

state, but said prohibitory laws shall continue in full force and effect.

Passed by the Senate February 18, 1909.

Passed by the House March 4, 1909.

Approved March 12, 1909.

CHAPTER 82.

[A. S. B. 4.]

PRIMARY ELECTIONS.

AN ACT relating to, regulating and providing for the nomination of candidates for public office in the State of Washington and providing penalties for the violation thereof, and amending sections 1, 2, 3, 5, 10, 13, 22, 29, 30, 33 and 38 of an act entitled "An act relating to, regulating and providing for the nomination of candidates for public office in the State of Washington, and providing penalties for the violation thereof, and declaring an emergency," approved March 15, 1907, and declaring an emergency.

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

SECTION 1. That section 2 of said act shall be amended to read as follows: Sec. 2. Hereafter, all candidates for elective offices in this state, either state, county, municipal, precinct or congressional, shall be nominated at a direct primary election held in pursuance of this act: *Provided*, That this act shall not be held to refer to special elections for filling the vacancies for unexpired terms, or to election to offices of any city or town of the fourth class or for any school, dike, irrigation or Metropolitan park district or other local improvement election, or for presidential electors, or judges of the supreme court: *Provided further*, That the provisions of this act shall not apply to nominations of candidates for municipal elective offices in cities of the first class which have adopted or may hereafter adopt charters under section 10, article XI of the state constitution, where such charters have provided or may hereafter provide a non-partisan method or methods of nominating candidates for municipal elec-

[Am'd. § 2,
ch. 209, p.
457, L. '07.]

Application
of act.

City charter
may super-
cede act.

tive offices; and all such cities shall have the right and power to provide in their charters for any method or methods of non-partisan nomination of candidates for their elective offices as they may desire.

[Am'd. § 5,
ch. 209, p.
458, L. '07.]

SEC. 2. That section 5 of said act shall be amended to read as follows: Section 5. At least thirty (30) days before the primary election any person who shall be eligible, who shall desire to become a candidate for nomination for any office, subject to this act, shall file in the proper office a declaration of candidacy accompanied by the fee provided for in this act, which fee shall be as follows: For any office with a salary or compensation attached, of one thousand dollars or less per annum, ten (\$10) dollars; when such salary or compensation exceeds one thousand dollars per annum, an additional sum equal to one per cent. on such excess; and in case of any precinct office without salary, the filing fee shall be one (\$1.00) dollar. Said fees shall be paid to the following officers: When the candidacy is for a state, congressional or district office, embracing more than one county, the fee shall be paid to the Secretary of State, to be paid by him to the State Treasurer, and when for district offices for more than one county, the same shall be divided equally between the the counties composing such district and paid to the respective treasurers thereof and the Secretary of State shall issue all necessary warrants for such payments on the State Treasurer. When such fees are for county offices and offices for districts within counties, such fee shall be paid to the county auditors and by them to the respective county treasurers, and when for city or municipal offices, shall be paid to the respective clerks of such cities or municipalities and by them to the respective treasurers of the same.

Declaration
of candidacy.

Fee.

Fees for
district
officers di-
vided between
counties.

[Am'd. § 10,
ch. 209, p.
460, L. '07.]

SEC. 3. That section 10 of said act shall be amended to read as follows: Sec. 10. The method of voting at such primary election shall be by ballot, and all ballots voted shall be printed as herein provided. On the 15th day before the primary election the county auditor shall

group all the candidates for each party by themselves, and shall prepare at once in writing, a separate sample ballot for each party for public inspection, which he shall post in a conspicuous place in his office. He shall proceed to have printed a separate primary election ballot for each political party which has qualified as hereinbefore provided. These ballots to be prepared in the following manner: Every ticket shall be absolutely uniform in color and size, shall be white and printed in black ink. Across the head of each ballot shall be printed in plain, black type, first, the name of the political party, on each ticket, following the words, "Primary Election Ballot." On the next line shall be printed the name of the political party, and below that the county in which the ballot is to be used. Then shall follow the words "To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote." Beginning at the top of the left hand column, at the left of the line, in black type, shall appear the position for which the names following are candidates, and to the extreme right of the same line the words "Vote for," then the words "One," "Two," or a spelled number designating how many persons under that head are to be voted for. Following this shall come the name of each candidate for that position, inclosed in a light faced rule, with a square to the right of said name, said square being separated by heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart. Each position with the name running for that office, shall be separated from the following one by a black-face rule to separate each position clearly. The position shall be arranged as follows, provided nominees for such positions are to be selected in said county under the provisions of this act hereinafter provided: First, congressional; next, state; next, preference for United States senators; next, legislative; next, county officers; next, precinct officers; in all cases following under each heading here given, the rotation used in the make-up of the various ballots at

Sample ballot.

Form of ballots.

