 p.m. on the date of the election. [1983 1st ex.s. c 71 § 4.]

29.36.130 Election by mail—Small precincts, nonpartisan special elections—Ballot contents, counting, secrecy, authorized observers. All mail ballots authorized by RCW 29.36.120 shall contain the same offices, names of candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in RCW 29.36.120 and 29.36.122 through 29.36.126 and 29.36.139, such mail ballots shall be issued and canvassed in the same manner as absentee ballots issued pursuant to the request of the voter. The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of at least three election officials and the results not revealed to any unauthorized person until the polls have closed. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.33.350 prior to the count of ballots. Political party observers shall be allowed to count by hand ballots from up to ten precincts selected by the observers. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.85.225. [1990 c 59 § 76; 1983 1st ex.s. c 71 § 5; 1967 ex.s. c 109 § 7.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.36.139 Mail ballots—Requirements for counting—Challenge. (1) A mail ballot shall be counted only if it is returned in the return identification envelope, if the envelope is signed by the registered voter to whom the ballot is issued, and if the signature is verified as provided in this subsection. The county auditor shall verify the signature of each voter on the return identification envelope with the signature on the voter's registration record. If the county auditor determines that a registered voter to whom a replacement ballot has been issued has voted more than once, the county auditor shall not count any ballot cast by that voter.

The county auditor must notify both the county prosecuting attorney and the state attorney general of every instance in which a voter has voted more than once.

(2) Any mail ballot may be challenged in the same manner as an absentee ballot. [1983 1st ex.s. c 71 § 6.]

29.36.150 Rules for accuracy, secrecy, and uniformity—Out-of-state, overseas, service voters. The secretary of state shall adopt rules not inconsistent with the provisions of this chapter to:

(1) Establish standards and procedures to prevent fraud and to facilitate the accurate processing and canvassing of absentee ballots and mail ballots;

(2) Establish standards and procedures to guarantee the secrecy of absentee ballots and mail ballots;

(3) Provide uniformity among the counties of the state in the conduct of absentee voting and mail ballot elections; and

(4) Facilitate the operation of the provisions of this chapter regarding out-of-state voters, overseas voters, and service voters.

The secretary of state shall produce and furnish envelopes and instructions for out-of-state voters, overseas voters, and service voters to the county auditors. [1987 c 346 § 19; 1983 1st ex.s. c 71 § 8.]

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.160 Penalty. A person who willfully violates any provision of this chapter regarding the assertion or declaration of qualifications to receive or cast an absentee ballot, unlawfully casts a vote by absentee ballot, or willfully violates any provision regarding the conduct of mail ballot special elections under RCW 29.36.120 through 29.36.139 is guilty of a class C felony punishable under RCW 9A.20.021. Except as provided in chapter 29.85 RCW a person who willfully violates any other provision of this chapter is guilty of a misdemeanor. [1991 c 81 § 34; 1987 c 346 § 20; 1983 1st ex.s. c 71 § 9.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

29.36.170 Special absentee ballots. (1) As provided in this section, county auditors shall provide special absentee ballots to be used for state primary or state general elections. A special absentee ballot shall only be provided to a voter who completes an application stating that:

(a) The voter believes that she or he will be residing or stationed or working outside the continental United States; and

(b) The voter believes that she or he will be unable to vote and return a regular absentee ballot by normal mail delivery within the period provided for regular absentee ballots.

The application for a special absentee ballot may not be filed earlier than ninety days before the applicable state primary or general election. The special absentee ballot shall 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) With any special absentee ballot issued under this section, 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 shall 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 absentee ballots under chapters 29.36 and 29.62 RCW.

(4) A voter who requests a special absentee ballot under this section may also request an absentee ballot under RCW 29.36.010. If the regular absentee ballot is properly voted and returned, the special absentee ballot shall be deemed void and the county auditor shall reject it in whole when special absentee ballots are canvassed. [1991 c 81 § 35; 1987 c 346 § 21.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Legislative intent—Effective date—1987 c 346: See notes following RCW 29.36.010.

Chapter 29.42 POLITICAL PARTIES

Sections

- 29.42.010 Authority—Generally.
 29.42.020 State committee.
 29.42.030 County central committee—Organization meetings.
 29.42.040 Precinct committee officer, eligibility.
 29.42.050 Precinct committee officer—Election—Declaration of candidacy, fee—Term—Vacancy.
 29.42.060 Precinct office to appear on separate absentee ballot.
 29.42.070 Legislative district chair—Election—Term—Removal.
- Anarchy and sabotage: Chapter 9.05 RCW.*
Candidates' pamphlet, availability of to political parties, fees: RCW 29.80.050.
Cities and towns under commission form of government, officers and employees, political activity forbidden: RCW 35.17.160.
Civil service
city firemen, political contributions and services not required—Solicitation and coercion prohibited: RCW 41.08.160.
city police, political contributions and services not required—Solicitation and coercion prohibited: RCW 41.12.160.
sheriff's office, political activities regulated: RCW 41.14.190.
Disclosure of financing: Chapter 42.17 RCW.
Emergency service units, political activity by, prohibited: RCW 38.52.120.
Legislative budget committee, political party representation limitation: RCW 44.28.010.
Libel and slander: Chapter 9.58 RCW.
Poll books—As public records—Copies to representatives of major political parties: RCW 29.04.100.
Precinct committee officer, notice of election to indicate office: RCW 29.04.020.
Precinct election officers, political affiliation as affecting designation of: Chapter 29.45 RCW.
Public employees, political activities: RCW 41.06.250.
Statute law committee, political party representation limitation: RCW 1.08.001.
Subversive activities: Chapter 9.81 RCW.

Voting machine votes, reconvening of, party participation: RCW 29.62.060.

Write-in voting, political party affiliation to appear: RCW 29.51.170.

29.42.010 Authority—Generally. Each political party organization shall have the power to:

- (1) Make its own rules and regulations;
- (2) Call conventions;
- (3) Elect delegates to conventions, state and national;
- (4) Fill vacancies on the ticket;
- (5) Provide for the nomination of presidential electors;

and

(6) Perform all functions inherent in such an organization: PROVIDED, That only major political parties shall have the power to designate candidates to appear on the state primary election ballot as provided in RCW 29.18.150 as now or hereafter amended. [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.]

Vacancies on ticket—How filled: RCW 29.18.150, 29.18.160.

29.42.020 State committee. The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a chair and vice-chair who must be 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 sufficient notice to all the newly elected state committeemen and committeewomen by the authorized officers of the retiring committee. For the purpose of this section a notice mailed at least one week prior to the date of the meeting shall constitute sufficient notice. 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 shall have power to:

(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention shall designate. The manner, number and procedure for selection of state convention delegates shall be subject to the committee's rules and regulations duly adopted;

(2) Provide for the election of delegates to national conventions;

(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

(4) Provide for the nomination of presidential electors; and

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

Notwithstanding any provision of this chapter, the committee shall not set rules which shall govern the conduct of the actual proceedings at a party state convention. [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.]

29.42.030 County central committee—Organization meetings. The county central committee of each major political party shall consist 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 such meeting to be mailed to each precinct committee officer at least seventy-two hours prior to the date of the meeting.

At its organization meeting, the county central committee shall elect a chair and vice-chair who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman. [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.]

Precinct election officers appointed from list furnished by chair of county central committee: RCW 29.45.010 and 29.45.030.

29.42.040 Precinct committee officer, eligibility. Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his or her declaration of candidacy as prescribed under RCW 29.15.010 with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct and until a successor has been elected at the next ensuing state general election in the even-numbered year. [1990 c 59 § 104. Prior: 1987 c 295 § 13; 1987 c 133 § 3; 1973 c 4 § 6; 1965 c 9 § 29.42.040; prior: 1961 c 130 § 5; 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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Precinct election officers, precinct committee officer to certify list of persons qualified: RCW 29.45.030.

29.42.050 Precinct committee officer—Election—Declaration of candidacy, fee—Term—Vacancy. The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committee officer except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of the candidate's party receiving the greatest number of votes

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in the precinct. Any person elected to the office of precinct committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office 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 be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a county with a population of one million or more, such appointment shall be made only upon the recommendation of the legislative district chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chair selected as provided by RCW 29.42.030. [1991 c 363 § 34; 1987 c 295 § 14; 1973 c 4 § 7; 1967 ex.s. c 32 § 2; 1965 ex.s. c 103 § 3; 1965 c 9 § 29.42.050. Prior: 1961 c 130 § 6; prior: 1953 c 196 § 1; 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.]

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

Severability—1967 ex.s. c 32: See note following RCW 29.42.070. *Notice of general election, office to be indicated: RCW 29.04.020.*

29.42.060 Precinct office to appear on separate absentee ballot. See RCW 29.36.030 and 29.36.070.

29.42.070 Legislative district chair—Election—Term—Removal. Within forty-five days after the statewide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county chair of each major political party shall call separate meetings of all elected precinct committee officers in each legislative district a majority of the precincts of which are within a county with a population of one million or more 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 can only be removed by the majority vote of the elected precinct committee officers in the chair's district. [1991 c 363 § 35; 1987 c 295 § 15; 1967 ex.s. c 32 § 1.]

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

Severability—1967 ex.s. c 32: "If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1967 amendatory act, or the application of the provision to other persons or circumstances is not affected." [1967 ex.s. c 32 § 3.]

Precinct committee officer, appointment to fill vacancy in office of to be made on recommendation of legislative district chair: RCW 29.42.050.

Chapter 29.45

PRECINCT ELECTION OFFICERS

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- 29.45.010 Appointment of judges and inspector.
- 29.45.020 Appointment of clerks—Party representation—Hour to report.
- 29.45.030 Nomination.
- 29.45.040 Vacancies—How filled—Inspector's authority.
- 29.45.050 One set of precinct election officers, exceptions—Counting board—Receiving board.
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- 29.45.065 Application to other primaries or elections.
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- 29.45.080 Oaths of officers required.
- 29.45.090 Oath of inspectors, form.
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Contests, misconduct of precinct election board irregularity must be material to result: RCW 29.65.060. members as grounds for: RCW 29.65.010. number of votes affected—Enough to change result: RCW 29.65.070.

District election officials, see particular district, elections in.

Forms for declaration of death of registered voter, precinct election officers to have: RCW 29.10.090.

Precinct election officers' duties before, during, and after polls open: Chapters 29.48, 29.51, and 29.54 RCW.

Term of county and precinct officers: RCW 36.16.020.

Townships, duties of town officers at elections: Chapter 45.40 RCW.

Violations by election officers, penalties: Chapter 29.85 RCW.

Voting machine precincts, precinct election officers' duties: RCW 29.48.080.

Voting systems, preparation for voting: Chapter 29.33 RCW.

29.45.010 Appointment of judges and inspector. (1)

At least ten days prior to any primary or election, general or special, the county auditor shall appoint one inspector and two judges of election for each precinct (or each combination of precincts temporarily consolidated as a single precinct for that primary or election), other than those precincts designated as vote-by-mail precincts pursuant to RCW 29.36.120. Except as provided in subsection (3) of this section, the persons appointed shall be among those whose names are contained on the lists furnished under RCW 29.45.030 by the chairpersons of the county central committees of the political parties entitled to representation thereon. Such precinct election officers, whenever possible, should be residents of the precinct in which they serve.

(2) The county auditor may delete from the lists of names submitted to the auditor by the chairpersons of the county central committees under RCW 29.45.030: (a) The names of those persons who indicate to the auditor that they cannot or do not wish to serve as precinct election officers for the primary or election or who otherwise cannot so serve; and (b) the names of those persons who lack the ability to conduct properly the duties of an inspector or judge of election after training in that proper conduct has been made available to them by the auditor. The lists which are submitted to the auditor in a timely manner under RCW 29.45.030, less the deletions authorized by this subsection,

constitute the official nomination lists for inspectors and judges of election.

(3) If the number of persons whose names are on the official nomination list for a political party is not sufficient to satisfy the requirements of subsection (4) of this section as it applies to that political party or is otherwise insufficient to provide the number of precinct election officials required from that political party, the auditor shall notify the chair of the party's county central committee regarding the deficiency. The chair may, within five business days of being notified by the auditor, add to the party's nomination list the names of additional persons belonging to that political party who are qualified to serve on the election boards. To the extent that, following this procedure, the number of persons whose names appear on the official nomination lists of the political parties is insufficient to provide the number of election inspectors and judges required for a primary or election, the auditor may appoint a properly trained person whose name does not appear on such a list as an inspector or judge of election for a precinct.

(4) The county auditor shall designate the inspector and one judge in each precinct from that political party which polled the highest number of votes in the county for its candidate for president at the last preceding presidential election and one judge from that political party polling the next highest number of votes in the county for its candidate for president at the same election. The provisions of this subsection apply only if the number of names on the official nomination list for inspectors and judges of election for a political party is sufficient to satisfy the requirements imposed by this subsection.

(5) Except as provided in RCW 29.45.040 for the filling of vacancies, this shall be the exclusive method for the appointment of inspectors and judges to serve as precinct election officers at any primary or election, general or special, and shall supersede the provisions of any and all other statutes, whether general or special in nature, having different requirements. [1991 c 106 § 1; 1983 1st ex.s. c 71 § 7; 1965 ex.s. c 101 § 1; 1965 c 9 § 29.45.010. Prior: (i) 1935 c 165 § 2, part; RRS § 5147-1, part. (ii) Code 1881 § 3068, part; 1865 p 30 § 2, part; RRS § 5158, part. (iii) 1907 c 209 § 15, part; RRS § 5192, part. (iv) 1895 c 156 § 6, part; 1889 p 407 § 20, part; RRS § 5277, part. (v) 1947 c 182 § 1, part; Rem. Supp. 1947 § 5166-10, part; prior: 1945 c 164 § 3, part; 1941 c 180 § 1, part; 1935 c 5 § 1, part; 1933 ex.s. c 29 § 1, part; prior: 1933 c 79 § 1, part; 1927 c 279 § 2, part; 1923 c 53 § 3, part; 1921 c 61 § 5, part; Rem. Supp. 1945 § 5147, part.]

29.45.020 Appointment of clerks—Party representation—Hour to report. At the same time the officer having jurisdiction of the election appoints the inspector and two judges as provided in RCW 29.45.010, he may appoint one or more persons to act as clerks if in his judgment such additional persons are necessary, except that in precincts in which voting machines are used, the judges of election shall perform the duties required to be performed by clerks.

Each clerk appointed shall represent a major political party: PROVIDED, That the political party representation of a single set of precinct election officers shall, whenever possible, be equal but, in any event, no single political party

shall be represented by more than a majority of one at each polling place.

The election officer having jurisdiction of the election may designate at what hour the clerks shall report for duty. The hour may vary among the precincts according to the judgment of the appointing officer. [1965 ex.s. c 101 § 2; 1965 c 9 § 29.45.020. Prior: 1955 c 168 § 4; prior: (i) 1915 c 114 § 4, part; 1913 c 58 § 9, part; RRS § 5308, part. (ii) 1895 c 156 § 1, part; Code 1881 § 3069, part; 1865 p 31 § 3, part; RRS § 5159, part.]

29.45.030 Nomination. The precinct committee officer of each major political party shall certify to the officer's county chair a list of those persons belonging to the officer's political party qualified to act upon the election board in the officer's precinct.

By the first day of June each year, the chair of the county central committee of each major political party shall certify to the officer having jurisdiction of the election a list of those persons belonging to the county chair's political party in each precinct who are qualified to act on the election board therein.

The county chair shall compile this list from the names certified by the various precinct committee officers unless no names or not [a] sufficient [number of] names have been certified from a precinct, in which event the county chair may include therein the names of qualified members of the county chair's party selected by the county chair. The county chair shall also have the authority to substitute names of persons recommended by the precinct committee officers if in the judgment of the county chair such persons are not qualified to serve as precinct election officers. [1991 c 106 § 2; 1987 c 295 § 16; 1965 ex.s. c 101 § 3; 1965 c 9 § 29.45.030. Prior: (i) 1907 c 209 § 15, part; RRS § 5192, part. (ii) 1935 c 165 § 2, part; RRS § 5147-1, part.]

29.45.040 Vacancies—How filled—Inspector's authority. If no election officers have been appointed for a precinct, or if at the hour for opening the polls none of those appointed is present at the polling place therein, the voters present may appoint the election board for that precinct. One of the judges may perform the duties of clerk of election. The inspector shall have the power to fill any vacancy that may occur in the board of judges, or by absence or refusal to serve of either of the clerks after the polls shall have been opened. [1965 c 9 § 29.45.040. Prior: (i) Code 1881 § 3075, part; 1865 p 32 § 9, part; RRS § 5165, part. (ii) Code 1881 § 3068, part; 1865 p 30 § 2, part; RRS § 5158, part. (iii) 1907 c 209 § 15, part; RRS § 5192, part.]

29.45.050 One set of precinct election officers, exceptions—Counting board—Receiving board. There shall be but one set of election officers in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having less than two hundred registered voters there may be appointed, at a state primary or state general election, two or more sets of precinct election officers as provided in RCW 29.04.020 and 29.45.010. The

officer in charge of the election may appoint one or more counting boards at his discretion, when he decides that because of a long or complicated ballot or because of the number of expected voters, there is need of additional counting board or boards to improve the speed and accuracy of the count.

In making such appointments, one or more sets of precinct election officers shall be designated as the counting board or boards, the first of which shall consist of an inspector, two judges, and a clerk and the second set, if activated, shall consist of two judges and two clerks. The duties of the counting board or boards shall be the count of ballots cast and the return of the election records and supplies to the officer having jurisdiction of the election.

One set of precinct election officers shall be designated as the receiving board which shall have all other powers and duties imposed by law for such elections. [1973 c 102 § 2; 1965 ex.s. c 101 § 4; 1965 c 9 § 29.45.050. Prior: 1955 c 148 § 2; prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]

29.45.060 Duties—Generally. The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two or more sets of precinct election officers are appointed as provided in RCW 29.45.050, the ballots shall be counted by the counting board or boards as provided in RCW 29.54.015, 29.54.018, and 29.85.225. [1990 c 59 § 74; 1973 c 102 § 3; 1965 ex.s. c 101 § 5; 1965 c 9 § 29.45.060. Prior: 1955 c 148 § 3; prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.45.065 Application to other primaries or elections. All of the provisions of RCW 29.45.050 and 29.45.060 relating to counting boards may be applied on an optional basis to any other primary or election, regular or special, at the discretion of the officer in charge of the election. [1973 c 102 § 5.]

29.45.070 Inspector as chairman—Authority. The inspector shall be chairman of the board and after its organization shall have power to administer all necessary oaths which may be required in the progress of the election. [1965 c 9 § 29.45.070. Prior: Code 1881 § 3075, part; 1865 p 32 § 9, part; RRS § 5165, part.]

29.45.080 Oaths of officers required. The inspector, judges, and clerks of election, before entering upon the duties of their offices, shall take and subscribe the prescribed oath or affirmation which shall be administered to them by any person authorized to administer oaths and verified under the hand of the person by whom such oath or affirmation is administered. If no such person is present, the inspector shall administer the same to the judges and clerks, and one of the judges shall administer the oath to the inspector.

The county auditor shall furnish two copies of the proper form of oath to each precinct election officer, one copy thereof, after execution, to be placed and transmitted with the election returns. [1965 c 9 § 29.45.080. Prior: (i) Code 1881 § 3070; 1865 p 31 § 4; RRS § 5160. (ii) 1895 c 156 § 2, part; Code 1881 § 3074, part; 1865 p 32 § 8, part; RRS § 5164, part.]

29.45.090 Oath of inspectors, form. The following shall be the form of the oath or affirmation to be taken by each inspector:

"I, A B, do swear (or affirm) that I will duly attend to the ensuing election, during the continuance thereof, as an inspector, and that I will not receive any ballot or vote from any person other than such as I firmly believe to be entitled to vote at such election, without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay the vote of, or refuse to receive, a ballot from any person whom I believe to be entitled to vote; but that I will in all things truly, impartially, and faithfully perform my duty therein to the best of my judgment and abilities; and that I am not, directly nor indirectly, interested in any bet or wager on the result of this election." [1965 c 9 § 29.45.090. Prior: Code 1881 § 3071; 1865 p 31 § 5; RRS § 5161.]

