

CHAPTER 163.

[H. B. 270.]

AMENDMENTS OF PRIMARY AND GENERAL ELECTION LAWS.

AN ACT relating to registration of voters and primary and general elections, and amending Sections 4757, 4762, 4763, 4765, 4769, 4766, 4767, 4771, 4772, 4784, 4793, 4801, 4815, 4821, 4823, 4827, 4904, 4910-10 and 4931 and repealing sections 4752, 4832, 4835, 4840, and 4932, of Remington & Ballinger's Annotated Codes and Statutes of Washington; and repealing sections 11 and 12 of Chapter 16, of the Laws of 1915.

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

Repealing
clause.

SECTION 1. That Section 4752 of Rem. & Bal. Code be and the same hereby is repealed.

SEC. 2. That Section 4757 of Rem. & Bal. Code be amended to read as follows:

Registration
of voters.

Section 4757. There shall be in 1920 and biennially thereafter to continue for two years, in incorporated cities and towns and quadrennially thereafter to continue for four years outside such cities and towns, except as hereinafter provided, in each precinct of the state, a new and complete registration of the legal voters therein. Such registration shall begin on the first Monday of January of such year, and the registration books shall be open for the registration of voters at all times except during the twenty days immediately preceding any general state or county or general municipal election or any primary election of any nature or any special municipal election, except as hereinafter provided.

SEC. 3. That Section 4762 of Rem. & Bal. Code be amended to read as follows:

Opening
books for
registration.

Section 4762. It shall be the duty of the Comptroller or Clerk of any incorporated city or town to procure and open for the registration of voters, du-

plicate poll books on the first Monday of January, 1920, for each precinct of such city or town; and on the first Monday of January of each biennial year thereafter to procure and open like books of registration for each of said precincts; and it shall be the duty of the board of county commissioners of each county, on the first Monday of January, 1920, and quadrennially thereafter, in like manner to procure and open a poll book for the registration of voters in each precinct of such county outside of incorporated cities and towns, and to designate a legal voter in each of said precincts, to be the registration officer in such precinct, whose duties shall be the same as those devolving upon the city or town clerk of incorporated cities or towns under the provisions of this act: *Provided* that the board of county commissioners of any county may, for the convenience of voters, designate a legal voter of such county at some convenient place to be the registration officer for one or more such precincts outside of incorporated cities and towns.

SEC. 4. That Section 4763 of Rem. & Bal. Code be amended to read as follows:

Section 4763. Such poll books shall at all times, except as herein otherwise provided, be kept in the office of such city or town clerk or precinct registration officer of such city, town or precinct; and the city or town clerk, and the person designated by the board of county commissioners as herein provided, shall be the registration officer of such city, town or precinct, and it shall be his duty to register all legal voters of such city, town or precinct on such poll books, as hereinafter provided: *Provided*, that in all cities of the first class, the city council may, by ordinance or resolution, direct that in all or certain of the precincts of such city, designated in such ordinance or resolution, the poll books of such precincts shall be kept open in such precincts

Where books
to be kept.

for the registration of voters thereof, at and during such time as shall be designated in such ordinance or resolution. It shall be the duty of the city clerk, in cities of the first class, to designate by the notice required by section 4765 the time and place where the registration poll books for each precinct so designated by ordinance or resolution will be open in such precinct for the registration of voters of such precincts; and the city clerk shall provide for the precinct book in charge of an officer of registration to be kept at the place and kept open for the registration of voters qualified to register, between the hours of 9 a. m. and 9:30 p. m. on the days designated in said published notice: *Provided, further*, that in precincts outside of incorporated cities or towns, the registration officer of any such precincts, may, with the written consent of the county auditor, during the time such poll books are kept open for the registration of voters therein, for the convenience of the voters, and at such time or times and by giving such notice of his intention so to do, as he may deem expedient, designate some centrally located place in addition to the usual place where such poll books are kept, where the said poll books will be kept open for the registration of voters of such precincts.

Designation
of other
places in
country
precincts.

SEC. 5. That Section 4765 of Rem. & Bal. Code be amended to read as follows:

Section 4765. It shall be the duty of the city or town clerk of each incorporated city or town, beginning the first week in January, 1920, and biennially thereafter, and of the county auditor of each county, beginning the first week in January, 1920, and quadrennially thereafter, to cause to be published in a newspaper of general circulation in such city, town or county for two successive weeks, a notice that the legal voters of said city, town or county can register at the office of the said city or

Notice of
opening of
registration
books.

town clerk, or at the residence of the registration officers of the precincts of said county outside of incorporated cities and towns; and if in a city of the first class, in each precinct, at a place which has been designated by the city council, during the time designated in such notice: *Provided*, that the notices to be given by the county auditor shall refer only to precincts outside of incorporated cities or towns and shall in addition give the name of the registration officer of each precinct outside of such incorporated cities or towns, together with his place of residence, as near as may be.

