

## CHAPTER 130.

[ H. B. 241. ]

## ELECTIONS.

AN ACT relating to elections; amending section 1, chapter 48, Laws of 1939, as last amended by section 1, chapter 196, Laws of 1953, and RCW 29.42.010, 29.42.020, 29.42.030, 29.42.040 and 29.42.050; amending section 3096, Code of 1881, section 24, chapter 209, Laws of 1907 and RCW 29.27-.100, 29.30.100, 29.62.010, 29.62.100 and 29.62.110; amending sections 3097 and 3104, Code of 1881 and RCW 29.62-.080; amending section 8, chapter 94, Laws of 1937, section 19, chapter 14, Laws of 1950 extraordinary session and RCW 29.24.080; amending section 12, chapter 13, Laws of 1890, section 1, chapter 21, Laws of 1933, section 18, chapter 163, Laws of 1919 and RCW 29.18.110, 29.18.150 and 29.30.110; amending section 9, chapter 13, Laws of 1890 and RCW 29.27.050; amending section 18, chapter 14, Laws of 1950 extraordinary session and RCW 29.36.080; adding a new section to chapter 29.36 RCW; and repealing section 11, chapter 13, Laws of 1890, as last amended by section 8, chapter 161, Laws of 1949, and RCW 29.18.130; and repealing section 13, page 405, Laws of 1890 and RCW 29.30.120; and adding a new section to chapter 28.57 RCW.

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

SECTION 1. Section 1, chapter 48, Laws of 1939, as last amended by section 1, chapter 196, Laws of 1953 (heretofore divided and codified as RCW 29.42.010, 29.42.020, 29.42.030, 29.42.040, and 29.42.050) is divided and amended as set forth in sections 2, 3, 4, 5 and 6 of this act.

SEC. 2. (RCW 29.42.010) 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

RCW 29.42.010  
enacted  
without  
amendment.

organization: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election.

SEC. 3. (RCW 29.42.020) 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 chairman and vice chairman who must be of opposite sexes.

RCW 29.42.020  
enacted  
without  
amendment.

SEC. 4. (RCW 29.42.030) The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. This committee shall meet for the purpose of organization at the county court house at two o'clock p. m. on the second Saturday in December after each state general election unless some other time and place are designated by a sufficient notice to all the newly elected committeemen by the authorized officers of the retiring committee. For the purpose of this paragraph, a notice mailed at least seventy-two hours prior to the date of the meeting shall constitute sufficient notice.

RCW 29.42.030  
amended.  
County central  
committee—  
Meetings—  
Officers.

At its organization meeting, the county central committee shall elect a chairman and vice chairman who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman.

SEC. 5. (RCW 29.42.040) 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 declaration of candidacy with the county auditor for the office of precinct committeeman of his party in that precinct. When elected he shall serve so long as he remains an eligible voter in that precinct and until his successor has been elected at the next ensuing state general election.

RCW 29.42.040  
amended.  
Precinct com-  
mitteeman,  
who is  
eligible.

RCW 29.42.050  
amended.  
Precinct com-  
mitteeman—  
Election—  
Terms—  
Vacancies.

SEC. 6. (RCW 29.42.050) The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and include the third Monday in August immediately preceding the state primaries, 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 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 his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman 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 committeeman 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 chairman of the county central committee shall be empowered to fill such vacancy by appointment: *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 committeeman 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 chairman selected as provided by RCW 29.42.030.

SEC. 7. Section 3096, Code of 1881, section 24,

chapter 209, Laws of 1907 (heretofore divided, combined and codified as RCW 29.27.100, 29.30.100, 29.62.010, 29.62.100 and 29.62.110) are amended to read as set forth in sections 8, 9, 10, 11 and 12 of this act.

SEC. 8. (RCW 29.27.100) 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.

RCW 29.27.100  
enacted  
without  
amendment.

SEC. 9. (RCW 29.30.100) The names of the persons certified as the nominees resulting from a primary election by the state canvassing board or the county canvassing board shall be printed on the official ballot prepared for the ensuing election.

RCW 29.30.100  
enacted  
without  
amendment.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot unless it appears upon the certificate of either (1) the state canvassing board, or (2) the county canvassing board, or (3) a minor party convention, or (4) of the state or county central committee of a major political party to fill a vacancy on its ticket occasioned by any cause on account of which it is lawfully authorized so to do.