29.45.100 Oath of judges, form. The following shall be the oath or affirmation of each judge:

"We, A B, do swear (or affirm) that we will as judges duly attend the ensuing election, during the continuance thereof, and faithfully assist the inspector in carrying on the same; that we will not give our consent to the receipt of any vote or ballot from any person, other than one whom we firmly believe to be entitled to vote at such election; and that we will make a true and perfect return of the said election and will in all things truly, impartially, and faithfully perform our duty respecting the same to the best of our judgment and abilities; and that we are not directly nor indirectly interested in any bet or wager on the result of this election." [1965 c 9 § 29.45.100. Prior: Code 1881 § 3072; 1865 p 31 § 6; RRS § 5162.]

29.45.110 Oath of clerks, form. The following shall be the form of the oath to be taken by the clerks:

"We, and each of us, A B, do swear (or affirm) that we will impartially and truly write down the name of each elector who votes at the ensuing election, and also the name of the county and precinct wherein the elector resides; that we will carefully and truly write down the number of votes given for each candidate at the election as often as his name is read to us by the inspector and in all things truly and faithfully perform our duty respecting the same to the best of our judgment and abilities, and that we are not directly nor indirectly interested in any bet or wager on the result of this election." [1965 c 9 § 29.45.110. Prior: Code 1881 § 3073; 1865 p 32 § 7; RRS § 5163.]

29.45.120 Compensation. The fees of officers of election shall be as follows:

To the judges and clerks of an election not less than the minimum hourly wage per hour as provided under RCW 49.46.020 as now or hereafter amended, the exact amount to

be fixed by the respective boards of county commissioners for each county. To inspectors, the rate paid to judges and clerks plus an additional two hours' compensation. The precinct election officer picking up the election supplies and returning the election returns to the county auditor shall be entitled to additional compensation, the exact amount to be determined by the respective boards of county commissioners for each county. [1971 ex.s. c 124 § 2; 1965 c 9 § 29.45.120. Prior: 1961 c 43 § 1; 1951 c 67 § 1; 1945 c 186 § 1; 1919 c 163 § 13; 1895 c 20 § 1; Code 1881 § 3151; 1866 p 8 § 9; 1865 p 52 § 12; Rem. Supp. 1945 § 5166. See also 1907 c 209 § 15; RRS § 5192.]

Severability—1971 ex.s. c 124: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 124 § 3.]

Chapter 29.48

POLLING PLACE REGULATIONS BEFORE POLLS OPEN

Sections

- 29.48.005 Polling place—May be located outside precinct.
- 29.48.007 Polling place—Use of county, municipality, or special district facilities.
- 29.48.010 Voting booths.
- 29.48.020 Time for arrival of officers.
- 29.48.030 Delivery of supplies.
- 29.48.035 Additional supplies for paper ballots.
- 29.48.040 Additional supplies for voting machines.
- 29.48.050 Receipt for key to voting machine.
- 29.48.060 Posting of instructions.
- 29.48.070 Inspection of voting equipment.
- 29.48.080 Inspection of voting machine.
- 29.48.090 Duty to display flag.
- 29.48.100 Announcement opening the polls.

Delivery of registration files: RCW 29.07.170.

Election laws provided to officers of election: RCW 29.04.060.

Forms available when polls open

statements that registered voter is deceased: RCW 29.10.090.

statements that voter has changed residence: RCW 29.10.130, 29.10.150, 29.10.170.

Poll books: RCW 29.04.100.

Precinct election officers, appointment of and oaths: Chapter 29.45 RCW.

Violations and penalties for actions taken before polls open: Chapter 29.85 RCW.

29.48.005 Polling place—May be located outside precinct. Polling places for the various voting precincts may be located outside the boundaries of the respective precincts, when the officers conducting the primary or election shall deem it feasible: PROVIDED, That such polling places shall be located within a reasonable distance of their respective precincts. The purpose of this section is to furnish adequate voting facilities at readily accessible and identifiable locations and nothing herein shall be construed as affecting the number, method of selection or duties of precinct election officers. [1965 c 9 § 29.48.005. Prior: 1951 c 123 § 1.]

29.48.007 Polling place—Use of county, municipality, or special district facilities. The legislative authority of each county, municipality, and special district shall, at the request of the county auditor, make their facilities available

for use as polling places for primaries, special elections, and state general elections held within that county. When, in the judgment of the county auditor, a facility of a county, municipality, or special district would provide a location for a polling place that would best satisfy the requirements of chapter 29.57 RCW, he or she shall notify the legislative authority of that county, municipality, or district of the number of facilities needed for use as polling places. Payment for polling places and any other conditions or obligations regarding these polling places shall be provided for by contract between the county auditor and the county, municipality, or district. [1985 c 205 § 14; 1965 c 9 § 29.48.007. Prior: 1955 c 201 § 1.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.48.010 Voting booths. The county auditor shall provide in each polling place a sufficient number of voting booths or voting devices along with any supplies necessary to enable the voter to mark or register his or her choices on the ballot and within which the voters may cast their votes in secrecy. Where paper ballots are used for voting, the number of voting booths shall be at least one for every fifty registered voters in the precinct. [1990 c 59 § 35; 1965 c 9 § 29.48.010. Prior: 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.48.020 Time for arrival of officers. The precinct election officers for each precinct shall meet at the designated polling place at the time set by the county auditor. [1977 ex.s. c 361 § 80; 1965 c 9 § 29.48.020. Prior: 1957 c 195 § 6; prior: 1913 c 58 § 12, part; RRS § 5312, part.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Clerks, hour to report: RCW 29.45.020.

29.48.030 Delivery of supplies. No later than the day before a primary or election, the county auditor shall provide to the inspector or one of the judges of each precinct or to one of the inspectors of a polling place where more than one precinct will be voting, all of the ballots, precinct lists of registered voters, and other supplies necessary for conducting the election or primary. [1990 c 59 § 36; 1977 ex.s. c 361 § 81; 1971 ex.s. c 202 § 40; 1965 c 9 § 29.48.030. Prior: (i) 1921 c 178 § 8; Code 1881 § 3078; 1865 p 34 § 3; RRS § 5322. (ii) 1919 c 163 § 20, part; 1895 c 156 § 9, part; 1889 p 411 § 28, part; RRS § 5293, part. (iii) 1907 c 209 § 20; RRS § 5196. (iv) 1913 c 138 § 29, part; RRS § 5425, part. (v) 1915 c 124 § 1; 1895 c 156 § 5; 1893 c 91 § 1; 1889 p 407 § 18; RRS § 5275. (vi) 1921 c 68 § 1, part; RRS § 5320, part. (vii) 1895 c 156 § 6, part; 1889 p 407 § 20; RRS § 5277, part. (viii) 1895 c 156 § 2, part; Code 1881 § 3074; 1865 p 32 § 8; RRS § 5164, part. (ix) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part. (x) 1935 c 20 § 5, part; 1921 c 178 § 6, part; 1915 c 114 § 2, part; 1913 c 58 § 7, part; RRS § 5306, part. (xi) 1854 p 67 § 16; No RRS. (xii) 1854 p 67 § 17, part; No RRS. (xiii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (xiv) 1915 c 14 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part. (xv) 1933 c 1 § 10, part; RRS § 5114-10, part.]

(xvi) Code 1881 § 3093, part; RRS § 5338, part. (xvii) 1903 c 85 § 1, part; RRS § 3339, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.48.035 Additional supplies for paper ballots. In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29.48.030 as now or hereafter amended, shall be provided:

(1) Two tally books in which the names of the candidates shall be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers. [1977 ex.s. c 361 § 82.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.48.040 Additional supplies for voting machines. When voting machines are used the county auditor or other officer shall deliver to the inspector or one of the judges of each precinct not later than forty-five minutes before the time for opening the polls the following additional supplies:

(1) The key for each voting machine, sealed in an envelope upon which is written the designation and location of the polling place, the number of the voting machine, the number or other designation mark of the seal on the machine, and the number registered on the protective counter thereof as reported by the custodian;

(2) Two diagrams;

(3) One extra set of ballot labels;

(4) One envelope containing a seal for sealing the machine after the polls are closed;

(5) One envelope for the return of the keys;

(6) Two statements of canvass. [1965 c 9 § 29.48.040. Prior: 1915 c 114 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part.]

Voting systems, generally: Chapter 29.33 RCW.

29.48.050 Receipt for key to voting machine. At the time of delivering the key to a voting machine, the county auditor or other officer shall require a receipt therefor bearing upon it the identical information required to be placed upon the envelope in which it is delivered. [1965 c 9 § 29.48.050. Prior: 1915 c 114 § 6, part; 1913 c 58 § 11, part; RRS § 5311, part.]

29.48.060 Posting of instructions. The judges of election shall post in and about the polling place at least two voters' instruction cards and where voting machines are used at least two diagrams of the voting machine. [1965 c 9 § 29.48.060. Prior: (i) 1919 c 163 § 20, part; 1895 c 116 § 9, part; 1889 p 411 § 28, part; RRS § 5293, part. (ii) 1913 c 58 § 12, part; RRS § 5312, part.]

29.48.070 Inspection of voting equipment. Before opening the polls for a precinct, 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 precinct election officers shall verify that no votes have been registered for any issue or office to be voted on at that primary or election. Any ballot box shall be carefully examined by the judges of election to determine that it is empty. The ballot box shall then be sealed or locked. The ballot box shall not be opened before the certification of the primary or election except in the manner and for the purposes provided under this title. [1990 c 59 § 37; 1965 c 9 § 29.48.070. Prior: 1854 p 67 § 17, part; No RRS.]

Reviser's note: As part of the 1965 reenactment of Title 29 RCW, the phrase "except in the manner and for the purposes otherwise provided by law" was added to harmonize with other sections. See, for example, RCW 29.54.030 and 29.54.045.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.48.080 Inspection of voting machine. In precincts where machines are used the election officers before unlocking the machine for voting shall proceed as follows:

(1) They shall see that the voting machine is placed where it can be conveniently attended by the election officers and conveniently operated by the voters, and where, unless its construction requires otherwise, the ballot labels thereon can be plainly seen by the election officers and the public when not being voted on;

(2) They shall see that the model is placed where each voter can conveniently operate it and receive instructions thereon as to the manner of voting, before entering the machine booth;

(3) They shall post one diagram inside the polling room and one outside, in places where the voters can conveniently examine them;

(4) They shall see that the lantern or other means provided for giving light is in such condition that the voting machine is sufficiently lighted to enable voters to readily read the names on the ballot labels;

(5) They shall see that the ballot labels are in the proper places on the machine;

(6) They shall see whether the number or other designating mark on the seal sealing the machine, also the number registered on the protective counter agree with the number written on the envelope containing the keys. If they do not agree they shall at once notify the custodian and delay unlocking the machine, and opening the polls until he has reexamined the machine;

(7) If the numbers or marks on the envelope containing the keys and upon the machine do agree, they shall proceed to see whether the public counter and all the candidate and question counters register "000." If any of the counters are found to register a number other than "000", one of the judges shall at once notify the custodian who shall set such counter at "000;"

(8) Where voting machines equipped with printed election returns mechanism are used, they shall proceed to operate the mechanism provided to produce one imprinted "before election inspection sheet" showing whether the candidate and question counters register "000". If said sheet has imprinted thereon any numbers below any candidate's name or below any question's designation other than "000" one of the judges shall, after the polls close, under the

scrutiny of the other members of the board of election officials, deduct that number from that candidate's or question's total in the space provided for on the return sheet.

After performing their duties as provided in this section, the election officers shall certify thereto in the appropriate places on the statement of canvass as provided thereon. When the polls are declared open, one of the election officers shall break the seal and unlock the machine for voting. [1965 c 9 § 29.48.080. Prior: 1957 c 195 § 7; prior: 1913 c 58 § 12, part; RRS § 5312, part.]

29.48.090 Duty to display flag. At all primaries and elections the flag of the United States shall be conspicuously displayed in front of each polling place. [1965 c 9 § 29.48.090. Prior: 1921 c 68 § 1, part; RRS § 5320, part.]

29.48.100 Announcement opening the polls. The precinct election officers, immediately before they start to issue ballots or permit a voter to vote, shall announce at the place of voting that the polls for that precinct are open. [1990 c 59 § 38; 1965 c 9 § 29.48.100. Prior: Code 1881 § 3077; 1865 p 34 § 2; RRS § 5321.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Opening and closing polls: RCW 29.13.080.

Chapter 29.51

POLLING PLACE REGULATIONS DURING VOTING HOURS

Sections	
29.51.010	Interference with voter prohibited.
29.51.020	Acts prohibited in vicinity of polling place—Prohibited practices as to ballots—Penalty.
29.51.030	Electioneering by election officers forbidden—Penalty.
29.51.050	Issuing ballot to voter—Challenge.
29.51.060	Signature required to vote—Procedure if voter unable to sign name.
29.51.070	Record of participation.
29.51.100	Casting vote.
29.51.125	Determination of who has and who has not voted.
29.51.140	Mechanical voting devices—When all voters do not vote on all offices.
29.51.150	Voting devices—Periodic examination.
29.51.170	Write-in voting—Declaration of candidacy—Validity of vote.
29.51.175	Votes by stickers, printed labels, rejected.
29.51.180	Taking papers into voting booth.
29.51.190	Official ballots—Vote only once—Incorrectly marked ballots.
29.51.200	Handicapped voters.
29.51.215	Handicapped voters—Penalty.
29.51.230	Unlawful acts by voters—Penalty.
29.51.240	Polls open continuously—Announcement of closing.
29.51.250	Voters in polling place at closing time.

Candidate giving or purchasing liquor during voting hours prohibited: RCW 66.44.265.

Employer's duty to provide time to vote: RCW 49.28.120.

Polling place regulations during voting hours and after closing: Chapter 29.54 RCW.

Subversive activities, disqualification from voting or holding office: RCW 9.81.040.

Violations and penalties for acts committed during voting hours: Chapter 29.85 RCW.

Voting systems, use of during voting hours: Chapter 29.33 RCW.

29.51.010 Interference with voter prohibited. No person may interfere with a voter in any way within the polling place. This does not prevent the voter from receiving assistance in preparing his or her ballot as provided in RCW 29.51.200. [1990 c 59 § 39; 1965 c 9 § 29.51.010. Prior: 1907 c 130 § 2, part; 1889 p 408 § 21, part; RRS § 5278, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.020 Acts prohibited in vicinity of polling place—Prohibited practices as to ballots—Penalty. (1) On the day of any primary or general or special election, no person may, within a polling place, or in any public area within three hundred feet of any entrance to such polling place:

(a) Suggest or persuade or attempt to suggest or persuade any voter to vote for or against any candidate or ballot measure;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent such obstruction, and may arrest any person creating such obstruction.

(3) No person may:

(a) Except as provided in RCW 29.54.037, remove any ballot from the polling place before the closing of the polls; or

(b) Solicit any voter to show his or her ballot.

(4) No person other than an inspector or judge of election may receive from any voter a voted ballot or deliver a blank ballot to such elector.

(5) 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.030 Electioneering by election officers forbidden—Penalty. Any election officer who does any electioneering on primary or election day, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars and pay the costs of prosecution. [1965 c 9 § 29.51.030. Prior: 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part.]

29.51.050 Issuing ballot to voter—Challenge. A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter shall be issued a ballot or permitted to enter a voting booth or to operate a voting device. The number of the ballot or the voter shall be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29.10.125 and 29.10.127 apply to that voter. [1990 c 59 § 40; 1965 c 9 § 29.51.050. Prior: (i) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (ii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.060 Signature required to vote—Procedure if voter unable to sign name. If any person appears to vote at any primary or election as a registered voter in the jurisdiction where the primary or election is being held, the precinct election officers shall require the voter to sign his or her name and current address subject to penalties of perjury in one of the precinct lists of registered voters. If the person registered using a mark or can no longer sign his or her name, the election officers shall require the person offering to vote to be identified by another registered voter.

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall enter the voter's name in a second poll book. [1990 c 59 § 41; 1971 ex.s. c 202 § 41; 1967 ex.s. c 109 § 9; 1965 ex.s. c 156 § 5; 1965 c 9 § 29.51.060. Prior: 1933 c 1 § 24; RRS § 5114-24.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Forms, secretary of state to design—Availability to public: RCW 29.10.150.
Poll books—As public records—Copies furnished, uses restricted: RCW 29.04.100.

29.51.070 Record of participation. As each voter casts his or her vote, the precinct election officers shall insert in the poll books or precinct list of registered voters opposite that voter's name, a notation to credit the voter with having participated in that primary or election. [1990 c 59 § 42; 1971 ex.s. c 202 § 42; 1965 c 9 § 29.51.070. Prior: (i) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (ii) 1933 c 1 § 25; RRS § 5114-25. (iii) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.100 Casting vote. On signing the precinct list of registered voters or being issued a ballot, the voter shall, without leaving the polling place, proceed to one of the voting booths or voting devices to cast his or her vote. If the voter was issued a ballot, he or she shall remove the number from the ballot, place the ballot in the ballot box, and return the number to the precinct election officers or

shall deliver it to the precinct election officers who shall remove the number from the ballot and place the ballot in the ballot box. [1990 c 59 § 43; 1988 c 181 § 4; 1965 ex.s. c 101 § 15; 1965 c 9 § 29.51.100. Prior: (i) 1947 c 77 § 2, part; 1895 c 156 § 8, part; 1889 p 409 § 23, part; Rem. Supp. 1947 § 5288, part. (ii) 1889 p 410 § 24, part; RRS § 5289, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.125 Determination of who has and who has not voted. At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling place to check a list of registered voters of the precinct to determine who has and who has not voted: **PROVIDED,** That such lists shall be furnished by the party or committee concerned. [1977 ex.s. c 361 § 83; 1965 c 9 § 29.51.125. Prior: 1963 ex.s. c 24 § 1.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

"Major political party" defined: RCW 29.01.090.

Poll books—As public records—Copies to representatives of major political parties: RCW 29.04.100.

29.51.140 Mechanical voting devices—When all voters do not vote on all offices. In primaries or elections where a voter has the right to vote only on certain offices and measures, a precinct election officer shall set the mechanical voting device so that the voter can only vote on those offices and measures or direct the voter to a voting device where the ballot contains the appropriate offices and measures. [1990 c 59 § 44; 1965 c 9 § 29.51.140. Prior: 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.150 Voting devices—Periodic examination. The precinct election officers shall periodically examine the voting devices to determine if they have been tampered with. [1990 c 59 § 45; 1965 c 9 § 29.51.150. Prior: 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.170 Write-in voting—Declaration of candidacy—Validity of vote. For any office 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 29.04.180 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 29.04.180 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, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent. [1988 c 181 § 5; 1973 1st ex.s. c 121 § 1; 1967 ex.s. c 109 § 28;

1965 ex.s. c 101 § 14; 1965 c 9 § 29.51.170. Prior: (i) 1931 c 14 § 1; 1909 c 82 § 12; RRS § 5213. (ii) 1933 c 85 § 2; RRS § 5213-2. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]

29.51.175 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. [1990 c 59 § 46; 1965 ex.s. c 101 § 16.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.180 Taking papers into voting booth. Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls. [1990 c 59 § 47; 1965 c 9 § 29.51.180. Prior: 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.190 Official ballots—Vote only once—Incorrectly marked ballots. No ballots may be used in any polling place other than those prepared by the county auditor. No voter is entitled to vote more than once at a primary or a general or special election, except that if a voter incorrectly marks a ballot, he or she may return it and be issued a new ballot. The precinct election officers shall void the incorrectly marked ballot and return it to the county auditor. [1990 c 59 § 48; 1965 c 9 § 29.51.190. Prior: (i) 1889 p 410 § 25; RRS § 5290. (ii) 1935 c 26 § 3, part; 1921 c 177 § 1, part; 1919 c 163 § 15, part; 1917 c 71 § 2, part; 1909 c 82 § 4, part; 1907 c 209 § 12, part; RRS § 5189, part. (iii) 1895 c 156 § 7, part; 1889 p 409 § 22, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5279, part. (iv) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (v) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.51.200 Handicapped voters. Voting shall be secret except to the extent necessary to assist sensory or physically handicapped voters.