SEC. 6. That Section 4766 of Rem. & Bal. Code be amended to read as follows:

Section 4766. The registration books in this chapter provided for, shall be open at all times during the biennium, or quadrennium as the case may be, for the registration of voters, except they shall be closed against original registrations in all general, state, county or municipal elections or any primaries and all special city, town or precinct elections, twenty days preceding any such election or primary to be held in said city, town or precinct: *Provided*, that the said books shall be open except on a day of any election, for transfers from one precinct within an incorporated city or town to another, within such city or town, as hereinafter provided. The city or town clerk, or the county auditor when the election concerns precincts outside of incorporated cities or towns, shall give notice of the closing of said books, by notice to be published at least ten days prior thereto, in a newspaper of general circulation in such city, town or county, and by posting written or printed notices in three of the most public places in such city, town or county, at least ten days preceding the day of such closing, and such notice of publication shall have at least two insertions in such newspaper; in all special

Period
when open
for regis-
tration.

Notice of
closing
prior to
elections.

city, town or precinct elections such notice shall be given by the posting aforesaid only at least five days before such closing.

SEC. 7. That Section 4767 of Rem. & Bal. Code be amended to read as follows:

Section 4767. The registration books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads, as follows: Date of registration; voted; names; ages; occupation; place of residence; place of birth; time of residence in the state, county, ward and precinct; whether a taxpayer of the State of Washington; if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization. Column headed "signature" for a signature of voter at time of registering, and another and similar column immediately following headed "identification" for the signature of the voter in case he be challenged when he offers to vote, and a column for "remarks". If the voter registering is of foreign birth, he shall at the time of registering be questioned by the registration officer, and shall produce satisfactory evidence to the registration officer, that he was at the time of the adoption of the constitution of the State of Washington, a qualified elector of this state, or that he is a naturalized citizen of the United States (in which latter case he shall be required to exhibit to the registration officer the original, or a duly certified copy, of his naturalization papers, or, if naturalized by virtue of the naturalization of his ancestor, then the original, or a duly certified copy, of the naturalization papers of such ancestor, unless the said officer shall know of his own knowledge that such voter is in fact a naturalized citizen), or if a woman of foreign birth that she has married a citizen of the

Arrange-
ment of
poll-books.

Voters of
foreign
birth.

United States. Under the head of place and residence shall be noted the number of lot and block, or number and street where the applicant resides, or some other definite description sufficient to locate and establish the residence with reasonable certainty; and the voter so registered as provided in this act shall sign his name in each of the duplicate poll books to be procured and opened for the registration of voters in the precincts of incorporated cities and towns or in the poll book to be procured and opened for the registration of voters in each precinct outside of such incorporated cities or towns as provided by this chapter on the registry opposite the entry above required, in the column headed "signature", unless he is a qualified elector at the time of the taking effect of this act, and shall not be capable of writing his name, or in the case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally knows said voter, and who is personally known to the registration officer, and who is capable of writing his name, shall sign in said column immediately opposite said mark, as an identifying witness thereto.

Signature
and identification
of
voter.

SEC. 8. That Section 4769 of Rem. & Bal. Code be amended to read as follows:

Section 4769. No person shall be entitled to vote at any election in any such city, town, or precinct who is not registered according to the provisions of this act: *Provided*, that this prohibition shall not extend to any qualified elector who has been prevented from registering by reason of his being in the military or naval service of the United States, but any such elector shall, subject to the other provisions of this act, be entitled to vote upon making and filing with the election officers of his

Voter
must be
registered.

Excused
in case of
military
or naval
service.

voting precinct an affidavit setting forth facts showing that he is such qualified elector and was prevented from registering by reason of such service, whereupon such election officers shall enter his name and other data under the appropriate headings upon said registration book and deliver said affidavit to the proper registration officer upon the return of said registration book. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner as may be required by law.

Challenges.