SEC. 10. (RCW 29.62.010) Every official body or officer upon whom is imposed the duty of canvassing the returns of any primary or election shall:

RCW 29.62.010  
amended.  
Manner of  
canvassing  
election  
returns—  
Generally.

(1) Prepare and certify a statement separately setting forth for each office the returns as to which it or he is required by law to canvass, and the vote each candidate received therefor;

(2) If required to canvass returns from a primary, prepare and certify a statement separately setting forth each office the returns as to which it

or he is required by law to canvass, and the member of each political party participating therein who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office the number of candidates of each political party participating therein equalling the number of positions to be filled who received the highest number of votes shall be listed as the nominees;

(3) If, at a partisan primary, two or more candidates of the same party are tied for the same office, determine the tie then and there by lot;

(4) If, at a nonpartisan or judicial primary, two or more candidates have received an equal number of votes and such number is barely sufficient for nomination, but as a consequence, the number of persons so nominated exceeds twice the number of positions to be filled, determine the tie then and there by lot so as to reduce the field of candidates to the proper number.

(5) After each election, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the person who received the highest number of votes for each office: *Provided*, That if there is more than one position to be filled for the same office, the number of persons equalling the number of positions to be filled who receive the highest number of votes shall be listed as having been elected.

RCW 29.62.100  
enacted  
without  
amendment.

SEC. 11. (RCW 29.62.100) The state canvassing board shall consist of the secretary of state, the state treasurer and the state auditor. It shall canvass 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.

SEC. 12. (RCW 29.62.110) The state canvassing board shall meet at the office of the secretary of state as soon as possible but in no event not later than the third Tuesday next succeeding a primary election the returns of which they are required by law to canvass, and proceed to canvass the returns.

RCW 29.62.110 amended.  
State canvassing board—Meeting—Certificate.

They shall file the certificate of their canvass signed by all members with the secretary of state who shall immediately publish a copy thereof in a legal newspaper published at the state capital.

SEC. 13. Sections 3097 and 3104, Code of 1881 (heretofore combined and codified as RCW 29.62.080) are each amended to read as follows:

RCW 29.62.080 amended.

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.

Tie votes in final elections—Procedure.

SEC. 14. Section 8, chapter 94, Laws of 1937 and section 19, chapter 14, Laws of 1950 extraordinary session (heretofore combined and codified as RCW 29.24.080) are each amended to read as follows:

RCW 29.24.080 amended.

The certificate of nominations made by a minor party convention, and the declarations of candidacy of the individual candidates nominated may be filed with the secretary of state at any time after said convention is held, but such filing must be complete

Filing dates for certificates and declarations.

not later than the first Tuesday after the date of the September primaries.

SEC. 15. Section 12, chapter 13, Laws of 1890, section 1, chapter 21, Laws of 1933, section 18, chapter 163, Laws of 1919 (heretofore divided, combined and codified as RCW 29.18.110, 29.18.150 and 29.30.110) are amended to read as set forth in sections 16, 17 and 18 of this act.

RCW 29.18.110  
amended.  
Number of  
votes neces-  
sary to  
nominate.

SEC. 16. (RCW 29.18.110) Any person who receives a plurality of the votes cast for the candidates of his party for any office shall be his party's nominee for that office.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

RCW 29.18.150  
amended.  
Vacancies on  
ticket—How  
filled.

SEC. 17. (RCW 29.18.150) Should a place on a party ticket be vacant because no person filed for nomination as the candidate of that party, after the last day allowed for candidates to withdraw as provided by RCW 29.18.030, 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 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 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: *Provided*, That a vacancy caused by the death or disqualification of any nominee for a partisan office may be filled as set forth in this section at any time up to and including the day prior to the election.

Should such vacancy occur no later than the third Tuesday prior to the state 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 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 certificate of nomination is filed he shall in certifying nominations to the various county officers insert the name of the persons nominated to fill a vacancy.

In the event that the secretary of state has already sent forth his certificate when the certificate of nomination 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 nominated to fill a vacancy, the office he is nominated for, the party he represents and all other pertinent facts pertaining to the vacancy.