If any voter declares in the presence of the election officers that because of sensory or physical handicap he is unable to register or record his vote, he may designate a person of his choice or two election officers from opposite political parties to enter the voting machine booth with him and record his vote as he directs. [1981 c 34 § 1; 1965 ex.s. c 101 § 17; 1965 c 9 § 29.51.200. Prior: (i) 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. (ii) 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part. Former law: 1901 c 135 § 6; 1889 p 410 § 26.]

Handicapped persons, accessibility of polling places: Chapter 29.57 RCW.

29.51.215 Handicapped voters—Penalty. Any person violating any provision of RCW 29.51.200, as now or hereafter amended, shall be punished as for a misdemeanor.

[1981 c 34 § 2; 1965 c 9 § 29.51.215. Prior: 1935 c 100 § 2; RRS § 5291-2. Formerly RCW 29.85.250.]

29.51.230 Unlawful acts by voters—Penalty. It shall be unlawful for a voter to:

(1) Show his ballot after it is marked to any person in such a way as to reveal the contents thereof or the name of any candidate for whom he has marked his vote;

(2) Receive a ballot from any person other than the election officer having charge of the ballots;

(3) Vote or offer to vote any ballot except one that he has received from the election officer having charge of the ballots;

(4) Place any mark upon his ballot by which it may afterward be identified as the one voted by him;

(5) Fail to return to the election officers any ballot he received from an election officer.

A violation of any provision of this section shall be a misdemeanor, punishable by a fine not exceeding one hundred dollars, plus costs of prosecution. [1965 c 9 § 29.51.230. Prior: 1947 c 35 § 1, part; 1889 p 412 § 33, part; Rem. Supp. 1947 § 5298, part.]

29.51.240 Polls open continuously—Announcement of closing. The polls for a precinct shall remain open continuously until the time specified under RCW 29.13.080. At that time, the precinct election officers shall announce that the polls for that precinct are closed. [1990 c 59 § 50; 1965 c 9 § 29.51.240. Prior: 1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Opening and closing polls: RCW 29.13.080.

29.51.250 Voters in polling place at closing time. If at the time of closing the polls, there are any voters in the polling place who have not voted, they shall be allowed to vote after the polls have been closed. [1990 c 59 § 51; 1965 c 9 § 29.51.250. Prior: 1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Opening and closing polls: RCW 29.13.080.

Chapter 29.54

POLLING PLACE REGULATIONS DURING VOTING HOURS AND AFTER CLOSING

Sections

29.54.010	Unused ballots.
29.54.015	Duties of election officers immediately upon closing.
29.54.018	Tabulation of paper ballots before close of polls.
29.54.025	Counting center, direction and observation of proceedings— Manual count of random precinct.
29.54.037	Ballot pick up, delivery, and transportation.
29.54.042	Tabulation continuous.
29.54.050	Rejection of ballots or parts—Write-in votes.
29.54.060	Questions on legality of ballot—Preservation and return.
29.54.075	Ballot containers, sealing, opening.
29.54.085	Counting ballots—Official returns.
29.54.105	Returns, precinct and cumulative—Delivery to canvassing board.
29.54.121	Sealing of voting devices—Exceptions.

29.54.170 Voting systems—Maintenance of documents.

Polling place regulations during voting hours: Chapter 29.51 RCW.

Return of registration files after election: RCW 29.07.180.

Violations and penalties for acts during voting hours and after closing: Chapter 29.85 RCW.

29.54.010 Unused ballots. At each precinct immediately after the last qualified voter has cast his or her vote, the precinct election officers shall identify and seal all unused ballots for that precinct and seal them in a container to be returned to the county auditor. [1990 c 59 § 52; 1977 ex. s. c 361 § 84; 1965 ex. s. c 101 § 6; 1965 c 9 § 29.54.010. Prior: 1893 c 91 § 2; RRS § 5332.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex. s. c 361: See notes following RCW 29.01.006.

29.54.015 Duties of election officers immediately upon closing. Immediately after the close of the polls and the completion of voting, the precinct election officers shall count the number of voted ballots and make a record of any discrepancy between this number and the number of voters who signed the poll book for that precinct or polling place, complete the certifications in the poll book, prepare the ballots for transfer to the counting center if necessary, and seal the voting devices. [1990 c 59 § 53.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.54.018 Tabulation of paper ballots before close of polls. (1) Paper ballots may be tabulated at the precinct polling place before the closing of the polls under rules adopted by the secretary of state. The tabulation of ballots, paper or otherwise, shall be open to the public, but no persons except those employed and authorized by the county auditor may touch a ballot card or ballot container or operate vote tallying equipment.

(2) The results of the tabulation of paper ballots at the polls shall be delivered to the county auditor as soon as the tabulation is complete. [1990 c 59 § 54.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Divulging ballot count: RCW 29.85.225.

29.54.025 Counting center, direction and observation of proceedings—Manual count of random precinct. (1) The counting center in a county using voting systems shall be under the direction of the county auditor and shall be observed 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 shall 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.

(2) The political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the

votes cast on any office or issue. The ballots for that precinct shall then be counted by the vote tallying system, and this result shall be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election. [1990 c 59 § 30; 1977 ex.s. c 361 § 71. Formerly RCW 29.34.153.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.54.037 Ballot pick up, delivery, and transportation. (1) At the direction of the county auditor, a team or teams composed of a representative of each major political party shall stop at designated polling places and pick up the sealed containers of voted ballots for delivery to the counting center. There may be more than one delivery from each polling place. Two precinct election officials, one representing each major political party, shall seal the voted ballots in containers furnished by the county auditor and properly identified with his or her address with uniquely prenumbered seals.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or a designated representative of the county auditor shall receive the sealed ballot containers, record the time, date, precinct name or number, and seal number of each ballot container. [1990 c 59 § 31; 1977 ex.s. c 361 § 72. Formerly RCW 29.34.157.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.54.042 Tabulation continuous. Except as provided by rule under RCW 29.04.210, on the day of the primary or election, the tabulation of ballots at the polling place or at the counting center shall proceed without interruption or adjournment until all of the ballots cast at the polls at that primary or election have been tabulated. [1990 c 59 § 58.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.54.050 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; or, except for an absentee ballot, it is marked so as to identify the voter.

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 29.51.170; 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 election board or the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.54.060 Questions on legality of ballot—Preservation and return. Whenever the precinct election officers or 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. All ballots shall be preserved in the same manner as valid ballots for that primary or election. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.54.075 Ballot containers, sealing, opening. Immediately after their tabulation, all ballots shall be sealed in containers that identify the primary or election and be retained for at least sixty days. The containers may only be opened by the canvassing board as part of the canvass or to conduct recounts 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 shall be added to any other record of the canvassing process in that county. [1990 c 59 § 59.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.54.085 Counting ballots—Official returns. (1) The ballots picked up from the precincts during the polling hours may be counted before the polls have closed. Election returns from the count of these ballots must be held in secrecy until the polls have been closed as provided by RCW 29.54.018.

(2) Upon breaking the seals and opening the ballot containers from the precincts, all voted ballots shall 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 shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All damaged ballots shall be kept by the county auditor until sixty days after the primary or election.

(3) The returns produced by the vote tallying system, to which have been added the counts of questioned ballots, write-in votes, and absentee votes, constitute the official

returns of the primary or election in that county. [1990 c 59 § 33; 1977 ex.s. c 361 § 74. Formerly RCW 29.34.167.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.54.105 Returns, precinct and cumulative—Delivery to canvassing board. 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 42.17 RCW. [1990 c 59 § 60.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.54.121 Sealing of voting devices—Exceptions. Except for reopening to make a recanvass, the registering mechanism of each mechanical voting device used in any primary or election shall remain sealed until ten days after the completion of the canvass of that primary or election in that county. Except where provided by a rule adopted under RCW 29.04.210, voting devices used in a primary or election shall remain sealed until ten days after the completion of the canvass of that primary or election in that county. [1990 c 59 § 24; 1965 c 9 § 29.33.230. Prior: 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part. Formerly RCW 29.33.230.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.54.170 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 29.33.350. [1990 c 59 § 61; 1977 ex.s. c 361 § 94.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Chapter 29.57

ACCESSIBILITY OF POLLING PLACES AND REGISTRATION FACILITIES

(Formerly: Polling places—Accessibility for handicapped persons)

Sections

- 29.57.010 Intent—Recommendations to county auditors.
 29.57.030 Polling places—Standards—Revision, when.
 29.57.040 Public buildings used as polling places—Conditions.
 29.57.050 Review by and recommendations of disabled voters.
 29.57.070 Inaccessible polling places—Auditors' list—Notice of changes in locations.
 29.57.080 Inaccessible polling places—Examinations by secretary of state.

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- 29.57.090 Alternative polling places or procedures.
 29.57.100 Polling places—Accessibility required, exceptions.
 29.57.110 Polling place accessibility—Report to federal election commission.
 29.57.120 Registration facilities—Reports and determinations.
 29.57.130 Voting and registration instructions and information.
 29.57.140 Secretary of state—Public notice of availability of services.
 29.57.150 County auditors—Notice of accessibility.
 29.57.160 Costs for modifications—Alternatives—Election costs.
 29.57.170 Implementing rules.

Handicapped voters: RCW 29.51.200, 29.51.215.

29.57.010 Intent—Recommendations to county auditors. The intent of this chapter is to implement Public Law 98-435 which requires state and local election officials, wherever possible, to designate and use polling places in federal elections and permanent registration locations which are accessible to elderly and handicapped persons. County auditors are encouraged to:

(1) Make modifications such as installation of temporary ramps or relocation of polling places within buildings, where appropriate;

(2) Designate new, accessible polling places to replace those that are inaccessible; and

(3) Continue to use polling places and voter registration locations which are accessible to elderly and handicapped persons. [1985 c 205 § 1; 1979 ex.s. c 64 § 1.]

29.57.030 Polling places—Standards—Revision, when. The secretary of state, in consultation with the *state building code advisory council and local election officials, shall determine standards for accessible polling places as required by this chapter and provide county auditors with these standards by July 1, 1985. These standards shall be revised whenever there are significant amendments to the applicable rules of the *state building code advisory council. [1985 c 205 § 2; 1979 ex.s. c 64 § 3.]

***Reviser's note:** The "state building code advisory council" was renamed the "state building code council" by 1985 c 360; see RCW 19.27.070.

29.57.040 Public buildings used as polling places—Conditions. Each state agency and entity of local government shall permit the use of any of its buildings and the most suitable locations therein as polling places when required by a county auditor to provide accessible places in each precinct. [1979 ex.s. c 64 § 4.]

29.57.050 Review by and recommendations of disabled voters. County auditors shall, as feasible, solicit and use the assistance of disabled voters in reviewing sites and recommending inexpensive remedies to improve accessibility. [1979 ex.s. c 64 § 5.]

29.57.070 Inaccessible polling places—Auditors' list—Notice of changes in locations. No later than April 1st of each even-numbered year until and including 1994, each county auditor shall report to the secretary of state, on the form provided by the secretary of state, a list of all polling places in the county, specifying any that have been found inaccessible. The auditor shall indicate the reasons for inaccessibility, and what efforts have been made pursuant to this chapter to locate alternative polling places or to make

the existing facilities temporarily accessible. Each county auditor shall notify the secretary of state of any changes in polling place locations before the next state general election, including any changes required due to alteration of precinct boundaries. [1985 c 205 § 3.]

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

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

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

29.57.080 Inaccessible polling places—Examinations by secretary of state. No later than July 1st of each even-numbered year, the secretary of state shall review the reports of the county auditors and shall check each polling place that has been identified as inaccessible under RCW 29.57.070 to verify that every possible effort has been made to comply with this chapter. The secretary of state shall also examine any other polling place which he or she has substantial reason to believe may not comply with the standards established under RCW 29.57.030. [1985 c 205 § 4.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.090 Alternative polling places or procedures. The secretary of state shall establish procedures to assure that, in any state primary or state general election in an even-numbered year, any handicapped or elderly voter assigned to an inaccessible polling place will, upon advance request of that voter, either be permitted to vote at an alternative accessible polling place not overly inconvenient to that voter or be provided with an alternative means of casting a ballot on the day of the primary or election. The county auditor shall make any accommodations in voting procedures necessary to allow the use of alternative polling places by elderly or handicapped voters under this section. [1985 c 205 § 5.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.100 Polling places—Accessibility required, exceptions. Each polling place for a state primary or state general election in an even-numbered year shall be accessible unless:

(1) The secretary of state has reviewed that polling place, determined that it is inaccessible, that no alternative accessible polling place is available, that no temporary modification of that polling place or any alternative polling place is possible, and that the county auditor has complied with the procedures established under RCW 29.57.090; or

(2) The secretary of state determines that a state of emergency exists that would otherwise interfere with the efficient administration of that primary or election. [1985 c 205 § 6.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.110 Polling place accessibility—Report to federal election commission. No later than December 31st of each even-numbered year, the secretary of state shall report to the federal election commission, in a manner to be determined by the commission, the number of accessible and

inaccessible polling places in the state on the date of the preceding state general election, and the reasons for any instances of inaccessibility. [1985 c 205 § 7.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.120 Registration facilities—Reports and determinations. Each county auditor shall report locations of all permanent voter registration facilities to the secretary of state, indicating which locations meet the standards of RCW 29.57.030. The secretary of state shall determine if the locations and number of accessible registration facilities are reasonable to meet the needs of the elderly and handicapped. [1985 c 205 § 8.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.130 Voting and registration instructions and information. (1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.

(2) The secretary of state shall make information available for deaf persons throughout the state by telecommunications. [1985 c 205 § 9.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.140 Secretary of state—Public notice of availability of services. The secretary of state shall provide public notice of the availability of registration and voting aids, assistance to elderly and handicapped persons under RCW 29.51.200 and 42 U.S.C. Section 1973aa-6, and procedures for voting by absentee ballot calculated to reach elderly and handicapped persons not later than public notice of the closing of registration for the state primary and state general election in each even-numbered year. [1985 c 205 § 10.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.150 County auditors—Notice of accessibility. Each county auditor shall include a notice of the accessibility of polling places in the notice of election published under RCW 29.27.030 and 29.27.080 for the state primary and state general election in each even-numbered year. [1985 c 205 § 11.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.160 Costs for modifications—Alternatives—Election costs. (1) County auditors shall seek alternative polling places or other low-cost alternatives including, but not limited to, procedural changes and assistance from local disabled groups, service organizations, and other private sources before incurring costs for modifications under this chapter and Public Law 98-435.

(2) In a state primary or state general election in an even-numbered year, the cost of those modifications to buildings or other facilities, including signs designating handicapped accessible parking and entrances, that are necessary to permit the use of those facilities for polling places under this chapter and Public Law 98-435 or any procedures established under RCW 29.57.090 shall be treated

as election costs and prorated under RCW 29.13.045. [1985 c 205 § 12.]

Effective dates—1985 c 205: See note following RCW 29.57.070.

29.57.170 Implementing rules. The secretary of state shall adopt rules to facilitate the implementation of this chapter. [1985 c 205 § 13.]

Chapter 29.60

ADMINISTRATION OF ELECTIONS

Sections

29.60.010	Election administration and certification board—Generally.
29.60.020	Powers and duties of board.
29.60.030	Duties of secretary of state.
29.60.040	Training of election administrators.
29.60.050	Denial of certification—Review and appeal.
29.60.060	Election review section.
29.60.070	Review of county election procedures.
29.60.080	Powers and duties of county auditor and review staff.
29.60.090	Election assistance and clearinghouse program.

29.60.010 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, as defined by RCW 29.01.090, 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. [1992 c 163 § 3.]

29.60.020 Powers and duties of board. (1) The secretary of state and the board created in RCW 29.60.010 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 29.60.070; and

(c) The policies and standards to be used by the board in reviewing and rendering decisions regarding appeals filed under RCW 29.60.070.

The initial policies and standards adopted under (c) of this subsection shall be adopted concurrently with adoption of the initial policies and procedures adopted under (b) of this subsection.

(2) The board created in RCW 29.60.010 shall review appeals filed under RCW 29.60.050 or 29.60.070. A decision of the board regarding such an appeal shall 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 29.60.070 concerning an election review conducted under that section is final. If a decision of the board regarding an appeal filed under RCW 29.60.050 includes a recommendation that a certificate be issued, the certificate shall be issued by the secretary of state as recommended by the board.

(3) The board created in RCW 29.60.010 may adopt rules governing its procedures. [1992 c 163 § 4.]

29.60.030 Duties of secretary of state. (Effective July 1, 1993.) 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 and training programs for political party observers which conform to the rules for such programs established under RCW 29.60.020;

(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 29.60.010. [1992 c 163 § 5.]

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

29.60.040 Training of election administrators. (Effective July 1, 1993.) A person having responsibility for the administration or conduct of elections, other than precinct election officers, shall, within eighteen months of undertaking those responsibilities or within eighteen months of July 1, 1993, whichever is later, 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;
- (3) County canvassing board members;
- (4) Persons officially designated by each major political party as elections observers; and
- (5) 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.

The secretary of state shall reimburse election observers in accordance with RCW 43.03.050 and 43.03.060 for travel expenses incurred to receive training required under subsection (4) of this section.

Neither this section nor RCW 29.60.030 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. [1992 c 163 § 6.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

29.60.050 Denial of certification—Review and appeal. (Effective July 1, 1993.) (1) A decision of the secretary of state to deny certification under RCW 29.60.030 shall be entered in the manner specified for orders under the administrative procedure act, chapter 34.05 RCW. Such a decision shall not be 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 29.60.010. 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 shall be as prescribed under RCW 34.05.510 through 34.05.598, but shall be limited to the review of board decisions denying certification. [1992 c 163 § 7.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

29.60.060 Election review section. (Effective July 1, 1993.) 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 29.60.040, shall perform the election review functions prescribed by RCW 29.60.070. 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. [1992 c 163 § 8.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

29.60.070 Review of county election procedures. (Effective July 1, 1993.) (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 state-wide election or an election for federal office.

Reviews conducted under (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 periodically after 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 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) Each county shall be reviewed under this section not less than once every four years. 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 29.60.020. 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 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 29.60.010. [1992 c 163 § 9.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

29.60.080 Powers and duties of county auditor and review staff. (Effective July 1, 1993.) 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 ballot pages, absentee voting materials, any other election material normally kept in a secure environment after the election, and other requested 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. [1992 c 163 § 10.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

29.60.090 Election assistance and clearinghouse program. (Effective July 1, 1993.) 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. [1992 c 163 § 11.]

Effective date—1992 c 163 §§ 5-13: See note following RCW 29.60.030.

Chapter 29.62

CANVASSING THE RETURNS

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29.62.010 Rules for canvassing—Statement of returns—Resolving ties. Every canvassing board or officer responsible for canvassing and certifying the returns of any primary or election shall:

(1) Adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction;

(2) For each primary and election, prepare and sign a statement of the returns for each office, candidate, and issue voted on in that jurisdiction;

(3) If, at a partisan primary, two or more candidates of the same party receive the greatest, and identical, number of votes for an office, resolve the tie vote by lot;

(4) If, at a nonpartisan or judicial primary, two or more candidates receive the second greatest, and identical, number of votes for that office or position, resolve the tie vote by lot. [1990 c 59 § 62; 1965 c 9 § 29.62.010. Prior: 1961 c 130 § 10; prior: (i) 1907 c 209 § 24, part; RRS § 5201, part. (ii) Code 1881 § 3096, part; 1866 p 6 § 2, part; 1865 p 39 § 7, part; RRS § 5343, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.62.020 County canvassing board—Meeting to process absentee ballots, canvass returns. No later than the tenth day after a special election or primary and no later than the fifteenth day after a general election, the county auditor shall convene the county canvassing board to process the absentee ballots and canvass the votes cast at that primary or election. On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. All properly and timely voted absentee ballots which have been received on or before the date on which the primary or election is certified shall be included in the canvass. Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. The county canvassing board shall consist of the county auditor, the chairman of the county legislative authority, and the prosecuting attorney or designated representatives of those officials.

At the request of any caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house. [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.]

Absentee ballots, canvassing: RCW 29.36.060.