SEC. 9. That Section 4771 of Rem. & Bal. Code be amended to read as follows:

Section 4771. The registration books of any city or incorporated town shall be open at all times, except on primary and election days of whatever nature, and the day previous thereto, for the transfer of registration. If any qualified voter residing within the corporate limits of any city or town, having duly registered in a precinct thereof, shall, during the biennium for which he has been registered, change his residence from the said precinct to another precinct in the same city or town, he shall apply to the city or town clerk to have said removal noted on said registration books. The clerk or officer of registration shall register said person in the precinct to which he has removed, and run a red-ink line across his name in the precinct book of his former residence, and likewise note the transfer in the column for "remarks" in said poll book. In all other cases of removal from one precinct to another, during the biennium, or quadrennium, as the case may be, the elector shall register in the precinct to which he has removed and such registration shall be deemed an original registration, and in all cases of registration during any biennium, or quadrennium, as the case may be, the

Change of residence to be noted.

When new registration required.

registration officer shall inquire whether the voter has previously registered in any other precinct in the state during the biennium, or quadrennium, as the case may be, and shall ascertain the name or number of the precinct, and the city, town and county, and shall forthwith notify the registration officer of such precinct of the new registration, and upon receiving such notice the registration officer of the precinct of former registration shall cancel the same on the books in his office.

SEC. 10. That Sections 11 and 12 of Chapter 16 of the Laws of 1915 be and the same hereby are repealed.

Repealing
clause.

SEC. 11. That Section 4772 of Rem. & Bal. Code be amended to read as follows:

Section 4772. It shall be the duty of the clerk, or officer of registration, immediately upon the close of registration books preceding any election to be held in said city, town or precinct, to certify to the authenticity of said registration books; and, in time for the opening of polls, as provided by law, to have one of said registration books at each of the polling places, and deliver the same to the inspector or one of the judges of said election, and take his receipt therefor: *Provided*, that in case of any general state or county election, the county auditor may in his discretion, require the delivery of the said registration books to himself, to be by said auditor delivered to the officers of election. The fees and expenses of the registration officer of precincts lying without the corporate limits of a city or town, for the delivery of the registration books to election officers or the county auditor as in this section provided, shall be fixed and paid as election expenses by the county commissioners, but mileage in no case shall exceed ten cents per mile for each mile necessarily traveled.

Delivery of
books to
election
officers.

Expense
allowance
in case of
county
precincts.

SEC. 12. That Section 4784 of Rem. & Bal. Code be amended to read as follows:

Form of
election
notice.

Section 4784. It shall be the duty of each county auditor to give at least thirty days' notice of any general election, and at least fifteen days previous to any special election, by posting or causing to be posted up, at each place of holding election in the county, a written or printed notice thereof; said notice to be as nearly as circumstances will admit, as following:

Notice is hereby given that on the — day of — next, at — in the — district or precinct of —, in the county of —, an election will be held for state, county, town, or district officers (naming the offices to be filled, as the case may be), which election will be opened at eight o'clock in the morning, and will continue until eight o'clock in the evening of the same day.

Dated this — day of —, A. D. 19—.

A. B. County Auditor.

SEC. 13. That Section 4793 of Rem. & Bal. Code be amended to read as follows:

Section 4793. The fees of officers of election shall be as follows:

Fees of
election
officers.

To the inspectors, judges and clerks of an election fifty cents per hour for full time employed by each of them. The person carrying the returns to the county auditor shall be entitled to ten cents per mile for each mile traveled.

SEC. 14. That Section 4801 of Rem. & Bal. Code be amended to read as follows:

Publication
of primary
nominations.

Section 4801. At any time not less than three days nor more than ten days before the election to fill any public office other than a municipal office, the clerk of the board of county commissioners of each county, shall cause to be published once in one or more newspapers within the county, the nomina-

tions to office, certified to him under the provisions of this chapter, but if there be no paper published within the county, written or printed notices shall be posted in not less than three conspicuous places in such precinct. In the case of municipal elections, such publication shall be made in one or more newspapers devoted to the dissemination of general news, and published within the municipal corporation in which the election is to be held at least three days before the election but not more than ten days prior thereto, and if there be no newspaper, the notices shall be posted as above provided.

SEC. 15. That Section 4815 of Rem. & Bal. Code be amended to read as follows:

Section 4815. Every qualified person, properly registered as a voter in his election precinct, shall be entitled to participate in the primary election. When he desires to vote at said primary each elector shall have the right to receive the ballot only of the party for which he asks; and in the latter event, he shall, if challenged, be required to make oath or affirmation that he intends to affiliate with said party at the ensuing election and intends to support its candidates generally. Thereupon he shall retire to one of the booths and without undue delay mark the ballot received by him and fold it so that its face shall be concealed. He shall thereafter deliver said ballot received by him to the election officers. In the event said voter shall soil or deface the ballot he desires to vote he shall at once return the ballot received by him and get a new ballot and the election officers shall destroy or render unfit for use the ballot so returned. The elector shall designate his choice on his ballot by making a cross in each of the small squares nearest the names of the candidates for whom he desires to vote and shall not vote for more candidates for an office than are to be elected thereto at the election to fol-

Party
ballots.