RCW 29.30.110  
enacted  
without  
amendment.

SEC. 18. (RCW 29.30.110) No person who has offered himself as a candidate for the nomination of one party at the primary shall have his name printed on the ballot of the succeeding general election as the candidate of another political party.

RCW 29.27.050  
amended.

SEC. 19. Section 9, chapter 13, Laws of 1890 and RCW 29.27.050 are each amended to read as follows:

Certification of  
nominees by  
secretary of  
state.

As soon as possible but in no event no later than the fourth Tuesday after any primary election, the secretary of state shall certify to the county auditor of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the secretary of state.

RCW 29.36.080  
amended.

SEC. 20. Section 18, chapter 14, Laws of 1950 extraordinary session and RCW 29.36.080 are each amended to read as follows:

Canvassing  
September pri-  
mary absentee  
ballots—Time.

The opening, counting and canvassing of absentee ballots cast at the September primary may begin on the day after the primary but shall not be continued after the tenth day subsequent to the day of the primary and the returns shall then be made immediately.

New section.

SEC. 21. There is added to chapter 29.36 RCW a new section to read as follows:

Absentee bal-  
lots for minor  
party conven-  
tion attendants  
—Procedure.

Any duly registered voter, who expects to attend a new or minor party convention on the same day that primary elections are held shall be entitled to an absentee ballot pursuant to the provisions of this chapter for the limited purpose of voting for candidates for nonpartisan offices, primary elections for which are being held on the same day as the new or minor party convention: *Provided*, That the duplicate certificate provided for in RCW 29.36.020 and the absentee ballot issued shall be stamped or have plainly marked thereon "Minor Party Absentee" and no such ballot shall be valid if voted for candi-

dates other than those seeking nomination to non-partisan offices: *Provided further*, That upon the listing of persons casting absentee ballots as provided in RCW 29.36.095, it shall be noted that such person cast a minor party absentee ballot.

SEC. 22. Section 13, page 405, Laws of 1890 and RCW 29.30.420, and section 11, chapter 13, Laws of 1890, as last amended by section 8, chapter 161, Laws of 1949, and RCW 29.18.130 are each repealed. Repeal

SEC. 23. There is added to chapter 28.57 RCW a new section to read as follows: New section.

The qualified electors residing within a joint school district shall vote on the office of school director of their district and on the office of county board of education of the county to which the district belongs, even though they reside outside that county. Joint school districts—  
Election procedures.

Whenever a joint school district lies partially within either a class AA or class A county and a county of lower class and the jurisdiction of the election rests with the clerk of such district, the elections, (whether general or special), shall be handled in the following manner:

(1) There shall be at least one polling place in each county.

(2) At least twenty days prior to the elections concerned, the county auditor of such class AA or class A county shall certify in writing to the clerk of the school district the number and location of the polling places established by him for such regular or special elections together with the number of ballots needed for such polling places. Upon receipt of such certification, the clerk of the school district shall furnish the required number of ballots no later than the fifth day prior to said elections.

It is the intention of this section that the qualified electors of a joint school district shall vote for school directors of their district and members of the

county board of education concerned with their school district and shall not be forced to go to different polling places on the same day when other elections are being held.

Passed the House March 2, 1961.

Passed the Senate February 28, 1961.

Approved by the Governor March 16, 1961.

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CHAPTER 131.

[ H. B. 107. ]

DRAINAGE DISTRICTS.

AN ACT relating to drainage districts; and adding a new chapter to Title 85 RCW.

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

New chapter.

SECTION 1. There is added to Title 85 a new chapter to read as set forth in sections 2 through 25 of this act.

Legislative declaration.

SEC. 2. The maintenance of drainage districts is essential to the economy of the state. The influx of population and changes in land use since many such districts were formed, has made obsolete and unjust the method used under existing law to provide funds for the operation of such districts and for the maintenance and expansion of its drainage systems. Also, in many instances, properties lying outside of the territorial limits of such districts, have been and are being developed in such a manner that waters therefrom, through artificial rather than natural processes, are accumulated and discharged for outlet upon lands within such districts, and the facilities of such district are used without charge to furnish service and benefit to such lands. To furnish remedy for such situations where they are found to exist