29.62.030 Special canvass for county auditor. If the primary or election is one at which the county auditor is to be nominated or elected, canvass of the returns for that office shall be made by the other two members of the board; if the two disagree, the returns for that office shall be canvassed by the presiding judge of the superior court of the county. [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.]

29.62.040 County canvassing board—Canvassing procedure—Penalty. Before canvassing the returns of a primary or election, the chairman of the county legislative authority shall administer an oath to the county auditor attesting to the authenticity of the information presented to the canvassing board. This oath must be signed by the county auditor and filed with the returns of the primary or election.

The county canvassing board shall proceed to verify the results from the precincts and the absentee ballots. The board shall execute a certificate of the results of the primary or election signed by all members of the board. Failure to certify the returns, if they can be ascertained with reasonable certainty, is a misdemeanor. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.62.050 Recanvass—Generally. Whenever the canvassing board finds that there is an apparent discrepancy or an inconsistency in the returns of a primary or election, the board may recanvass the ballots or voting devices in any precincts of the county. The canvassing board shall correct any error and document the correction of any error that it finds. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Voting systems: Chapter 29.33 RCW.

29.62.060 Recanvass of machine votes—Notice—Representation—Relocking. Before recanvassing the votes cast on a voting machine, the canvassing board or officer shall give notice in writing to the custodian and to each political party participating in the primary or that nominated candidates for the election, of the time and place where the canvass is to be made, and may invite representatives of organizations or other persons involved or interested in any candidate or measure voted upon to be present at the time any such recanvass or recount be made. Each political party may send two representatives to be present at the recanvass. After the recanvass shall have been made the voting machines shall be immediately reclosed and the counter compartments relocked. [1965 c 9 § 29.62.060. Prior: 1951 c 193 § 2; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]

29.62.070 Recanvass of machine votes—Procedure to test counting mechanism—Statement. If upon such recanvass, it should be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the canvassing board, with the assistance of the custodian shall in the presence of such said inspector and judges of election and the authorized representatives of the several political parties or organizations who are attendant, make a record of the

number or other designating mark on the seal, and the number on the protective counter and unlock the voting and counting mechanism of said machine and proceed to thoroughly examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in the returns from said machine. Before being tested the counter shall be set at "000," after which each counter shall be operated at least one hundred times. After the completion of said examination and test, the custodian shall then and there prepare a statement in writing giving in detail the result thereof and said statement shall be witnessed by the persons present and shall be filed with the county auditor or other election officer. [1965 c 9 § 29.62.070. Prior: 1951 c 193 § 3; 1917 c 7 § 1, part; 1913 c 58 § 15, part; RRS § 5315, part.]

29.62.080 Tie votes in final election. If the requisite number of any federal, state, county, city, district, or precinct officers shall not be 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 said official, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said official shall make out and deliver to the person thus duly declared elected a certificate of his election as hereinbefore provided. [1965 c 9 § 29.62.080. Prior: 1961 c 130 § 13; prior: (i) Code 1881 § 3097; 1866 p 7 § 3; RRS § 5344. (ii) Code 1881 § 3104; 1865 p 41 § 15; RRS § 5349.]

29.62.090 Abstract by election officer—Transmittal to secretary of state. (1) 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 abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and transmitted to the secretary of state no later than the next business day following the certification by the county canvassing board.

(2) After each general election in an even-numbered year, the county auditor or other election officer shall provide to the secretary of state a report of the number of absentee ballots cast in each precinct 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 report may be included in the abstract required by this section or may be transmitted to the secretary of state separately, but in no event later than March 31 of the year following the election. Absentee ballot results may be incorporated into votes cast at the polls for each precinct or may be reported separately on a precinct-by-precinct basis.

(3) If absentee ballot results are not incorporated into votes cast at the polls, 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 absentee ballot results would jeopardize the secrecy of a person's ballot. To the extent practicable, precincts for which absentee results are aggregated shall be contiguous. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.62.100 Secretary of state—Primary returns—State offices, etc. The secretary of state shall, as soon as possible but in any event not later than the third Tuesday following the primary, canvass and certify the returns of all primary elections as to candidates for state offices, United States senators and representatives in congress, and all other candidates whose district extends beyond the limits of a single county. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.62.120 Secretary of state to canvass 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 make a canvass of such of the returns as are not required to be canvassed by the legislature and make out a statement thereof, file it in his office and transmit a certified copy thereof to the governor. [1965 c 9 § 29.62.120. Prior: Code 1881 § 3100, part; No RRS.]

29.62.130 Canvass of vote on state-wide measures. The votes on proposed amendments to the state Constitution, recommendations for the calling of constitutional conventions and other questions submitted to the people shall be counted, canvassed and returned by the regular precinct election officers and by the county auditors and canvassing boards in the manner provided by law for counting, canvassing and returning votes for candidates for state offices. It shall be the duty of the secretary of state in the presence of the governor, within thirty days after any such election, to canvass the votes upon each question and certify to the governor the result thereof, and the governor shall forthwith issue his proclamation giving the whole number of votes cast in the state for and against such measure and declaring the result: PROVIDED, That 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 for that reason. [1965 c 9 § 29.62.130. Prior: (i) 1913 c 138 § 30; RRS § 5426. (ii) 1917 c 23 § 1; RRS § 5341.]

29.62.140 Canvass in commission form cities. In cities operating under the commission form of government the election officers, after counting the ballots, shall make

their returns to the county auditor upon forms furnished by him within six hours after the closing of the polls; and at such time as provided by RCW 29.62.020, the county canvassing board shall canvass the returns of the primary or election, and the county auditor, upon receipt of the certificate of canvass shall make and publish in all newspapers of the city, at least once, the result thereof. The canvass shall be publicly made. In the primary, the two candidates receiving the highest number of votes for each of the offices to be filled shall be declared nominated and their names shall be placed as candidates on the general election ballot. [1965 c 9 § 29.62.140. Prior: 1943 c 25 § 2, part; 1911 c 116 § 7, part; Rem. Supp. 1943 § 9096, part. See also RCW 29.04.010 and 29.13.040.]

29.62.160 Vacancy in United States house of representatives, primary to elect nominees—Canvass of—Certification of nominees. See RCW 29.68.120.

29.62.170 United States constitutional amendment conventions—Delegates—Ascertaining election result. See RCW 29.74.100.

Chapter 29.64

STATUTORY RECOUNT PROCEEDINGS

Sections

29.64.010	Application for recount, generally—Requirements for—Application of chapter.
29.64.015	Mandatory recount.
29.64.020	Deposit of fees—Notice of time and place of recount—Public proceeding.
29.64.030	Recounting the votes—Observers—Request to stop.
29.64.040	Amended abstracts.
29.64.051	Limitation on recounts.
29.64.060	Expenses of recount—Charges.
29.64.070	Rules and regulations.
29.64.080	State-wide measures—Mandatory recount—Cost at state expense.
29.64.090	State-wide measures—Mandatory recount—Funds for additional expenses.
29.64.900	Short title—Construction.

29.64.010 Application for recount, generally—Requirements for—Application of chapter. An officer of a political party or any person for whom votes were cast in a primary who was not declared nominated 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 nomination to 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 chairman and shall indicate the voting residence of each member of the group.

An application for a recount of the votes cast for a state or local office or on a ballot measure in a jurisdiction that is entirely within one county shall be filed with the county

auditor of that county. An application for a recount of the votes cast for a federal office or for any state office or on a ballot measure in a jurisdiction that is not entirely within a single county shall be filed with the secretary of state.

An application for a recount in a jurisdiction using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of that program.

An application for a recount shall be filed within three days, excluding Saturdays, Sundays, and holidays, 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, to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. [1987 c 54 § 3; 1977 ex.s. c 361 § 98; 1965 c 9 § 29.64.010. Prior: 1963 ex.s. c 25 § 1; 1961 c 50 § 1; 1955 c 215 § 1.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.64.015 Mandatory recount. (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 nominated or elected to any office and the number of votes cast for the closest apparently defeated opponent is not more 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 which appears on the ballot in more than one county, 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) Whenever the difference in the number of votes cast for such candidates is less than one-fourth of one percent of the total number of votes cast for both candidates, the votes shall be recounted manually.

(2) A mandatory recount shall be conducted in the manner provided by RCW 29.64.020, 29.64.030, and 29.64.040. No cost of a mandatory recount may be charged to any candidate. [1991 c 90 § 2; 1987 c 54 § 4; 1965 c 9 § 29.64.015. Prior: 1963 ex.s. c 25 § 2.]

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.]

29.64.020 Deposit of fees—Notice of time and place of recount—Public proceeding. An application for a recount shall state the office for which a recount is requested and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person

filing an application 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 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. These charges shall be determined by the county canvassing board or boards under RCW 29.64.060.

The county canvassing board shall determine a time and a place or places at which the recount will be conducted. This time shall be less than five days after the day upon which: The application was filed with the board; the request for a recount or directive ordering a recount was received by the board from the secretary of state; or the returns are certified which indicate that a recount is required under RCW 29.64.015 for an issue or office voted upon only within the county. The county auditor shall mail a notice of the time and place of the recount to the applicant or affected parties and, if the recount involves an office, to any person for whom votes were cast for that office. The notice shall be mailed by certified mail not less than two days before the date 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.64.030 Recounting the votes—Observers—Request to stop. (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. Witnesses shall be permitted to observe the ballots and the process of tabulating the votes, but they shall not be permitted to handle the ballots. The 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.

At the time and place established for a canvass of the votes cast on voting devices that do not provide an individual record of the choices of each voter, the canvassing board or its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the voting devices to be rechecked, and shall verify the votes cast for the offices and issues for which the recount was ordered. Witnesses shall be permitted to watch the recheck of the voting devices. The canvassing board shall not permit the rechecking 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.

If the canvassing board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in those precincts as shown in the certified abstract of the votes would not change the result for that office or issue, it shall not recount the ballots of the precincts listed in the application for recount which have not been recounted before the request to stop the recount. The canvassing board shall attach a copy of the request to stop the recount to the partial returns of the recount.

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. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots 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. [1991 c 81 § 37; 1990 c 59 § 65; 1965 c 9 § 29.64.030. Prior: 1961 c 50 § 3; 1955 c 215 § 3.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.64.040 Amended abstracts. Upon completion 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 shall be transmitted to the same officers who received the abstract on which the recount was based.

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

If the nomination, election, or issue for which a recount was conducted was submitted to the voters of more than one county, the secretary of state shall canvass the amended abstracts and shall file an amended abstract with the original results of that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election. [1990 c 59 § 66; 1965 c 9 § 29.64.040. Prior: 1955 c 215 § 4.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.64.051 Limitation on recounts. After being counted, the votes cast in any single precinct may not be recounted more than twice. [1991 c 90 § 3.]

Finding, purpose—1991 c 90: See note following RCW 29.64.015.

29.64.060 Expenses of recount—Charges. The expenses for conducting a recount of votes shall be fixed by the canvassing board.

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. [1990 c 59 § 68; 1977 ex.s. c 361 § 100; 1965 c 9 § 29.64.060. Prior: 1955 c 215 § 6.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.64.070 Rules. The secretary of state, as chief election officer, shall adopt rules in accordance with chapter 34.05 RCW to facilitate and clarify procedures contained in this chapter. [1991 c 81 § 38; 1965 c 9 § 29.64.070. Prior: 1955 c 215 § 7.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.64.080 State-wide measures—Mandatory recount—Cost at state expense. When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a state-wide measure and the number of votes cast for the rejection of such measure is not more 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 29.64.030 and 29.64.040, and the cost of such recount shall be at state expense. [1973 c 82 § 1.]

29.64.090 State-wide measures—Mandatory recount—Funds for additional expenses. Each county auditor shall file with the secretary of state a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29.64.080. The secretary of state shall include in his 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. [1977 ex.s. c 144 § 5; 1973 c 82 § 2.]

29.64.900 Short title—Construction. This chapter shall be known as the statutory recount act and shall in no way affect or supersede the election contest statutes as contained in chapter 29.65 RCW. [1965 c 9 § 29.64.900. Prior: 1955 c 215 § 8.]

Chapter 29.65 CONTESTS

Sections

29.65.010	Commencement by registered voter—Causes for.
29.65.020	Affidavit of error or omission—Time for filing—Contents—Witnesses.
29.65.040	Hearing date—Issuance of citation—Service.
29.65.050	Witnesses to attend—Hearing of contest—Judgment.
29.65.055	Costs, how awarded.
29.65.060	Misconduct of board—Irregularity must be material to result.

29.65.070	Misconduct of board—Number of votes affected—Enough to change result.
29.65.080	Illegal votes—Allegation of in statement of contest.
29.65.090	Illegal votes—List required for testimony.
29.65.100	Illegal votes—Number of votes affected—Enough to change result.
29.65.120	Nullification of election certificate—When effective.
<i>Contest of election of member of state legislature: RCW 44.04.100.</i>	
<i>Statutory recount act not to affect or supersede election contest statutes: RCW 29.64.900.</i>	

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

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

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

- (i) More than one vote cast by a single voter;
- (ii) A vote cast by a person disqualified under Article VI, section 3 of the state Constitution.
- (b) Illegal votes do not include votes cast by improperly registered voters who were not properly challenged pursuant to RCW 29.10.125 and 29.10.127.

All election contests shall proceed under RCW 29.04.030. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.65.020 Affidavit of error or omission—Time for filing—Contents—Witnesses. An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and shall set forth specifically:

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

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

issue the certificate of election. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

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

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

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.65.050 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. [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.]

29.65.055 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. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.65.060 Misconduct of board—Irregularity must be material to result. No irregularity or improper conduct in the proceedings of any election board or any member thereof shall amount to such misconduct as to annul or set aside any election unless the irregularity or improper conduct was such as to procure the person whose right to the office may be contested, to be declared duly elected although he did not receive the highest number of legal votes. [1965 c 9 § 29.65.060. Prior: Code 1881 § 3106; 1865 p 43 § 2; RRS § 5367.]

29.65.070 Misconduct of board—Number of votes affected—Enough to change result. When any election for an office exercised in and for a county is contested on account of any misconduct on the part of any election board, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts will change the result as to such office in the remaining vote of the county. [1965 c 9 § 29.65.070. Prior: Code 1881 § 3107; 1865 p 43 § 3; RRS § 5368.]

29.65.080 Illegal votes—Allegation of in statement of contest. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were cast, which, if given to the person whose election is contested in the specified precinct or precincts, will, if taken from him, reduce the number of his legal votes below the number of legal votes given to some other person for the same office. [1965 c 9 § 29.65.080. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part.]

29.65.090 Illegal votes—List required for testimony. No testimony shall be received as to any illegal votes unless the party contesting the election delivers to the opposite party, at least three days before trial, a written list of the number of illegal votes and by whom given, which he intends to prove on such trial. No testimony shall be received as to any illegal votes, except as to such as are specified in the list. [1965 c 9 § 29.65.090. Prior: Code 1881 § 3111, part; 1865 p 44 § 7, part; RRS § 5372, part.]

29.65.100 Illegal votes—Number of votes affected—Enough to change result. No election shall be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office, after deducting

therefrom the illegal votes which may be shown to have been given to such other person. [1965 c 9 § 29.65.100. Prior: Code 1881 § 3108; 1865 p 43 § 4; RRS § 5369.]

29.65.120 Nullification of election certificate—When effective. If an election is set aside by the judgment of the superior court and if no appeal is taken therefrom within ten days, the certificate issued shall be thereby rendered void. [1965 c 9 § 29.65.120. Prior: Code 1881 § 3123, part; 1865 p 46 § 19, part; RRS § 5382, part.]

Chapter 29.68

UNITED STATES CONGRESSIONAL ELECTIONS

Sections

- 29.68.070 Vacancy in senatorship—Filling.
 29.68.080 Vacancy in congress—Special election.
 29.68.100 Vacancy in congress—Notices of special primary and special election.
 29.68.120 Vacancy in congress—Canvass of primary and special vacancy election—Certification of nominees.
 29.68.130 Vacancy in congress—General, primary election laws to apply—Time deadlines, modifications.

29.68.070 Vacancy in senatorship—Filling. 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. [1985 c 45 § 3; 1965 c 9 § 29.68.070. Prior: 1921 c 33 § 1; RRS § 3798.]

Legislative intent—1985 c 45: See note following RCW 29.13.047. *Vacancies in public office, how caused:* RCW 42.12.010.

29.68.080 Vacancy in congress—Special election. (1) Whenever a vacancy occurs in the office of United States representative or United States senator from this state or any congressional district of 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 special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. 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 six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary and special vacancy elections shall be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW 29.15.020 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor 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. The last day of the filing period shall not be later than the third Tuesday before the primary at which candidates are to be nominated. The names of candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot.

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

(6) As used in this chapter, "county" means, in the case of a vacancy in the office of United States senator, any or all of the counties in the state and, in the case of a vacancy in the office of United States representative, only those counties wholly or partly within the congressional district in which the vacancy has occurred. [1990 c 59 § 105; 1985 c 45 § 4; 1973 2nd ex.s. c 36 § 3; 1965 c 9 § 29.68.080. Prior: 1915 c 60 § 1; 1909 ex.s. c 25 § 1; RRS § 3799.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Legislative intent—1985 c 45: See note following RCW 29.13.047. *Vacancies in public office, how caused:* RCW 42.12.010.

29.68.100 Vacancy in congress—Notices of special primary and special election. After calling a special primary and special vacancy election to fill a vacancy in the office of United States representative or United States senator 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 29.27.030 and 29.27.080 respectively. [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.]

Legislative intent—1985 c 45: See note following RCW 29.13.047.

29.68.120 Vacancy in congress—Canvass of primary and special vacancy election—Certification of nominees. (1) The canvass of the votes cast at a special primary for a United States representative or senator shall be completed in each county within ten days after the primary. The returns shall be transmitted immediately to the secretary of state, who shall certify the returns in the manner provided by RCW 29.62.100. As soon as possible after the canvass, the secretary of state shall certify the names of the nominees to the county auditors.

(2) The canvass of the votes cast at a special vacancy election for a United States representative or senator shall be completed in each county within fifteen days after the vacancy election. The returns shall be transmitted immediately to the secretary of state, who shall certify the returns in the manner provided in RCW 29.62.120. [1985 c 45 § 6; 1983 c 3 § 46; 1973 2nd ex.s. c 36 § 7; 1965 c 9 § 29.68.120. Prior: 1909 ex.s. c 25 § 3, part; RRS § 3801, part.]

Legislative Intent—1985 c 45: See note following RCW 29.13.047.

29.68.130 Vacancy in 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 RCW 29.68.080 through 29.68.120 to the extent that they are not inconsistent with the provisions of these sections. Statutory time deadlines relating to availability of absentee 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 29.04.080. [1985 c 45 § 7; 1965 c 9 § 29.68.130. Prior: 1909 ex.s. c 25 § 4; RRS § 3802.]

Legislative Intent—1985 c 45: See note following RCW 29.13.047.

Chapter 29.69B 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, 1992, and as amended by Senate Concurrent Resolution No. 8421 under RCW 44.05.100. For state legislative districts, see chapter 44.07C RCW.

WASHINGTON STATE REDISTRICTING COMMISSION REDISTRICTING PLAN

A PLAN Relating to the redistricting of state legislative and congressional districts.

BE IT APPROVED BY THE REDISTRICTING COMMISSION OF THE STATE OF WASHINGTON:

Sec. 1. It is the intent of the commission to reapportion and 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.

Sec. 2. The definitions set forth in RCW 44.05.020 apply throughout this plan, unless the context requires otherwise.

Sec. 3. 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 January 1, 1990, in accordance with the 1990 federal decennial census data submitted pursuant to P.L. 94-171.

Sec. 4. (a) Any area not specifically included within the boundaries of any of the districts as described in this plan and which is completely surrounded by a particular district, shall be a part of that district. Any such area not completely surrounded by a particular district shall be a part of the district having the smallest number of inhabitants and having territory contiguous to such area.

(b) Any area described in this plan as specifically embraced in two or more noninclusive districts shall be a part of the adjacent district having the smallest number of inhabitants and shall not be a part of the other district or districts.

(c) Any area specifically mentioned as embraced within a district but separated from such district by one or more other districts, shall be assigned as though it had not been included in any district specifically described.

(d) The 1990 United States federal decennial census data submitted pursuant to P.L. 94-171 shall be used for determining the number of inhabitants under this plan.