Method
of voting.

low the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

SEC. 16. That Section 4821 of Rem. & Bal. Code be amended to read as follows:

Voting
hours.

Section 4821. The polls in the several election precincts on the primary election day shall be kept open from eight o'clock in the morning until eight o'clock in the evening of said day. If at the hour of closing there are any electors in the polling place desiring to vote, and who are qualified to participate therein, and who have not been able to do so since appearing at the polling place, said polls shall be kept open reasonably long enough after the hour of closing to allow those so present at that hour to vote. No one not present at the hour of closing shall be entitled to vote because the polls may not be actually closed when he arrives. No adjournment or intermission whatever shall take place until the polls shall be closed, and until all the votes cast at such poll have been counted and the result publicly announced.

Adjournment
prior to
count
prohibited.

SEC. 17. That Section 4823 of Rem. & Bal. Code be amended to read as follows:

Counting
votes.

Section 4823. As soon as the polls are finally closed, the inspector and judges of election shall immediately open the ballot boxes at each polling place and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast for each party together in separate piles, and shall then fasten each pile together. As soon as the inspectors and judges shall have assorted and fastened together the ballots of each separate party, they shall take the tally sheets provided by the county auditor or city clerk, and shall count all the ballots for each party separately, until the count is

completed, and shall certify to the number of votes cast for each candidate. The tally sheets shall be so kept that such sheets shall show the number of votes received, the total votes cast for each candidate, and the total of all ballots cast. They shall then place the counted ballots in the box, but in no case shall they intermingle party votes. After all have been counted and certified to by the clerks and judges, they shall seal the returns for all parties in one envelope, to be returned to the county auditor or city clerk.

Tally sheets.

Sealed returns.

SEC. 18. That Section 4827 of Rem. & Bal. Code be amended to read as follows:

Section 4827. Candidates for party offices who receive a plurality of the votes cast for such candidates shall be the party nominees of such party: *Provided, however,* that no person who has offered himself as a candidate for nomination on one party ticket shall have his name printed on the ballot of another political party in the succeeding general election.

Nominations by plurality vote.

Party candidates.

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

Where plural positions to be filled.

SEC. 19. That Sections 4832, 4835 and 4840 of Rem. & Bal. Code are hereby repealed.

Repealing clause.

SEC. 20. That Section 4904 of Rem. & Bal. Code be amended to read as follows:

Section 4904. The clerk of the board of county commissioners of each county shall cause to be printed in large type on cards in English instruc-

Voting instructions to be posted.

tions for the guidance of electors in preparing their ballots. He shall furnish two such cards to the judges of election of each election precinct, which shall be posted by said judges in and about the polling places upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instruction to the voters as to what should be done, viz:

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake.

SEC. 21. That Section 4931 of Rem. & Bal. Code be amended to read as follows:

Section 4931. On the tenth day after the day of each election or as soon as he shall have received the returns from each precinct of the county, if he receive them within that time, it shall be the duty of the county auditor, to notify the chairman of the board of county commissioners and prosecuting attorney, who with the county auditor shall be the county canvassing board of election returns, for all special and general county and state elections in each county, to be present at the office of said county auditor on a day named by said county auditor for the purpose of canvassing the votes cast at election, in the different precincts of the county, and it shall be the duty of the chairman of the board of county commissioners, as one of the canvassers of said votes, to administer the following oath or affirmation to the county auditor having in his possession the election returns of said county: "I do solemnly swear (or affirm) that the returns purporting to be the election returns of the several precincts in this county have been in no wise altered by additions, or erasures, and that they are the same as when I received them, so help me God".

Canvass
of votes.

Oath re-
quired of
auditor.

The said oath or affirmation to be in writing and signed by the county auditor and certified to, by the aforesaid chairman of the board of county commissioners, and placed on file in said auditor's office, among the papers appertaining to said election; and then the said auditor, with the assistance of the two officers aforesaid, shall proceed to count the votes of said county or precincts, a statement of which shall be drawn up and signed by them. And it shall be deemed a misdemeanor in the county auditor, if he shall neglect or refuse to return the total number of votes as counted, if such votes can be with reasonable certainty ascertained.

Penalty for failure to return count.

SEC. 22. That Section 4932 of Rem. & Bal. Code be and the same hereby is repealed.