(e) If any court of competent jurisdiction requires nonresident military personnel that were not included in the United States census bureau data to

be included, these persons shall be included in the population of the district or districts from which the persons were excluded.

Sec. 5. For purposes of this plan, districts shall be described in terms of:

(1) Official United States census bureau tracts, block numbering areas, block groups, blocks, or census county divisions established by the United States bureau of the census in the 1990 federal decennial census;

(2) Counties, municipalities, or other political subdivisions as they existed on January 1, 1990;

(3) Any natural or artificial boundaries or monuments including but not limited to rivers, streams, or lakes as they existed on January 1, 1990;

(4) Roads, streets, or highways as they existed on January 1, 1990.

Sec. 6. The following abbreviations used in this plan have the following meanings:

(1) "T" means "census tract";

(2) "BG" means "census block group";

(3) "B" means "block";

(4) "BNA" means "block numbering area"; and

(5) "Division" or "div." means "census county division".

Sec. 7. For election of members of the legislature, the territory of the state shall be divided into forty-nine districts. Two members of the house of representatives shall be elected from and run at large within each legislative district. One member of the senate shall be elected from each legislative district.

Sec. 8. The legislative districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 019L", maintained in computer files designated as FINAL-LEG, 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 PLAN PRCOM - 019L in conformity with the description terminology set forth in sec. 6.

Sec. 9. For election of members of Congress, the territory of the state shall be divided into nine districts. The congressional districts described by this plan shall be those recorded electronically as "PLAN PRCOM - 0_C", maintained in computer files designated as FINAL-CON, 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 PLAN PRCOM - 0_C in conformity with the description terminology set forth in sec. 6.

Sec. 10. The commission intends that existing law shall continue to govern such matters as the terms and dates of election for members of the senate to be elected from each district, the status of "hold-over" senators, and the elections to fill vacancies, when required, provided that districts referred to in existing law and designated by number (without regard to any letter following that number) shall refer to districts of the same number described in this plan, beginning with the next elections in 1992.

Sec. 11. This commission intends that this plan supersede the district boundaries established by chapter 288, Laws of 1981 and chapter 17, Laws of 1983, and acknowledges that it is inconsistent with certain provisions of existing law, including but not limited to RCW 44.07B.001, RCW 44.07B.002, RCW 44.07B.005 through RCW 44.07B.800, RCW 44.07B.840, and RCW 29.69A.001 through RCW 29.69A.080.

District 1: King: Tract 0004: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115; Block Group 2: Block 201, Block 202, Block 217, Block 218, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 308, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Block Group 6: Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612; Block Group 7: Block 701, Block 702, Block 704, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711,

Block Group 2: Block 202; Tract 0240: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 213, Block 214, Block 215, Block 216; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 316, Block 317, Block 318; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506A, Block 506B, Block 507, Block 508, Block 509, Block 511, Block 512, Block 513, Block 514; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 619, Block 622, Block 623; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 716, Block 717; Tract 0241, Tract 0242, Tract 0323.06, Tract 0323.07, Tract 0323.08, Tract 0323.09, Tract 0323.10; Kitsap: Tract 0901.01, Tract 0901.02, Tract 0902, Tract 0903, Tract 0903.99, Tract 0904, Tract 0905, Tract 0906.01, Tract 0906.02, Tract 0907, Tract 0908, Tract 0909, Tract 0910, Tract 0911, Tract 0912.01, Tract 0912.02, Tract 0913, except Block Group 3: Block 316, Block 331; Tract 0914, Tract 0915, Tract 0917, except Block Group 2: Block 205; Tract 0920: Block Group 2: Block 217, Block 218; Snohomish: Tract 0416.04: Block Group 2: Block 207, Block 209; Tract 0417: Block Group 2: Block 210; Block Group 3: Block 303, Block 306, Block 307, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321; Block Group 4: Block 401B, Block 402B, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411; Tract 0418.04: Block Group 1: Block 103, Block 104, Block 105, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116; Tract 0419.01: Block Group 3: Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 310; Block Group 9: Block 907; Tract 0420.02: Block Group 1: Block 106; Block Group 2: Block 201, Block 202, Block 203, Block 204; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305; Block Group 4: Block 401, Block 402; Tract 0420.03, Tract 0420.04, except Block Group 2: Block 201; Block Group 3: Block 303; Tract 0501, Tract 0502, Tract 0503, Tract 0504.01, Tract 0504.02, Tract 0505, Tract 0506, Tract 0507, Tract 0508, Tract 0509, Tract 0510, Tract 0511, Tract 0512, Tract 0513, Tract 0514, Tract 0515, Tract 0516, Tract 0517, Tract 0518.01, Tract 0518.02, Tract 0519.05, Tract 0519.06, Tract 0519.07, Tract 0519.08, Tract 0519.09, Tract 0519.10, Tract 0519.11, Tract 0519.12, Tract 0520.01, Tract 0520.02, Tract 0520.03, Tract 0521.06, Tract 0521.07, Tract 0521.08, Tract 0521.09.

District 2: Island, San Juan, Skagit, Snohomish: Tract 0401.98, Tract 0402, Tract 0403, Tract 0404, Tract 0405, Tract 0406, Tract 0407, Tract 0408, Tract 0409, Tract 0410, Tract 0411, Tract 0412, Tract 0413, Tract 0414, Tract 0415, Tract 0416.01, Tract 0416.03, Tract 0416.04: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406; Block Group 9: Block 901; Tract 0417: Block Group 1: Block 101, Block 102, Block 103A, Block 103B, Block 104, Block 105A, Block 105B, Block 106, Block 107, Block 108A, Block 108B, Block 109, Block 110A, Block 110B, Block 111A, Block 111B, Block 112, Block 113, Block 114A, Block 114B, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201A, Block 201B, Block 202, Block 203, Block 204, Block 205, Block 206, Block 208, Block 209, Block 213, Block 214; Block Group 3: Block 301, Block 302, Block 304, Block 305, Block 308, Block 309, Block 310; Block Group 4: Block 401A, Block 402A, Block 402C, Block 403; Tract 0418.01, Tract 0418.03, Tract 0418.04: Block Group 1: Block 101, Block 102, Block 106, Block 107, Block 108, Block 109, Block 110; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505; Tract 0419.01: Block Group 2: Block 201, Block 202; Block Group 3: Block 301, Block 308, Block 309, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316; Block Group 9: Block 901A, Block 901B, Block 901C, Block 901D, Block 901E, Block 902, Block 903, Block 904, Block 905, Block 906, Block 908, Block 909, Block 910,

Block 911; Tract 0419.02, Tract 0420.01, Tract 0420.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 107, Block 108, Block 109; Tract 0420.04: Block Group 2: Block 201; Block Group 3: Block 303; Tract 0521.04, Tract 0521.05, Tract 0522.01, Tract 0522.02, Tract 0523.01, Tract 0523.02, Tract 0524, Tract 0525.01, Tract 0525.02, Tract 0526.01, Tract 0526.02, Tract 0527.01, Tract 0527.02, Tract 0527.03, Tract 0528.02, Tract 0528.03, Tract 0528.04, Tract 0529.01, Tract 0529.02, Tract 0530.98, Tract 0531, Tract 0532, Tract 0533, Tract 0534, Tract 0535.01, Tract 0535.02, Tract 0536, Tract 0537, Tract 0538; Whatcom.

District 3: Clark: Tract 0401, Tract 0402, Tract 0403, Tract 0404.01: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507; Tract 0404.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107A, Block 107B, Block 108A, Block 108B, Block 109, Block 110, Block 111, Block 112A, Block 112B, Block 113A, Block 113B, Block 114A, Block 114B, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 3: Block 301A, Block 301B, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307A, Block 307B, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327A, Block 327B, Block 328, Block 329, Block 330, Block 331, Block 332, Block 333, Block 334, Block 335, Block 336, Block 337, Block 338, Block 339, Block 340, Block 341; Block Group 4: Block 401A, Block 401B, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418A, Block 418B, Block 418C, Block 418D, Block 419, Block 420A, Block 420B, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428A, Block 428B, Block 428C, Block 428D, Block 429, Block 430, Block 431, Block 432; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512A, Block 512B, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524; Tract 0405.01, Tract 0405.02, Tract 0405.03, Tract 0406.01, Tract 0406.02, Tract 0407.02: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207; Block Group 5: Block 501, Block 502, Block 503, Block 504; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606; Block Group 7: Block 701, Block 702, Block 703, Block 704; Tract 0407.03, Tract 0407.04, Tract 0408.01, Tract 0408.02, Tract 0409.02, Tract 0409.03, Tract 0409.04, Tract 0410.02, Tract 0410.03, Tract 0410.05, Tract 0410.06, Tract 0410.07, Tract 0411.03, Tract 0411.04, Tract 0411.05, Tract 0411.06, Tract 0412.01, Tract 0412.03, Tract 0412.04, Tract 0413.04, Tract 0413.05, Tract 0413.06, Tract 0413.07, Tract 0413.08, Tract 0413.09, Tract 0413.10, Tract 0413.11, Tract 0414: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214A, Block 214B, Block 214C, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221A, Block 221B, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232A, Block 232B,

Block 233A, Block 233B; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308A, Block 308B, Block 308C, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316A, Block 316B, Block 317A, Block 317B, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 326, Block 327, Block 328, Block 329, Block 330, Block 332, Block 339, Block 340, Block 341, Block 357A, Block 357B, Block 359; Block Group 4: Block 401, Block 402, Block 403; Tract 0415: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120A, Block 120B, Block 120C, Block 120D, Block 121, Block 122, Block 124, Block 125, Block 126, Block 127, Block 130A, Block 130B, Block 132, Block 133, Block 134, Block 135, Block 138; Block Group 2: Block 201, Block 202, Block 203A, Block 203B, Block 204A, Block 204B, Block 205, Block 206, Block 207, Block 208, Block 209A, Block 209B, Block 209C, Block 209D, Block 209E, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233; 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Block Group 4: Block 401, Block 402A, Block 402B, Block 402C, Block 402D, Block 402E, Block 402F, Block 402G, Block 402H, Block 402J, Block 403, Block 404A, Block 404B, Block 405A, Block 405B, Block 406A, Block 406B, Block 407A, Block 407B, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 441, Block 442, Block 443, Block 444, Block 445, Block 446, Block 447, Block 448, Block 449, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460, Block 461, Block 462, Block 463, Block 464, Block 465, Block 466, Block 467, Block 468; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 526, Block 527, Block 528, Block 529, Block 530, Block 531, Block 532, Block 533, Block 534, Block 535, Block 536, Block 537, Block 538, Block 539, Block 540, Block 541, Block 542, Block 543, Block 544, Block 545, Block 546, Block 547A, Block 547B, Block 547C, Block 547D, Block 548, Block 549, Block 550, Block 551A, Block 551B, Block 551C, Block 552, Block 553, Block 554, Block 555, Block 556, Block 557, Block 558A, Block 558B, Block 558C, Block 558D, Block 558E, Block 558F, Block 559, Block 560, Block 561, Block 562, Block 563, Block 564, Block 565, Block 566, Block 567, Block 568, Block 569A, Block 569B, Block 570, Block 571, Block 572, Block 573, Block 574, Block 575, Block 576, Block 577, Block 578, Block 579A, Block 579B, Block 580A, Block 580B, Block 581A, Block 581B, Block 582, Block 583, Block 584, Block 585, Block 586, Block 587, Block 588, Block 589, Block 590, Block 591, Block 592, Block 593, Block 594, Block 595, Block 596, Block 597; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621A, Block 621B, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 629, Block 630, Block 631, Block 632, Block 633, Block 634, Block 635, Block 636, Block 637, Block 638,

Block 639, Block 640, Block 641, Block 642, Block 643, Block 644, Block 645, Block 646, Block 647, Block 648, Block 649, Block 650, Block 651, Block 652, Block 653, Block 654, Block 655, Block 656, Block 657, Block 658, Block 659A, Block 659B, Block 659C, Block 660, Block 661, Block 662, Block 663, Block 664, Block 665, Block 666, Block 667, Block 668, Block 669, Block 670, Block 671, Block 672, Block 673, Block 674, Block 675A, Block 675B, Block 676, Block 677, Block 678, Block 679, Block 680A, Block 680B, Block 680C, Block 681, Block 682, Block 683A, Block 683B, Block 683C, Block 684, Block 685, Block 686, Block 687, Block 688, Block 689, Block 690, Block 691, Block 692, Block 693, Block 694, Block 695, Block 696, Block 697; Tract 9503; Lewis, Pacific, Skamania, Thurston: Tract 0101, Tract 0102, Tract 0103, Tract 0104, Tract 0105, Tract 0106, Tract 0107, Tract 0108, Tract 0109, Tract 0110, Tract 0111, Tract 0112, Tract 0113, Tract 0114, Tract 0116.10; Block Group 3: Block 306A, Block 306C, Block 307A, Block 307B, Block 307C; Block Group 4: Block 404A, Block 404B, Block 404C, Block 405; Tract 0116.20: Block Group 1: Block 102A; Block Group 2: Block 204; Tract 0117: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 110, Block 111, Block 112, Block 113; Block Group 2: Block 201A, Block 201B, Block 201C, Block 202, Block 203, Block 204, Block 205; Block Group 3: Block 303, Block 304, Block 305, Block 306, Block 307; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405; Block Group 5: Block 503, Block 504, Block 505, Block 506, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515; Tract 0118, Tract 0119, Tract 0120, Tract 0121, Tract 0122.10, Tract 0126: Block Group 3: Block 309; Tract 0127; Wahkiakum.

District 4: Adams: Tract 9503: Block Group 3: Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 386, Block 391, Block 392, Block 393, Block 397; Block Group 4: Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 421, Block 422, Block 423, Block 424, Block 425, Block 426, Block 427, Block 428, Block 429, Block 430, Block 431, Block 432, Block 433, Block 434, Block 435, Block 436, Block 437, Block 438, Block 439, Block 440, Block 450, Block 451, Block 452, Block 453, Block 454, Block 455, Block 456, Block 457, Block 458, Block 459, Block 460; Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Klickitat: Tract 9501: Block Group 1: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 127, Block 128, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135A, Block 135B, Block 135C, Block 135D, Block 135E, Block 135F, Block 135G, Block 135H, Block 135J, Block 135K, Block 135L, Block 135M, Block 135N, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 150A, Block 150B, Block 150C, Block 150D, Block 150E, Block 150F, Block 150G, Block 150H, Block 150J, Block 150K, Block 151A, Block 151B, Block 152, Block 153, Block 154, Block 155A, Block 155B, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163A, Block 163B, Block 163C, Block 164, Block 165A, Block 165B, Block 166A, Block 166B, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 178, Block 179, Block 180, Block 181, Block 182, Block 183, Block 184, Block 185, Block 186, Block 187, Block 188, Block 189, Block 190A, Block 190B, Block 190C, Block 190D, Block 190E, Block 190F, Block 190G, Block 190H, Block 191, Block 192, Block 193, Block 194, Block 195, Block 196, Block 197; Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 215, Block 216, Block 217, Block 218, Block 219, Block 220, Block 221, Block 222, Block 223, Block 224, Block 225, Block 226, Block 227, Block 228, Block 229, Block 230, Block 231, Block 232, Block 233, Block 234A, Block 234B, Block 235, Block 236, Block 237, Block 238, Block 239, Block 240, Block 241, Block 242, Block 243, Block 244, Block 245, Block 246, Block 247, Block 248A, Block 248B, Block 248C, Block 249A, Block 249B, Block 250, Block 251, Block 252, Block 253, Block 254, Block 255, Block 256, Block 257, Block 258, Block 259, Block 260A, Block 260B, Block 261A, Block 261B, Block 261C.

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District 9: King: Tract 0032.99, except Block Group 3: Block 315Z; Tract 0113: Block Group 1: Block 102, Block 109, Block 120, Block 121; Tract 0117: Block Group 2: Block 203, Block 208, Block 210, Block 236; Tract 0119: Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 413A, Block 413B, Block 415, Block 416, Block 417, Block 418, Block 419A, Block 419B; Tract 0252: Block Group 2: Block 209; Tract 0253: Block Group 2: Block 209, Block 210, Block 211, Block 212, Block 213, Block 214, Block 216, Block 217, Block 220; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 307, Block 308, Block 309, Block 310, Block 311, Block 312, Block 313, Block 314, Block 315, Block 316, Block 317, Block 318, Block 319, Block 320, Block 321, Block 322, Block 323, Block 324, Block 325, Block 326, Block 327, Block 328; Block Group 4: Block 401, Block 402, Block 403, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413, Block 414, Block 415, Block 416, Block 417, Block 418, Block 419, Block 420, Block 422, Block 427, Block 428, Block 429, Block 430, Block 431; Block Group 5: Block 501, Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 509, Block 510, Block 511, Block 512, Block 513, Block 514, Block 515, Block 516, Block 517, Block 518, Block 519, Block 520, Block 521, Block 522, Block 523, Block 524, Block 525, Block 528, Block 529, Block 530, Block 532, Block 533; Block Group 6: Block 601, Block 602, Block 603, Block 604, Block 605, Block 606, Block 607, Block 608, Block 609, Block 610, Block 611, Block 612, Block 613, Block 614, Block 615, Block 616, Block 617, Block 618, Block 619, Block 620, Block 621, Block 622, Block 623, Block 624, Block 625, Block 626, Block 627, Block 628, Block 630, Block 631; Block Group 7: Block 701, Block 702, Block 703, Block 704, Block 705, Block 706, Block 707, Block 708, Block 709, Block 710, Block 711, Block 712, Block 713, Block 714, Block 715; Block Group 9: Block 902, Block 903, Block 904A, Block 904B, Block 905, Block 906, Block 907, Block 908; Tract 0257: Block Group 2: Block 201, Block 202, Block 203, Block 204, Block 205, Block 206, Block 207, Block 208, Block 209,

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Tract 0261: Block Group 1: Block 101, Block 107; Block Group 2: Block 206, Block 208, Block 209, Block 213, Block 214; Block Group 3: Block 310, Block 311, Block 312, Block 313; Block Group 4: Block 401, Block 402, Block 404, Block 405, Block 406, Block 407, Block 408, Block 409, Block 410, Block 411, Block 412, Block 413A, Block 413B, Block 414, Block 415, Block 416A, Block 416B, Block 416C, Block 417; Block Group 5: Block 502, Block 503, Block 504, Block 505, Block 506, Block 507, Block 508, Block 514, Block 515; Tract 0262, Tract 0263: Block Group 1: Block 105, Block 106, Block 108, Block 109; Block Group 2: Block 201, Block 202, Block 203, Block 205, Block 206, Block 207, Block 208, Block 209, Block 210, Block 211, Block 212, Block 213, Block 215; Block Group 3: Block 301, Block 302, Block 303, Block 304, Block 305, Block 306, Block 317, Block 318; Block Group 9: Block 910; Tract 0264: Block Group 1: Block 107; Block Group 4: Block 402C; Tract 0265: Block Group 1: Block 101A, Block 101B, Block 102, Block 103, Block 104A, Block 104B, Block 104C, Block 105, Block 106, Block 107, Block 109; 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Chapter 29.70

LOCAL GOVERNMENT REDISTRICTING

Sections

29.70.100 Redistricting by counties, municipal corporations, and special purpose districts.

29.70.100 Redistricting by 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 forty-five 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.

(1992 Ed.)

(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. [1984 c 13 § 4; 1983 c 16 § 15; 1982 c 2 § 27.]

Severability—1984 c 13: See RCW 44.05.902.

Contingent effective date—Severability—1983 c 16: See RCW 44.05.900 and 44.05.901.

Chapter 29.71

UNITED STATES PRESIDENTIAL ELECTORS

Sections

29.71.010 Date of election—Number.

29.71.020 Nomination—Pledge by electors—What names on ballots—How counted.

29.71.030 Counting and canvassing the returns.

29.71.040 Meeting—Time—Procedure—Voting for nominee of other party, penalty.

29.71.050 Compensation.

29.71.010 Date of election—Number. On the Tuesday next 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. [1965 c 9 § 29.71.010. Prior: 1891 c 148 § 1; RRS § 5138.]

29.71.020 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 held under chapter 29.24 RCW 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. [1990 c 59 § 69; 1977 ex.s. c 238 § 1; 1965 c 9 § 29.71.020. Prior: 1935 c 20 § 1; RRS § 5138-1.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.71.030 Counting and canvassing the returns. The votes for candidates for president and vice president shall be given, received, returned and canvassed as the same are given, returned, and canvassed for candidates for

congress. The secretary of state shall prepare three lists of names of electors elected and affix the seal of the state to the same. Such lists shall 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. [1965 c 9 § 29.71.030. Prior: 1935 c 20 § 2; RRS § 5139; prior: 1891 c 148 § 2.]

29.71.040 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 viva voce, 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 shall be subject to a civil penalty of up to a fine of one thousand dollars. [1977 ex.s. c 238 § 2; 1965 c 9 § 29.71.040. Prior: 1909 c 22 § 1; 1891 c 148 § 3; RRS § 5140.]

29.71.050 Compensation. Every presidential elector who attends at the time and place appointed, and gives his vote for president and vice president, shall be entitled to receive from this state, five dollars for each day's attendance at the meeting of the college of electors, and ten cents per mile for travel by the usually traveled route in going to and returning from the place where the electors meet. [1965 c 9 § 29.71.050. Prior: 1891 c 148 § 4; RRS § 5141.]

Chapter 29.74

UNITED STATES CONSTITUTIONAL AMENDMENT CONVENTIONS

Sections

29.74.010	Governor's proclamation calling convention—When.
29.74.020	Governor's proclamation calling convention—Publication.
29.74.030	Election of convention delegates—Date for, how fixed.
29.74.040	Time and place for holding convention.
29.74.050	Delegates—Number and qualifications.
29.74.060	Delegates—Declarations of candidacy.
29.74.070	Election of convention delegates—General procedure.
29.74.080	Election of convention delegates—Ballots.
29.74.090	Election of convention delegates—Qualifications of voters.
29.74.100	Election of convention delegates—Ascertaining election result.
29.74.110	Meeting—Organization.
29.74.120	Quorum—Proceedings—Record.
29.74.130	Certification and transmittal of result.
29.74.140	Expenses—How paid—Delegates receive filing fee.
29.74.150	Federal statutes controlling.

29.74.010 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. [1965 c 9 § 29.74.010. Prior: 1933 c 181 § 1, part; RRS § 5249-1, part.]

29.74.020 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. [1965 c 9 § 29.74.020. Prior: 1933 c 181 § 1, part; RRS § 5249-1, part.]

29.74.030 Election of convention delegates—Date for, how fixed. The date for holding the election of delegates shall be not less than one month nor more than six weeks prior to the date of holding the convention: PROVIDED, That if a general state 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. [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.]

29.74.040 Time and place for holding 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 29.74.020. 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. [1965 c 9 § 29.74.040. Prior: 1933 c 181 § 1, part; RRS § 5249-1, part.]

29.74.050 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. [1965 c 9 § 29.74.050. Prior: 1933 c 181 § 2; RRS § 5249-2.]

Qualifications of legislators: State Constitution Art. 2 § 7.

Subversive activities, disqualification from holding public office: RCW 9.81.040.

29.74.060 Delegates—Declarations of candidacy. Anyone desiring to file as a candidate for election as a delegate to said convention shall, not less than thirty nor more than sixty days prior to the date fixed for holding the election, file his declaration of candidacy with the secretary of state. Filing shall be made on a form to be prescribed by the secretary of state and shall include a sworn statement of the candidate that he is either for or against, as the case may be, the amendment which will be submitted to a vote of the convention and that he will, if elected as a delegate, vote in accordance with his declaration. The form shall be so worded that the candidate must give a plain unequivocal

statement of his views as either for or against the proposal upon which he will, if elected, be called upon to vote. No candidate shall in any such filing make any statement or declaration as to his party politics or political faith or beliefs. The fee for filing as a candidate shall be ten dollars and shall 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. [1965 c 9 § 29.74.060. Prior: 1933 c 181 § 3; RRS § 5249-3.]

29.74.070 Election of convention delegates—General procedure. The election of delegates to such convention shall as far as practicable, be called, held and conducted, except as otherwise in this chapter provided, in the same manner as a general election under the election laws of this state. [1965 c 9 § 29.74.070. Prior: 1933 c 181 § 4, part; RRS § 5249-4, part.]

29.74.080 Election of convention 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. [1990 c 59 § 70; 1965 c 9 § 29.74.080. Prior: 1933 c 181 § 4, part; RRS § 5249-4, part.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Ballots: Chapter 29.30 RCW.

29.74.090 Election of convention delegates—Qualifications of voters. Every person possessing the qualifications entitling him to vote at an election for state representatives, on the date of the election, shall be entitled to vote thereat. [1965 c 9 § 29.74.090. Prior: 1933 c 181 § 5; RRS § 5249-5.]

Only registered voters may vote—Exception: RCW 29.04.010.

Registration, information from voter as to qualifications: RCW 29.07.070.

Subversive activities, disqualification from voting: RCW 9.81.040.

29.74.100 Election of convention delegates—Ascertaining election 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 shall be rejected. The figures determined by the various counts shall be entered in the poll books of the respective precincts. The vote shall be canvassed in each county by the county canvassing board and certificate of results shall within twelve days after the election be transmitted to the secretary of state. Upon receiving such certificate, the secretary of state shall have power to require returns or poll books from any county precinct to be forwarded for his 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 shall 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"), which 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, and the secretary of state shall issue certificates of election, to the delegates so elected. [1965 c 9 § 29.74.100. Prior: 1933 c 181 § 6; RRS § 5249-6.]

29.74.110 Meeting—Organization. The convention shall meet at the time and place fixed in the governor's proclamation. It shall be called to order by the secretary of state, who shall then call the roll of the delegates and preside over the convention until its president is elected. The oath of office shall then be administered to the delegates by the chief justice of the supreme court. 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 to vote viva voce upon the proposition submitted by the congress of the United States. [1965 c 9 § 29.74.110. Prior: 1933 c 181 § 7, part; RRS § 5249-7, part.]

29.74.120 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. [1965 c 9 § 29.74.120. Prior: 1933 c 181 § 8, part; RRS § 5249-8, part.]

29.74.130 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. [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.]

29.74.140 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. [1965 c 9 § 29.74.140. Prior: 1933 c 181 § 10; RRS § 5249-10.]

29.74.150 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. [1965 c 9 § 29.74.150. Prior: 1933 c 181 § 11; RRS § 5249-11.]

Chapter 29.79

INITIATIVE AND REFERENDUM

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29.79.010 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 typewritten 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 proposer is a legal voter and a filing fee prescribed under RCW 43.07.120, as now or hereafter amended. [1982 c 116 § 1; 1965 c 9 § 29.79.010. Prior: 1913 c 138 § 1, part; RRS § 5397, part.]

29.79.015 Review of initiative measures by code reviser's office—Certificate of review required for assignment of serial number. Upon receipt of any petition proposing an initiative to the people or an initiative to the legislature, and prior to giving a serial number thereto, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the petitioner of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the petitioner and shall within seven working days from receipt thereof review the proposal for matters of form and style, and such matters of substantive import as may be agreeable to the petitioner, and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the reviser's office shall be advisory only, and the petitioner may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall issue whether or not the petitioner accepts such recommendations. Within fifteen working days after notification of submittal of the petition to the reviser's office, the petitioner, if he desires to proceed with his sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of serial number and the secretary of state shall thereupon submit to the reviser's office a certified copy of the measure filed. Upon submitting 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. [1982 c 116 § 2; 1973 c 122 § 2.]

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.]

29.79.020 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 petitions therefor must be filed with the secretary of state not less than four months before the next general state-wide 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 petitions therefor must be filed with the secretary of state not less than ten days before such regular session of the legislature.

A petition ordering that any act or part thereof 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 state-wide 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 shall be open on that Saturday for the transaction of business under this section from 8:00 a.m. to 5:00 p.m. on that Saturday. [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.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

Petitions—Time for filing: RCW 29.79.140.

29.79.030 Numbering—Transmittal to attorney general. The secretary of state shall give a serial number to each initiative or referendum measure, using a separate series for initiatives to the legislature, initiatives to the people, and referendum measures, and forthwith transmit one copy of the measure proposed bearing its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots, and proceedings as "Initiative Measure No. . . ." or "Referendum Measure No. . . .". [1982 c 116 § 3; 1965 c 9 § 29.79.030. Prior: 1913 c 138 § 1, part; RRS § 5397, part.]

29.79.040 Ballot title and summary—Formulation by attorney general. Within seven calendar days after the receipt of an initiative or referendum measure the attorney general shall formulate and transmit to the secretary of state a concise statement posed as a question and not to exceed twenty words, bearing the serial number of the measure and a summary of the measure, not to exceed seventy-five words, to follow the statement. The statement may be distinct from the legislative title of the measure, and shall give a true and impartial statement of the purpose of the measure. Neither the statement nor the summary may intentionally be an argument, nor likely to create prejudice, either for or against

the measure. Such concise statement shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal. When practicable, the question posed by the ballot title shall be written in such a way that an affirmative answer to such question and an affirmative vote on the measure would result in a change in then current law, and a negative answer to the question and a negative vote on the measure would result in no change to then current law. [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.]

Ballot titles to constitutional amendments and other measures: RCW 29.27.060 through 29.27.067.

29.79.050 Ballot title and summary—Notice. Upon the filing of the ballot title and summary for an initiative or referendum measure in his office, the secretary of state shall forthwith notify by telephone and by mail the person proposing the measure and any other individuals who have made written request for such notification of the exact language of the ballot title. [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.]

29.79.060 Ballot title and summary—Appeal to superior court. If any person is dissatisfied with the ballot title or summary formulated by the attorney general, he or she 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 title or summary formulated by the attorney general, and his or her objections to the ballot title or summary and requesting amendment of the title or summary by the court.

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 title or summary prepared by the attorney general, and the objections to that 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 29.27.060 and 29.79.040. The decision of the superior court shall be final. Such appeal shall be heard without costs to either party. [1982 c 116 § 6; 1965 c 9 § 29.79.060. Prior: 1913 c 138 § 3, part; RRS § 5399, part.]

29.79.070 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 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. [1982 c 116 § 7; 1965 c 9 § 29.79.070. Prior: 1913 c 138 § 4, part; RRS § 5400, part.]

29.79.080 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 shall consist of not more than one sheet with numbered lines for not more than twenty signatures, with the prescribed warning and title, shall be in the form required by RCW 29.79.090, 29.79.100, or 29.79.110, as now or hereafter amended, and shall have a full, true, and correct copy of the proposed measure referred to therein printed on the reverse side of the petition. [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.]

29.79.090 Petitions to legislature—Form. Petitions for proposing measures for submission to the legislature at its next regular session, shall be substantially in the following form:

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.

**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.

Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1	-----	-----	-----	-----
2	-----	-----	-----	-----
3	-----	-----	-----	-----

etc.

[1982 c 116 § 9; 1965 c 9 § 29.79.090. Prior: 1913 c 138 § 5, part; RRS § 5401, part.]

29.79.100 Petitions to people—Form. Petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election, shall be substantially in the following form:

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.

**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, 19. . . ; 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.

Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1	-----	-----	-----	-----
2	-----	-----	-----	-----
3	-----	-----	-----	-----

etc.

[1982 c 116 § 10; 1965 c 9 § 29.79.100. Prior: 1913 c 138 § 6, part; RRS § 5402, part.]

29.79.110 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, shall be substantially in the following form:

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.

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., entitled (here insert the established ballot title of the measure) being a (or part or parts of a) bill 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, 19. . . ; 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.

Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1	-----	-----	-----	-----
2	-----	-----	-----	-----
3	-----	-----	-----	-----
etc.				

[1982 c 116 § 11; 1965 c 9 § 29.79.110. Prior: 1913 c 138 § 7, part; RRS § 5403, part.]

29.79.120 Petitions—Signatures—Number necessary. When the person proposing any initiative measure has secured upon such initiative petition a number of 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 of the legislature or any part thereof has secured upon any such referendum petition 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, he or they may submit the petition to the secretary of state for filing. [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).]

29.79.140 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. [1965 c 9 § 29.79.140. Prior: 1913 c 138 § 12, part; RRS § 5408, part.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

Measures, petitions, time for filing various types: RCW 29.79.020.

29.79.150 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 is not in the form required by RCW 29.79.090, 29.79.100, or 29.79.110 as now or hereafter amended.

(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. [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.]

29.79.160 Petitions—Review of refusal to accept and file. If the secretary of state refuses to file an initiative or referendum petition when submitted to him for filing, the persons submitting it for filing may, within ten days after his refusal, apply to the superior court of Thurston county for a citation requiring the secretary of state to bring the petitions before the court, and for a writ of mandate to compel him to file it. The application shall take precedence over other cases and matters and shall 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 in his office as of the date of submission for filing.

The decision of the superior court granting a writ of mandate shall be final. [1965 c 9 § 29.79.160. Prior: 1913 c 138 § 13, part; RRS § 5409, part.]

Initiative, referendum, time for filing: State Constitution Art. 2 § 1 (a) and (d) (Amendment 7).

29.79.170 Petitions—Review—Appellate review of superior court's refusal to issue mandate. 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 shall be considered an emergency matter of public concern, and shall be heard and determined with all convenient speed, and 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 in his office as of the date of submission. [1988 c 202 § 28; 1965 c 9 § 29.79.170. Prior: 1913 c 138 § 13, part; RRS § 5409, part.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

29.79.180 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. [1965 c 9 § 29.79.180. Prior: 1913 c 138 § 13, part; RRS § 5409, part.]

29.79.190 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. [1982 c 116 § 14; 1965 c 9 § 29.79.190. Prior: 1913 c 138 § 14; RRS § 5410.]

29.79.200 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 less than one hundred ten percent of 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. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.79.210 Petitions to legislature—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. [1988 c 202 § 29; 1965 c 9 § 29.79.210. Prior: 1913 c 138 § 17; RRS § 5413.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 2.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

29.79.230 Initiatives and referenda to voters—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 certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures to be voted upon at the next ensuing general election or special election ordered by the legislature. [1965 c 9 § 29.79.230. Prior: 1913 c 138 § 19; RRS § 5415.]

29.79.250 Referendum bills by legislature—Serial numbering. Whenever any bill passed by the legislature

shall be by the legislature referred to the people for their approval or rejection at the next ensuing general election or at a special election ordered by the legislature, the secretary of state shall give such bill a serial number, using a separate series, such series being designated "Referendum bills." [1965 c 9 § 29.79.250. Prior: 1913 c 138 § 20, part; RRS § 5416, part.]

29.79.260 Referendum bills by legislature—Ballot title. If the legislature did not prescribe a ballot title the secretary of state shall obtain from the attorney general a ballot title therefor in the manner provided for obtaining ballot titles for initiative measures, and shall certify the serial number and ballot title of such bill to the county auditors for printing on the ballots for such general or special election in like manner as initiative measures for submission to the people are certified. [1965 c 9 § 29.79.260. Prior: 1913 c 138 § 20, part; RRS § 5416, part.]

29.79.270 Rejected initiative to legislature treated as referendum bill. 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. [1965 c 9 § 29.79.270. Prior: 1913 c 138 § 21; RRS § 5417.]

29.79.280 Substitute for rejected initiative treated as referendum bill. 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. [1965 c 9 § 29.79.280. Prior: 1913 c 138 § 22, part; RRS § 5418, part.]

29.79.290 Substitute for rejected initiative—Ballot title. For a measure designated by him as "Alternative Measure No. . . . B," the secretary of state shall obtain from the attorney general a ballot title in the manner provided for obtaining ballot titles for initiative measures. The ballot title therefor shall be different from the ballot title of the measure in lieu of which it is proposed, and shall indicate, as clearly as possible, the essential differences in the measure. [1965 c 9 § 29.79.290. Prior: 1913 c 138 § 22, part; RRS § 5418, part.]

29.79.300 Printing ballot titles on ballots—Order and form. The county auditor of each county shall cause to be printed on the official ballots for the election at which initiative and referendum measures are to be submitted to the

people for their approval or rejection the serial numbers and ballot titles, certified by the secretary of state. They shall appear under separate headings in the order of the serial numbers as follows:

(1) Measures proposed for submission to the people by initiative petition shall be under the heading, "Proposed by Initiative Petition";

(2) Bills passed by the legislature and ordered referred to the people by referendum petition shall be under the heading, "Passed by the Legislature and Ordered Referred by Petition";

(3) Bills passed and referred to the people by the legislature shall be under the heading, "Proposed to the People by the Legislature";

(4) Measures proposed to the legislature and rejected or not acted upon shall be under the heading, "Proposed to the Legislature and Referred to the People";

(5) Measures proposed to the legislature and alternative measures passed by the legislature in lieu thereof shall be under the heading, "Initiated by Petition and Alternative by Legislature." [1965 c 9 § 29.79.300. Prior: 1913 c 138 § 23; RRS § 5419.]

29.79.310 Form of ballot. Except in the case of alternative voting on a measure initiated by petition, for which a substitute has been passed by the legislature, each measure submitted to the people for approval or rejection shall be so printed on the ballot, under the proper heading, that a voter can, by making one choice, express his or her approval or rejection of such measure. Substantially the following form shall be a compliance with this section:

INITIATIVE MEASURE

(Here insert the ballot title of the measure.)

YES
NO

[1982 c 116 § 16; 1965 c 9 § 29.79.310. Prior: 1913 c 138 § 24; RRS § 5420.]

29.79.320 Form of ballot for alternative measures. If an initiative measure proposed to the legislature has been rejected by the legislature and an alternative measure is passed by the legislature in lieu thereof the serial numbers and ballot titles of both such measures shall be so printed on the official ballots that a voter can express separately by making one cross (X) for each, two preferences: First, as between either measure and neither, and secondly, as between one and the other, as provided in the Constitution. Substantially the following form shall be a compliance with the constitutional provision:

INITIATED BY PETITION AND
ALTERNATIVE BY LEGISLATURE

Initiative Measure No. 25, entitled (here insert the ballot title of the initiative measure).

Alternative Measure No. 25B, entitled (here insert the ballot title of the alternative measure).

VOTE FOR EITHER, OR AGAINST BOTH

- FOR EITHER Initiative No. 25 OR Alternative No. 25B
- AGAINST Initiative No. 25 AND Alternative No. 25B

and vote FOR one.

- FOR Initiative Measure No. 25
- FOR Alternative Measure No. 25B

[1965 c 9 § 29.79.320. Prior: 1913 c 138 § 25; RRS § 5421.]

Ballot requisites: State Constitution Art. 2 § 1(a).

29.79.440 Violations by signers. Every person who signs an initiative or referendum petition with any other than his true name shall be guilty of a felony. 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 is not a legal voter or who makes a false statement as to his residence on any initiative or referendum petition, shall be guilty of a gross misdemeanor. [1965 c 9 § 29.79.440. Prior: 1913 c 138 § 31; RRS § 5427. Formerly also RCW 29.79.450, 29.79.460, and 29.79.470.]

Misconduct in signing a petition: RCW 9.44.080.

Only registered voters may vote—Exception: RCW 29.04.010.

Registration, information from voter as to qualifications: RCW 29.07.070.

Residence

contingencies affecting: State Constitution Art. 6 § 4. defined: RCW 29.01.140.

29.79.480 Violations by officers. Every officer who wilfully violates any of the provisions of this chapter or chapter 29.81 RCW, for the violation of which no penalty is herein prescribed, or who wilfully fails to comply with the provisions of this chapter or chapter 29.81 RCW, shall be guilty of a gross misdemeanor. [1965 c 9 § 29.79.480. Prior: 1913 c 138 § 32, part; RRS § 5428, part.]

29.79.490 Violations—Corrupt practices. Every person shall be 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) Advertises in any manner that for or without consideration, he will solicit or procure signatures upon or influence or attempt to influence persons to sign or not to sign, to vote or not to vote upon an initiative or referendum petition, or to vote for or against any initiative or referendum; or

(3) For any consideration or gratuity or promise thereof solicits or procures signatures upon an initiative or referendum petition; or

(4) Gives or offers any consideration or gratuity to any person to induce him to sign or not to sign, or to solicit or procure signatures upon an initiative or referendum petition, or to vote for or against any initiative or referendum measure; or

(5) 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

(6) 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: PROVIDED, That this subsection shall not apply to or prohibit any activity which is properly reported in accordance with the applicable provisions of chapter 42.17 RCW. [1975-'76 2nd ex.s. c 112 § 2; 1965 c 9 § 29.79.490. Prior: 1913 c 138 § 32, part; RRS § 5428, part.]