Repealing clause.

SEC. 23. That Section 4910-10 Rem. & Bal. Code be amended to read as follows:

Section 4910-10. The county auditor of a county, the clerk of a city, or other district in which voting machines are to be used shall cause same to be properly prepared therefor; and for that purpose shall employ for such time as is necessary one or more competent persons who shall be known as the voting machine custodians, who shall be sworn to perform their duties honestly and faithfully, and for such purpose shall be considered as officers of election, and shall be paid for the time actually spent in the discharge of their duties in the same manner as other election officers are paid. One custodian shall be employed for each twenty machines; if more than one be employed they shall be selected from the political parties entitled to representation on a board of election officers: *Provided, however,* the county auditor of a county, the clerk of a city, or other district having two hundred (200) voting machines or more, shall appoint as a permanent employe, a competent mechanic who shall be known

Voting machines.

Custodians.

Bond and salary of permanent custodian.

as the chief custodian of voting machines, who shall be sworn to perform his duties honestly and faithfully, and shall furnish a corporate surety bond in the sum of Five Thousand (\$5,000.00) dollars for the honest and faithful performance of his duties, and whose salary shall be the sum of Two Hundred dollars per month, to be paid out of the general fund of said county, city or other district, in the same manner as provided by law for the payment of salaries.

Duties of
chief
custodian.

Said chief custodian of voting machines shall supervise the work of all other voting machine custodians provided for by law, and shall school and instruct said custodians and have general charge and supervision of the work of said custodians in the preparation of voting machines for elections and shall check and approve the work of all custodians after the preparation of the voting machines for elections by said custodians, and shall also have charge of the instruction schools for election officials provided for by law, and shall have charge of the procuring and rental of all polling places in precincts where voting machines are to be used, and shall have continuous charge of the maintenance, upkeep and care of the voting machines of said county, city or district.

Eligibility
for ap-
pointment.

No persons shall be eligible for appointment to the office of chief custodian of voting machines who shall not have had an actual experience in the duties as prescribed herein for the period of at least two (2) years in the conduct of elections with voting machines in a county, city or district conducting its elections with at least one hundred (100) machines.

Preparation
for elections.

In preparing a voting machine for an election, the custodian shall, according to the printed directions furnished by such auditor or clerk, arrange the machine and labels therefor so that it will in

every particular meet the requirements for voting and counting at such elections, thoroughly test same, and certify thereto to said auditor or clerk. A voting machine may be so arranged for an election that the names of candidates nominated independently may be placed in the same party row with those nominated by a political party entitled to the use of a party voting device, *provided* such placing does not prevent such independently nominated candidates from being voted for individually, and *provided* it does not prevent or interfere with the operating of the party voting device of such party. It may also be so arranged that candidates nominated independently, or by political organizations which have nominated but one candidate, each shall be placed in the same party row and voted for individually; and in that event the party voting device of such party row shall be locked against movement, and the political designations of such candidates shall be printed upon the ballot labels in connection with their names. The auditor or clerk shall direct the arrangement of all ballot labels on such machine in case of nonpartisan primaries and elections in cities of the first class operating under freeholders' charters, the arrangement of the names of candidates upon ballot labels shall conform as nearly as practicable to such charter provisions for the arrangement of names on paper ballots. In all other cases of nonpartisan primaries and elections, and in all cases of party primaries and elections, the arrangement of names of candidates upon the ballot labels shall conform as nearly as practicable to the provisions of law for the arrangement of names on paper ballots.

After being prepared for the primary or election, each machine shall be examined by the auditor or clerk, and if the same be prepared in accordance with law for use thereat, he shall file a certifi-

Examina-
tion of
machines.

Delivery
to polling
places.

cate thereof in his office. The custodian shall cause all voting machines to be delivered to the polling places in charge of an authorized official who shall certify to their delivery in good order on the certificate furnished therefor. After such delivery the auditor or clerk shall provide proper protection therefor. The custodian shall provide a lantern or proper light for every machine, which light shall be in good order and give sufficient light to enable voters while in the booth to read the ballot labels, and suitable for use by the election officers in examining the counters.

Necessary
vote for
primary
nomination.

SEC. 24. No candidate for a party nomination shall be the party nominee unless he shall receive a number of votes at least equal to ten per centum of the total number of the party ballots of his party cast at the primary election in the district in which he is a candidate, and no party committee shall fill a vacancy caused by the failure of any of its candidates to receive such required number of votes.

Vacancies.

Passed the House, February 27, 1919.

Passed the Senate, March 10, 1919.

Approved by the Governor March 18, 1919.