Construction—Severability—1975-'76 2nd ex.s. c 112: See RCW 42.17.945 and 42.17.912.

Chapter 29.80

CANDIDATES' PAMPHLET

Sections

- 29.80.010 Contents—Publication.
- 29.80.020 Statement and photograph filed by nominee, date.
- 29.80.030 Rejection of statements containing obscene, libelous, etc., language—Certain insignias, uniforms prohibited in photographs—Board of review, appeal by nominee.
- 29.80.040 Publication, date—Dimensions—Consolidation with voters' pamphlet.
- 29.80.050 Charges to nominees for space—Minimum space allocations.
- 29.80.060 Classification and distribution by county—Order of appearance in pamphlet.
- 29.80.070 Rules and regulations.
- 29.80.080 Taped and braille transcripts.
- 29.80.090 Additional information.

Voters' pamphlet: Chapter 29.81 RCW.

29.80.010 Contents—Publication. As soon as possible before each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein, together with a campaign mailing address and telephone number submitted by the nominee at the nominee's option, and in even-numbered years containing a description of the office of precinct committee officer and its duties, in order that voters will understand that the office is a state office and will be found on the ballot of the forthcoming general election. In odd-numbered years no candidates' pamphlet may be published unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, or justice of the supreme court. [1987 c 295 § 17; 1984 c 54 § 1; 1977 ex.s. c 361 § 106; 1975-'76 2nd ex.s. c 4 § 2; 1973 c 4 § 8; 1965 c 9 § 29.80.010. Prior: 1959 c 329 § 19.]

Severability—1984 c 54: "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." [1984 c 54 § 8.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.80.020 Statement and photograph filed by nominee, date. At a time to be determined by the secretary of state, but in any event not later than forty-five days before the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, justice of the supreme court, judge of the court of appeals, or judge of the superior court may file with the secretary of state a written statement advocating his or her candidacy accompanied by the campaign mailing address and telephone number submitted by the nominee at the nominee's option, and a photograph not more than five years old and of a size and quality that the secretary of state determines to be suitable for reproduction in the voters' pamphlet. The maximum number of words for the statements shall be determined according to the offices sought 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; United States senator, United States representative, and governor, three hundred words. No such statement or photograph may be printed in the candidates' pamphlet for any person who is the sole nominee for any nonpartisan or judicial office. [1984 c 54 § 2; 1971 ex.s. c 145 § 1; 1971 c 81 § 78; 1965 c 9 § 29.80.020. Prior: 1959 c 329 § 20.]

Severability—1984 c 54: See note following RCW 29.80.010.

Severability—1971 ex.s. c 145: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 145 § 8.]

29.80.030 Rejection of statements containing obscene, libelous, etc., language—Certain insignias, uniforms prohibited in photographs—Board of review, appeal by nominee. (1) The secretary of state shall reject any statement offered for filing, which, in his opinion, contains any obscene, profane, libelous or defamatory matter, or any language or matter, the circulation of which through the mails is prohibited by congress. Nor shall any nominee submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the superintendent of public instruction, attorney general and the lieutenant governor. The decision of such board shall be final upon the acceptance or rejection of the matter thus in controversy. [1979 ex.s. c 57 § 4; 1965 c 9 § 29.80.030. Prior: 1959 c 329 § 21.]

29.80.040 Publication, date—Dimensions—Consolidation with voters' pamphlet. The nominees' statements, photographs, and the addresses and telephone numbers submitted by them as set forth in RCW 29.80.010 and 29.80.020 shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed as soon as possible before the state general election concerned. The overall dimensions of the pamphlet shall be determined by the secretary of state as those which in the secretary's judgment best serve the voters, and whenever possible the candidates' pamphlet shall be combined with the voters' pamphlet as a single publication. [1984 c 54 § 3; 1971 ex.s. c 145 § 2; 1965 c 9 § 29.80.040. Prior: 1959 c 329 § 22.]

Severability—1984 c 54: See note following RCW 29.80.010.

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

Voters' pamphlet: Chapter 29.81 RCW.

29.80.050 Charges to nominees for space—Minimum space allocations. Nominees shall pay for their prorated space in the candidates' pamphlet allocated according to the respective offices sought as follows:

(1) For United States senator, United States representative and governor, each shall pay two hundred dollars. The nominees for each position shall equally share no less than two full pages.

(2) For all state offices voted upon throughout the state, except for that of governor, each shall pay one hundred dollars. The nominees for each position shall equally share no less than one full page.

(3) For state senator, judge of the court of appeals and judge of the superior court, each shall pay fifty dollars. The nominees for each position shall equally share no less than one full page.

(4) For state representative, each shall pay twenty-five dollars. The nominees for each position shall equally share no less than one-half page.

All such payments shall be made to the secretary of state when the statement is offered to him for filing and be transmitted by him to the public printer to be used as a credit offset to the cost of printing the candidates' and voters' pamphlet.

Nominees for president and vice president of each political party certified by the secretary of state shall together be entitled to one page without charge. Each such page so allocated shall not contain more than five hundred words in addition to the pictures of the nominees concerned. [1971 ex.s. c 145 § 3; 1965 c 9 § 29.80.050. Prior: 1959 c 329 § 23.]

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

29.80.060 Classification and distribution by county—Order of appearance in pamphlet. Whenever practical, the secretary of state shall cause the pamphlets to be printed so that no candidate's picture or statement shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

The candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the state general election ballot. [1965 c 9 § 29.80.060. Prior: 1959 c 329 § 24.]

29.80.070 Rules and regulations. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this chapter, to facilitate and clarify any procedures contained herein. [1965 c 9 § 29.80.070. Prior: 1959 c 329 § 25.]

29.80.080 Taped and braille transcripts. The secretary of state shall mail without charge taped transcripts of the candidates' pamphlet to any requesting blind person or organization representing the blind. Braille transcripts may also be mailed by the secretary of state to such persons or organizations. Availability of these transcripts shall be publicized by the secretary of state through public service announcements and other appropriate means. [1981 c 243 § 1.]

29.80.090 Additional information. In addition to other contents included in the candidates' pamphlet, the secretary of state shall prepare and include a section containing (1) a brief explanation of how voters may participate in the election campaign process; (2) the name, address, and telephone number of each political party that has one or more nominees listed in the candidates' pamphlet, but this information shall be included in the candidates' pamphlet only if and as filed with the secretary of state by the state committee of a major political party or the presiding officer of the convention of a minor political party; (3) the address and telephone number of the public disclosure commission established under RCW 42.17.350; (4) a summary of the disclosure requirements that apply when contributions are made to candidates and political committees; and (5) an explanation of the federal income tax credits and deductions that are available to persons who make such contributions. Whenever the candidates' pamphlet is combined with the voters' pamphlet, the section shall be placed at or near the beginning of the combined publication. [1984 c 54 § 7.]

Severability—1984 c 54: See note following RCW 29.80.010.

Chapter 29.81 VOTERS' PAMPHLET

Sections

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Candidates' pamphlet: Chapter 29.80 RCW.

29.81.010 Contents, how organized. The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(1) Upon the top portion of the first two opposing pages relating to the measure and not exceeding one-third of the total printing area shall appear:

- The legal identification of the measure by serial designation and number;
- The official ballot title of the measure;
- A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(4) Following each argument or rebuttal statement each member of the committee advocating for or against a measure shall be listed by name and address to the end that the public shall be fully apprised of the advocate's identity. Also, following each argument or rebuttal statement, the secretary of state shall list, at the option of the committee that submitted the argument or statement, a telephone number that citizens may call in order to obtain information on the ballot measure.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in RCW 29.81.080. [1984 c 54 § 4; 1973 1st ex.s. c 143 § 1; 1965 c 9 § 29.81.010. Prior: 1959 c 329 § 1. Formerly RCW 29.79.3502.]

Severability—1984 c 54: See note following RCW 29.80.010.

Publicity of law, parts of law, and amendments to Constitution referred to people: State Constitution Art. 2 § 1(e) (Amendment 36).

29.81.011 Telephone number, date submitted. Any telephone number to be printed in a voters' pamphlet at the option of a committee, as described in RCW 29.81.010(4), must be submitted by the fifteenth day of August preceding the election for which the pamphlet is published. [1984 c 54 § 5.]

Severability—1984 c 54: See note following RCW 29.80.010.

29.81.012 Application forms for absentee ballots included. In addition to any other contents required by this chapter, every voters' pamphlet published shall contain an application form for a state general election absentee ballot. Upon receipt of the form from a qualified applicant for an absentee ballot, the appropriate election officer shall send the applicant an absentee ballot. [1984 c 54 § 6; 1969 ex.s. c 72 § 1.]

Severability—1984 c 54: See note following RCW 29.80.010.

29.81.014 Information on precinct caucuses and presidential nominations. (1) In each odd-numbered year immediately preceding a year in which a president of the United States is to be nominated and elected, the voter's pamphlet shall contain an insert or a detachable section explaining the precinct caucus and convention process utilized by each major political party to elect delegates to its national presidential candidate nominating convention. The information to be provided shall include, but not be limited to: (a) The dates of precinct caucuses, (b) instructions as to how to ascertain the names of current precinct committeepersons, precinct caucus chairpersons, the locations of precinct caucus meeting places, and the dates of county, district, and state conventions, (c) a description of the rules of procedure which will be used at caucuses and conventions, (d) the formulas utilized to allocate delegates elected at caucuses and conventions, and (e) a description of the other actions which may be taken at the caucuses and conventions in addition to selecting delegates. The content and format of this section of the voter's pamphlet shall be established by the secretary of state after consultation with the chairperson of the state central committee of each major political party, or his or her designated representative.

(2) The voter's pamphlet shall also provide a description of the statutory procedures by which minor political parties are formed and the statutory methods utilized by such parties to nominate candidates for president. The content and format of this description shall be established by the secretary of state. [1977 c 56 § 1.]

29.81.020 Explanatory statement by attorney general, appeal, judicial statement—Arguments and rebuttal statements by committees. (1) The attorney general shall prepare the explanatory statements required to be presented on the top portion of the two facing pages relating to each measure. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the explanatory statement prepared by the

attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this chapter. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

(2) Arguments and rebuttal statements advocating the voters' approval or rejection of any measure shall be prepared and submitted for printing by the committees created pursuant to RCW 29.81.030, 29.81.040 and 29.81.050. Such arguments and rebuttal statements shall be the arguments and rebuttal statements and no other arguments or rebuttal statements shall appear in the pamphlet as to such measure. Arguments may contain graphs and charts, supported by factual statistical data and pictures or other illustrations, but cartoons or caricatures shall not be permitted. [1973 1st ex.s. c 143 § 2; 1965 c 9 § 29.81.020. Prior: 1959 c 329 § 2. Formerly RCW 29.79.3506.]

29.81.030 Preparation of arguments advocating approval of constitutional amendment, referendum bill—Committee membership. Arguments advocating voters' approval of any proposed constitutional amendment or referendum bill shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator known to favor the measure and the presiding officer of the house of representatives shall appoint one state representative known to favor the measure. The two persons so appointed shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint any persons who are, in their judgment, qualified to serve in such capacity. [1973 1st ex.s. c 143 § 3; 1965 c 9 § 29.81.030. Prior: 1959 c 329 § 3. Formerly RCW 29.79.3510.]

29.81.040 Preparation of arguments advocating rejection of constitutional amendment, referendum bill—Committee membership. Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and the presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the

legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the house and the presiding officer of the senate shall appoint any persons who are, in their judgment, qualified to serve in such capacity. [1973 1st ex.s. c 143 § 4; 1971 ex.s. c 145 § 4; 1965 c 9 § 29.81.040. Prior: 1959 c 329 § 4. Formerly RCW 29.79.3514.]

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

29.81.042 Time for submission of arguments to secretary of state. The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to RCW 29.81.030 and 29.81.040 shall submit such arguments, not to exceed two hundred fifty words in length, to the secretary of state no later than the first day of June preceding the election at which the measures will appear. In the event that a committee appointed pursuant to RCW 29.81.030 or 29.81.040 fails to submit its argument prior to the first day of June preceding the election, the secretary of state, the presiding officer of the house of representatives, and the presiding officer of the state senate shall appoint any persons who are, in their judgment, qualified to compose such an argument. Any additional committee so appointed shall have until the last day of June preceding the election on the measure to compose and submit the appropriate argument. [1973 1st ex.s. c 143 § 6.]

29.81.043 Transmittal of arguments to committees—Rebuttal arguments. On or before the first day of July preceding the election, the secretary of state shall transmit each argument submitted advocating approval of a constitutional amendment or referendum bill to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of a constitutional amendment or referendum bill to the committee appointed to compose the argument in favor of the same measure. The committees concerned may submit rebuttal arguments, not to exceed seventy-five words in length, addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of July preceding the election at which the measure is to appear. [1973 1st ex.s. c 143 § 7.]

29.81.050 Initiatives and referendums—Arguments and rebuttals by committees for and against. Arguments advocating voters' approval of any initiative measure or any act passed by the legislature and referred to the people by referendum petition and rebuttal statements of arguments advocating rejection of such measures shall be composed and submitted for printing by a committee created as follows:

The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons known to favor the measure to serve on the committee. The two persons so appointed shall appoint a third person to the committee.

Arguments advocating voters' rejection of any initiative measure or any act passed by the legislature and referred to the people by referendum petition and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows:

The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons to serve on the committee. Whenever possible, the two persons so appointed shall be known to have opposed the measure. The two persons so appointed shall appoint a third person to the committee. [1973 1st ex.s. c 143 § 5; 1965 c 9 § 29.81.050. Prior: 1959 c 329 § 5. Formerly RCW 29.79.3518.]

29.81.052 Time for submission of arguments to secretary of state. The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to RCW 29.81.050 shall submit such arguments, not to exceed two hundred fifty words in length, no later than the last day of July preceding the election at which the measures will appear. [1973 1st ex.s. c 143 § 8.]

29.81.053 Transmittal of arguments to committees—Rebuttal arguments. On or before the first day of August preceding the election, the secretary of state shall transmit each argument submitted advocating approval of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument in favor of the measure. The committees concerned may submit rebuttal arguments not to exceed seventy-five words in length addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of August preceding the election at which the measure is to appear. [1973 1st ex.s. c 143 § 9.]

29.81.060 Committees—Chairmen, advisory members, vacancies. Committees created pursuant to RCW 29.81.030, 29.81.040 and 29.81.050 shall elect from their members a chairman to conduct the business of the committee. Each committee may name other persons, not to exceed five, to serve as advisory committee members without vote. In the event of a vacancy or vacancies in one of the committees, the remaining committee members or member, shall fill such vacancy or vacancies by appointment. Should any vacancy not be filled within fifteen days after it first occurs, the secretary of state shall fill such vacancy by appointment. [1965 c 9 § 29.81.060. Prior: 1959 c 329 § 6. Formerly RCW 29.79.3522.]

29.81.070 Rules and regulations by secretary of state. The secretary of state shall promulgate such rules and regulations as may be necessary to facilitate the provisions of this chapter including but not limited to the setting of final dates for the appointment of committees, for the filing of arguments and explanatory statements with his office, and for filing with his office a notice of any judicial review concerning the provisions of this chapter. [1965 c 9 § 29.81.070. Prior: 1959 c 329 § 7. Formerly RCW 29.79.3526.]

29.81.080 Manner and style of printing proposed constitutional amendments. Any proposed constitutional amendment which amends any part of the Constitution as it then exists shall be set forth in the following form: All deleted matter shall be set in italics and enclosed in brackets and all new material shall be underlined and there shall appear in bold face type between the caption and the body of the amendment, the following statement: "All words printed in italics are in the Constitution at the present and are being taken out by this amendment. All words underlined do not appear in the Constitution as it now is written but will be put in if this amendment is adopted." PROVIDED, That if in the opinion of the secretary of state the proposed amendment is so extensive that the foregoing method is not practical then, in that case, the section of the Constitution as it stands at the time of the election and the Constitution as it will appear if amended shall be printed on facing pages headed in bold face type by the words "the Constitution as it is before amendment" and "the Constitution as it will be if amended". [1965 c 9 § 29.81.080. Prior: 1959 c 329 § 8. Formerly RCW 29.79.3530.]

29.81.090 Refusal of arguments containing obscene, libelous, treasonable, etc., language—Board of censors, appeal by committee. If in the opinion of the secretary of state any argument offered for filing contains any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file it: PROVIDED, That the committee submitting such argument for filing may appeal to a board of censors consisting of the lieutenant governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final. [1979 ex.s. c 57 § 5; 1965 c 9 § 29.81.090. Prior: 1959 c 329 § 18; prior: 1933 c 144 § 4, part; 1929 c 130 § 1, part; 1913 c 138 § 26, part; RRS § 5422, part. Formerly RCW 29.79.360.]

29.81.100 Publication of pamphlets—Arrangement of material. As soon as possible prior to any state general election at which any initiative measure, referendum measure, or amendment to the state Constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the serial designation or number, the ballot title, the legislative title, if any, the full text of and the arguments for and arguments against each such measure to be submitted to the people, and such other 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. [1973 c 4 § 9; 1971 ex.s. c 145 § 5; 1965 c 9 § 29.81.100. Prior: 1959 c 329 § 10; prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.370.]

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

29.81.110 Order of measures and arguments. All measures and arguments shall be printed in the following order:

- (1) Those "Proposed by Initiative Petition";

- (2) Those "Proposed to the People by the Legislature";
- (3) Those "Proposed to the Legislature and Referred to the People";
- (4) Those "Initiated by Petition and Alternative by the Legislature";
- (5) "Amendments to the Constitution Proposed by the Legislature"; and
- (6) "Measures Recommending Constitutional Conventions". [1965 c 9 § 29.81.110. Prior: 1959 c 329 § 11; prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.380.]

29.81.120 Printing specifications and make-up of measures and arguments. All measures and arguments shall be printed and bound in a single pamphlet according to the following specifications:

- (1) It shall be printed in clear readable type;
- (2) The pamphlet shall be of such size and be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects. [1971 ex.s. c 145 § 6; 1965 c 9 § 29.81.120. Prior: 1959 c 329 § 12; prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.300.]

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

29.81.130 Costs of printing and binding. The cost of printing and binding such pamphlets including the printing of arguments shall be paid from the moneys appropriated for printing for the secretary of state. [1965 c 9 § 29.81.130. Prior: 1959 c 329 § 13; prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.400.]

29.81.140 Distribution to voters. As soon as possible before any election at which initiative or referendum measures, referendum bills, proposed constitutional amendments, or any other state measures are to be submitted to the people, the secretary of state shall transmit, by mail with postage fully prepaid, one copy of the pamphlet to each individual place of residence in the state and shall make such additional distribution as he shall deem necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. [1971 ex.s. c 145 § 7; 1965 c 9 § 29.81.140. Prior: 1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.410.]

Severability—1971 ex.s. c 145: See note following RCW 29.80.020.

29.81.150 Distribution to officers and institutions. The secretary of state shall transmit by the least expensive means, copies of the pamphlet as follows:

- (1) Two copies to:
 - Each state officer and each member of a state board;
 - Each county officer;
 - Each judge of the supreme and superior courts;
 - Each public library;
 - Each member of the legislature;
- (2) Three copies to:

Each voting precinct in the state, by transmittal through the county auditor of each county for the precincts in his county for the information of voters at the polls;

Each educational, charitable, penal, and reformatory institution of the state for its library;

(3) Five copies to the state library;

(4) Reserve supply for distribution on request as many copies as he deems necessary. [1965 c 9 § 29.81.150. Prior: 1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.420.]

29.81.160 Distribution costs—How paid. The cost of mailing and distributing the pamphlets shall be paid from money appropriated for postage for the secretary of state. [1965 c 9 § 29.81.160. Prior: 1913 c 138 § 29, part; RRS § 5425, part. Formerly RCW 29.79.430.]

29.81.170 Candidates' pamphlet—Publication, date—Dimensions—Consolidation with voters' pamphlet. See RCW 29.80.040.

29.81.180 Taped and braille transcripts. The secretary of state shall mail without charge taped transcripts of the voters' pamphlet to any requesting blind person or organization representing the blind. Braille transcripts may also be mailed by the secretary of state to such persons or organizations. Availability of these transcripts shall be publicized by the secretary of state through public service announcements and other appropriate means. [1981 c 243 § 2.]

Chapter 29.81A

LOCAL VOTERS' PAMPHLETS

Sections

29.81A.010	Authorization—Contents—Format.
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29.81A.030	Administrative rules.
29.81A.040	Contents.
29.81A.050	Candidates, when included.
29.81A.060	Mailing.
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29.81A.080	Arguments advocating approval and disapproval—Preparation by committees.
29.81A.900	Effective date—1984 c 106.
29.81A.901	Severability—1984 c 106.

29.81A.010 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 29.13.010 or 29.13.020, 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 chapters 29.80 and 29.81 RCW regarding the publication of the state candidates' and voters' pamphlets. [1984 c 106 § 3.]

29.81A.020 Notice of production—Local governments' decision to participate. (1) Within five days of the adoption by the county legislative authority of an ordinance authorizing the publication and distribution of a local voters' pamphlet, the county auditor shall notify each city, town, or special taxing district located wholly within that county that a pamphlet will be produced. If the ordinance applies to future primaries or elections, the ordinance shall provide for such a notification prior to those primaries or elections. 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.

(2) 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.

(3) Upon receipt of the notification, the legislative authority of each city, town, or district shall determine whether it will include any information from that jurisdiction in the local voters' pamphlet for a specific primary, special election, or general election or for any future primaries or elections. If it chooses to participate, it shall include information on all measures from that jurisdiction, and may include information on candidates. [1984 c 106 § 4.]

29.81A.030 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. [1984 c 106 § 5.]

29.81A.040 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, the jurisdictions that have measures or candidates in the pamphlet, and the date of the election or primary;

(2) Information on how a person may register to vote and obtain an absentee ballot;

(3) 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;

(4) The arguments for and against each measure submitted by committees selected pursuant to RCW 29.81A.080. [1984 c 106 § 6.]

29.81A.050 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. [1984 c 106 § 7.]

29.81A.060 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. If the county or city chooses to mail the pamphlet to each residence, no notice of election otherwise required by RCW 29.27.080 need be published. [1984 c 106 § 8.]

29.81A.070 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 pro-rated in the manner provided in RCW 29.13.045. [1984 c 106 § 9.]

29.81A.080 Arguments advocating approval and disapproval—Preparation by committees. For each measure from a jurisdiction that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall 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. [1984 c 106 § 10.]

29.81A.900 Effective date—1984 c 106. This act shall take effect on January 1, 1985. [1984 c 106 § 14.]

29.81A.901 Severability—1984 c 106. 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. [1984 c 106 § 13.]

Chapter 29.82 THE RECALL

Sections

29.82.010	Initiating recall proceedings—Statement—Contents—Verification—Definitions.
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29.82.021	Ballot synopsis.
29.82.023	Determination by superior court—Correction of ballot synopsis.
29.82.025	Filing supporting signatures—Time limitations.
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29.82.100	Fixing date for recall election—Notice.
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29.82.160	Enforcement provisions—Mandamus—Appellate review.
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29.82.220	Violations—Corrupt practices.

Recall of elective officers: State Constitution Art. 1 §§ 33, 34 (Amendment 8).

29.82.010 Initiating recall 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, he or they shall prepare a typewritten charge, reciting that such officer, naming him or her and giving the title of his office, has committed an act or acts of malfeasance, or an act or acts of misfeasance while in office, or has violated his 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 approxi-

mate 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 he or they 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 wilful neglect or failure by an elective public officer to perform faithfully a duty imposed by law. [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.]

Severability—1975-'76 2nd ex.s. c 47: "If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 47 § 3.]

29.82.015 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 29.82.021. The manner of service shall be the same as for the commencement of a civil action in superior court. [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.]

Severability—1975-'76 2nd ex.s. c 47: See note following RCW 29.82.010.

29.82.021 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) 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, the prosecuting attorney 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 his 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. [1984 c 170 § 3.]

29.82.023 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 29.82.160. 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. [1984 c 170 § 4.]

29.82.025 Filing supporting signatures—Time limitations. (1) The sponsors of a recall demanded of any public officer shall stop circulation 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 state-wide 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. [1984 c 170 § 5; 1971 ex.s. c 205 § 2.]

Severability—1971 ex.s. c 205: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 205 § 6.]

29.82.030 Petition—Form. Recall petitions shall 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 29.82.025 for that recall petition. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly (1) signs more than one of these petitions, (2) signs this petition when he is not a legal voter, or (3) makes herein any false statement, may be fined, or imprisoned, or both.

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 holds) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his 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 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.

Petitioner's signature	Print name for positive identification	Residence address, street and number, if any	City or Town	County
(Here follow 20 numbered lines divided into columns as below.)				
1	-----	-----	-----	-----
2	-----	-----	-----	-----
3	-----	-----	-----	-----
etc.				

[1984 c 170 § 6; 1971 ex.s. c 205 § 4; 1965 c 9 § 29.82.030. Prior: 1913 c 146 § 4; RRS § 5353.]

Severability—1971 ex.s. c 205: See note following RCW 29.82.025.

29.82.040 Petition—Size. Each recall petition at the time of circulating, signing and filing with the officer with whom it is to be filed, shall 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. [1965 c 9 § 29.82.040. Prior: 1913 c 146 § 6; RRS § 5355.]

29.82.060 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. [1991 c 363 § 36; 1965 c 9 § 29.82.060. Prior: 1913 c 146 § 8, part; RRS § 5357, part.]

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).

29.82.080 Canvassing petition for sufficiency of signatures—Time of—Notice. Upon the filing of a recall petition in his office, the officer with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the persons filing them and the officer whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five or more than ten days from the date of its filing. [1965 c 9 § 29.82.080. Prior: 1913 c 146 § 9, part; RRS § 5358, part.]

29.82.090 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 state-wide 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 29.79.200. 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. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

29.82.100 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 sixty days from the certification and, whenever possible, on one of the dates provided in RCW 29.13.020, 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. [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.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Severability—1971 ex.s. c 205: See note following RCW 29.82.025.

29.82.105 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. [1984 c 170 § 9; 1980 c 42 § 1.]

29.82.110 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 he shall destroy the petitions unless prevented therefrom by the injunction or mandate of a court. [1965 c 9 § 29.82.110. Prior: 1913 c 146 § 9, part; RRS § 5358, part.]

29.82.120 Fraudulent names—Record of. The officer making the canvass of a recall petition shall keep a record of all names appearing thereon which 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 thereon, and he shall report the same to the prosecuting attorneys of the respective counties where such names appear to have been signed, to the end that prosecutions may be had

for such violation of this chapter. [1965 c 9 § 29.82.120. Prior: 1913 c 146 § 10; RRS § 5359.]

29.82.130 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. [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.]

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

29.82.140 Ascertaining the result—When recall effective.

The votes on a recall election shall 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: PROVIDED, That if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in 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 such election to the officer calling such special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant. [1977 ex.s. c 361 § 109; 1965 c 9 § 29.82.140. Prior: 1913 c 146 § 12; RRS § 5361.]

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Canvassing the returns: Chapter 29.62 RCW.

Polling place regulations during voting hours and after closing: Chapter 29.54 RCW.

29.82.160 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.

[1988 c 202 § 30; 1984 c 170 § 10; 1965 c 9 § 29.82.160. Prior: 1913 c 146 § 14; RRS § 5363.]

Rules of court: Writ procedure superseded by RAP 2.1(b), 16.2, 18.22.

Severability—1988 c 202: See note following RCW 2.24.050.

29.82.170 Violations by signers—Officers. Every person who signs a recall petition with any other than his true name is guilty of a felony. Every person who knowingly (1) signs more than one petition for the same recall, (2) signs a recall petition when he is not a legal voter, or (3) makes a false statement as to his residence on any recall petition is guilty of a gross misdemeanor. Every registration officer who makes any false report or certificate on any recall petition is guilty of a gross misdemeanor. [1984 c 170 § 11; 1965 c 9 § 29.82.170. Prior: 1913 c 146 § 15; RRS § 5364. Formerly codified also in RCW 29.82.180, 29.82.190, and 29.82.200.]

29.82.210 Violations by officers. Every officer who wilfully violates any of the provisions of this chapter, for the violation of which no penalty is herein prescribed or who wilfully fails to comply with the provisions of this chapter shall be guilty of a gross misdemeanor. [1965 c 9 § 29.82.210. Prior: 1953 c 113 § 1; prior: 1913 c 146 § 16, part; RRS § 5365, part.]

29.82.220 Violations—Corrupt practices. 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 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 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. [1984 c 170 § 12; 1965 c 9 § 29.82.220. Prior: 1953 c 113 § 2; prior: 1913 c 146 § 16, part; RRS § 5365, part.]

Chapter 29.85

CRIMES AND PENALTIES

Sections

- 29.85.010 Ballots—Removing from polling place.
- 29.85.020 Unauthorized examination of ballots, election materials—Revealing information.
- 29.85.040 Ballots—Unlawful appropriation, printing, or distribution.
- 29.85.060 Hindering or bribing voter.
- 29.85.070 Influencing voter to withhold vote.
- 29.85.090 Solicitation of bribe by voter.
- 29.85.100 Certificates of nomination and election—Declarations of candidacy—Petitions of nomination—Frauds and falsehoods.
- 29.85.110 Tampering with polling place materials.
- 29.85.170 Officers—Violations generally.
- 29.85.210 Repeaters.
- 29.85.220 Repeaters—Unqualified persons—Officers conniving with.
- 29.85.225 Divulging ballot count.
- 29.85.230 Returns and posted copy of results—Tampering with.
- 29.85.240 Unqualified persons voting.
- 29.85.260 Voting machines, devices—Tampering with—Extra keys.
- 29.85.275 Political advertising, removing or defacing.
- 29.85.285 Statement of expense of candidate—Penalty.
- 29.85.290 Duplication of names—Conspiracy—Criminal and civil liability.
- 29.85.300 Absentee voting, violations relating to qualifications and voting, penalty.
- 29.85.320 Aiding blind voters, violations relating to—Penalty.
- 29.85.321 Preventing interference with balloting.
- 29.85.323 Electioneering within the polls forbidden—Prohibited practices as to ballots—Penalty.
- 29.85.325 Electioneering by election officers forbidden—Penalty.
- 29.85.329 Unlawful acts by voters—Penalty.
- 29.85.360 County canvassing board—Canvassing procedure—Penalty.
- 29.85.370 Initiative, referendum—Violations by signers.
- 29.85.373 Initiative, referendum—Violations by officers.
- 29.85.375 Initiative, referendum—Violations—Corrupt practices.
- 29.85.380 Recall—Violations by signers—Officers.
- 29.85.381 Recall—Violation by officers.
- 29.85.383 Recall—Violations—Corrupt practices.

Anarchy and sabotage: Chapter 9.05 RCW.

Bribery and corrupt influence: Chapter 9A.68 RCW.

Bribery or corrupt solicitation: State Constitution Art. 2 § 30.

Contests, bribe or reward by person whose right is being contested as grounds for: RCW 29.65.010.

Duplication of, use of nonexistent or untrue names, as felony: RCW 29.15.100.

Financial disclosure by candidates and elected officials: Chapter 42.17 RCW.

Forgery: RCW 9A.60.020.

Libel and slander: Chapter 9.58 RCW.

Misconduct in signing a petition: RCW 9.44.080.

Perjury: Chapter 9A.72 RCW.

Polling places, violations prior, during, and after voting hours: Chapters 29.48, 29.51, and 29.54 RCW.

Prevention and correction of election frauds and errors: RCW 29.04.030.

Refusing to leave voting booth—Penalty: RCW 29.51.221.

Statement concerning registered voter

change of residence, false, subject to perjury: RCW 29.10.130.

deceased, false, subject to perjury: RCW 29.10.090.

Subversive activities

generally: Chapter 9.81 RCW.
 misstatements of candidates punishable as perjury, penalty: RCW 9.81.110.

29.85.010 Ballots—Removing from polling place. Any person who, without lawful authority, removes a ballot from a polling place is guilty of a gross misdemeanor punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. [1991 c 81 § 1; 1965 c 9 § 29.85.010. Prior: 1893 c 115 § 2; RRS § 5396.]

Effective date—1991 c 81: "This act shall take effect July 1, 1992." [1991 c 81 § 42.]

29.85.020 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.040 Ballots—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. [1991 c 81 § 3; 1965 c 9 § 29.85.040. Prior: 1893 c 115 § 1; RRS § 5395.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.060 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.070 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. [1991 c 81 § 6; 1965 c 9 § 29.85.070. Prior: Code 1881 § 3140; RRS § 5389.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.090 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. [1991 c 81 § 7; 1965 c 9 § 29.85.090. Prior: 1907 c 209 § 32; RRS § 5207.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.100 Certificates of nomination and election—Declarations of candidacy—Petitions of nomination—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 certificate which must be filed with an elections officer under chapter 29.24 RCW; or

(3) Knowingly provides false information on his or her declaration of candidacy or petition of nomination; or

(4) Conceals or fraudulently defaces or destroys a certificate which has been filed with an elections officer under chapter 29.24 RCW or a declaration of candidacy or petition of nomination which 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. [1991 c 81 § 8; 1965 c 9 § 29.85.100. Prior: 1889 p 411 § 30; RRS § 5295.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.110 Tampering with polling place materials. Any person who willfully defaces, removes, or destroys any of the supplies or materials which the person knows are intended both for use in a polling place and for enabling a voter to prepare his or her ballot is guilty of a class C felony punishable under RCW 9A.20.021. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.170 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. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.210 Repeaters. Any person who votes or attempts to vote more than once at any primary or general or special election is guilty of a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.220 Repeaters—Unqualified persons—Officers conniving with. Any precinct election officer who knowingly permits any voter to cast a second vote at any primary or general or special election, or knowingly permits any person not a qualified voter to vote at any primary or general or special election, is guilty of a class C felony punishable under RCW 9A.20.021. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.225 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 the closing of the polls for that 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. [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 29.54.035.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Intent—Effective date—1990 c 59: See notes following RCW 29.01.006.

Effective date—Severability—1977 ex.s. c 361: See notes following RCW 29.01.006.

Divulging returns in voting device precincts: RCW 29.54.085.

29.85.230 Returns and posted copy of results—Tampering with. It shall be a gross misdemeanor, punishable to the same extent as a gross misdemeanor that is punishable under RCW 9A.20.021, for any person to remove or deface the posted copy of the result of votes cast at their precinct or to delay delivery of or change the copy of primary or special or general election returns to be delivered to the proper election officer. [1991 c 81 § 16; 1965 c 9 § 29.85.230. Prior: 1935 c 108 § 3; RRS § 5339-3. Formerly RCW 29.85.110, part.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.240 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 shall be guilty of a class C felony punishable under RCW 9A.20.021. [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.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.260 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, shall be guilty of a class C felony punishable under RCW 9A.20.021. [1991 c 81 § 18; 1965 c 9 § 29.85.260. Prior: 1913 c 58 § 16; RRS § 5316.]

Effective date—1991 c 81: See note following RCW 29.85.010.

29.85.275 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. [1991 c 81 § 19; 1984 c 216 § 5.]

Effective date—1991 c 81: See note following RCW 29.85.010.

Political advertising
generally: RCW 42.17.510 through 42.17.540.
rates for candidates: RCW 65.16.095.

29.85.285 Statement of expense of candidate—Penalty. See RCW 42.17.030 through 42.17.130 and 42.17.240.

29.85.290 Duplication of names—Conspiracy—Criminal and civil liability. See RCW 29.15.110.

29.85.300 Absentee voting, violations relating to qualifications and voting, penalty. See RCW 29.36.160.

29.85.320 Aiding blind voters, violations relating to—Penalty. See RCW 29.51.215.

29.85.321 Preventing interference with balloting. See RCW 29.51.010.

29.85.323 Electioneering within the polls forbidden—Prohibited practices as to ballots—Penalty. See RCW 29.51.020.

29.85.325 Electioneering by election officers forbidden—Penalty. See RCW 29.51.030.

29.85.329 Unlawful acts by voters—Penalty. See RCW 29.51.230.

29.85.360 County canvassing board—Canvassing procedure—Penalty. See RCW 29.62.040.

29.85.370 Initiative, referendum—Violations by signers. See RCW 29.79.440.

29.85.373 Initiative, referendum—Violations by officers. See RCW 29.79.480.

29.85.375 Initiative, referendum—Violations—Corrupt practices. See RCW 29.79.490.

29.85.380 Recall—Violations by signers—Officers. See RCW 29.82.170.

29.85.381 Recall—Violation by officers. See RCW 29.82.210.

29.85.383 Recall—Violations—Corrupt practices. See RCW 29.82.220.

Chapter 29.91

NUCLEAR WASTE SITE—ELECTION FOR DISAPPROVAL

Sections

- 29.91.010 Findings.
- 29.91.020 High-level nuclear waste repository—Selection of site in state—Special election for disapproval.
- 29.91.030 Costs of election.
- 29.91.040 Special election—Notification of auditors—Application of election laws.
- 29.91.050 Ballot title.
- 29.91.060 Effect of vote.
- 29.91.900 Transmission of copies of act—1986 ex.s. c 1.
- 29.91.901 Referral to electorate—Ballot title—1986 ex.s. c 1.

High-level nuclear waste repository siting: Chapter 43.205 RCW.

29.91.010 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. [1986 ex.s. c 1 § 3.]

29.91.020 High-level nuclear waste 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 state-wide election to vote on disapproval of the selection of such site. The special election shall be no more than fifty 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. [1986 ex.s. c 1 § 4.]

29.91.030 Costs of election. The state of Washington shall assume the costs of any special election called under RCW 29.91.020 in the same manner as provided in RCW 29.13.047 and 29.13.048. [1986 ex.s. c 1 § 5.]

29.91.040 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 29.91.020 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 29.91.020 by the secretary of state through emergency rules adopted under RCW 29.04.080. [1986 ex.s. c 1 § 6.]

29.91.050 Ballot title. The ballot title for the special election called under RCW 29.91.020 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?" [1986 ex.s. c 1 § 7.]

29.91.060 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 29.91.020 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. [1986 ex.s. c 1 § 8.]

29.91.900 Transmission of copies of act—1986 ex.s. c 1. Within ten days of December 4, 1986, the secretary of state shall transmit copies of this act, including the voter referendum results, to the president of the United States, the United States department of energy, the president of the United States senate, the speaker of the house of representatives, each member of congress, and the governors and legislatures of the other forty-nine states. [1986 ex.s. c 1 § 10.]

health and safety, the support of the state government and its existing public institutions and shall take effect immediately. [1965 c 9 § 29.98.050.]

29.91.901 Referral to electorate—Ballot title—1986 ex.s. c 1. This act shall be submitted to the people of the state of Washington for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof. The ballot title for this act shall be: "Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?" [1986 ex.s. c 1 § 11.]

Reviser's note: "This act," chapters 29.91 and 43.205 RCW, was adopted and ratified by the people at the November 4, 1986, general election (Referendum Bill No. 40).

Chapter 29.98 CONSTRUCTION

Sections

- 29.98.010 Continuation of existing law.
- 29.98.020 Title, chapter, section headings not part of law.
- 29.98.030 Invalidity of part of title not to affect remainder.
- 29.98.040 Repeals and saving.
- 29.98.050 Emergency—1965 c 9.

Title 29 RCW controls in event of conflict with school election provisions of Title 28A RCW: RCW 28A.320.410.

29.98.010 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. [1965 c 9 § 29.98.010.]

29.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1965 c 9 § 29.98.020.]

29.98.030 Invalidity of part of title 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. [1965 c 9 § 29.98.030.]

29.98.040 Repeals and saving. See 1965 c 9 § 29.98.040.

29.98.050 Emergency—1965 c 9. This act is necessary for the immediate preservation of the public peace,