Arrangement of offices.

the general election. In city elections it shall be the duty of the city clerk to prepare the ballots and arrange the position of the candidates on such ballots, commencing with the office of mayor and following with the offices for which candidates are to be selected, using his reasonable discretion as to such arrangement. The duties provided for in this act to be performed by the county auditor with reference to candidates for county and district offices or either of them shall in like manner be performed by the city clerk in each city with reference to the preparation of ballots and primary elections for candidates for city offices. When there shall be four or more candidates for any state or congressional office, there shall be printed immediately under the designation of office, the following: "Vote for both first and second choice for this office." On the next line shall be printed the words "To vote for a person for first choice, mark a cross (X) in the first square at the right of the name of the person for whom you desire to vote." "To vote for a person for second choice, mark a cross (X) in the second square after the name of the person for whom you desire to vote." The form of ballot shall be substantially as follows:

City elections.

Second
choice.

(FORM OF BALLOT)
PRIMARY ELECTION BALLOT

Designation of Party. _____

PARTY _____

County _____

To vote for a person, make a cross (X) in the square at the RIGHT of the name of the person for whom you desire to vote.

| CONGRESSIONAL | | First Choice | Second Choice | Votes for one choice only | |
|--|--|--------------|---------------|--|------------------|
| Representative in Congress Vote for both first and second choice for this office. | | Vote for | Vote for | United States Senator | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| STATE | | First Choice | Second Choice | LEGISLATIVE | |
| Governor Vote for both first and second choice for this office. | | Vote for One | Vote for One | State Senator, District | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| Lieutenant Governor Vote for both first and second choice for this office. | | Vote for One | Vote for One | Member of House of Representatives, District | Vote for |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| Secretary of State Vote for both first and second choice for this office. | | Vote for One | Vote for One | COUNTY | |
| JOHN DOE | | | | County Clerk | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| State Auditor Vote for both first and second choice for this office. | | Vote for One | Vote for One | Treasurer | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| State Treasurer Vote for both first and second choice for this office. | | Vote for One | Vote for One | Sheriff | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| Attorney General Vote for both first and second choice for this office. | | Vote for One | Vote for One | Coroner | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| Commissioner of Public Lands Vote for both first and second choice for this office. | | Vote for One | Vote for One | Prosecuting Attorney | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| State Superintendent of Public Instruction Vote for both first and second choice for this office. | | Vote for One | Vote for One | County Auditor | Vote for One |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| JOHN DOE | | | | JOHN DOE | |
| | | | | Surveyor | Vote for One |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | Superintendent of Schools | Vote for One |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | County Commissioners | Vote for |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | Justice of the Peace | Vote for |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | Constable | Vote for |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | JOHN DOE | |
| | | | | Precinct committeeman | (write own name) |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

[Am'd. § 12,
ch. 209, p.
464, L. '07.]

Voter to
name party
at time of
registering.

Spolled
ballot.

Choice, how
designated.

SEC. 4. That section 12 of said act be amended to read as follows: Section 12. Every qualified person, properly registered as a voter in the election precinct enabling him to vote at the ensuing election where registration is required, and every qualified person in precincts where registration is not required, 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 registered if living in a precinct in which registration is required, or if living in a precinct in which no registration is required the ballot 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 marking 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 follow the primary election as indicated on the ballot at the right of each office for which candidates are to be selected.

Where under the provisions of this act a voter is required to designate his first and second choice the voter shall designate his first choice by marking a cross (X) in each of the small squares nearest to the names of the candidates for whom he desires to vote for first choice, and shall designate his second choice by marking a cross (X) in the second square opposite to and parallel to the names

of the candidates for whom he desires to vote as a second choice.

SEC. 5. That Sec. 13 is amended to read as follows: [Am'd. § 13, ch. 209, p. 465, L. '07.]

Sec. 13. The names of candidates for each office upon the ballot and under the heading designating each official position upon the ballots to be used in voting, shall be first arranged in the order in which their declarations of candidacy shall have been filed. In printing each set of ballots for the several counties, the positions of the names of candidates shall be changed in each office division as many times as there are candidates in the office division in which there are the most names. As nearly as possible an equal number of ballots shall be printed after each change. In making the changes of position, the printer shall take the line of type at the head of each office division and place it at the bottom of the division, and shove up the column so that the name that before was second, shall be first, after the change. After the ballots are printed they shall be kept in separate piles, one pile for each change of position, and shall then be gathered by taking one from each pile; the intention being that every other ballot in such pile shall have the names in a different position. There shall be no printing upon the back of the ballots or any marks to distinguish them. After the ballots have been gathered as above provided they shall be numbered consecutively, said numbering to be perforated and torn off by the election officers on the voting of the ballot. Sample ballots shall be substantially in the same form as the official ballot, but upon colored paper, and the names thereon need not be alternated.

Arrangement of names for each office.

Names rotated.

Ballots to be numbered.

SEC. 6. That section 22 of said act shall be amended to read as follows: [Am'd. § 22, ch. 209, p. 468, L. '07.]

Sec. 22. At the September primary each voter may write in the space left on the ticket for that purpose the name of one qualified elector of the precinct for member of the party county committee. The one having the highest number of votes shall be such committeeman of such party for such precinct. The party committee of each county shall consist of the precinct

Precinct committeemen.

committeemen from the several precincts of such county. The state committee shall consist of one committeeman from each county, elected by the county committee, which shall meet for such purpose and organization at the court house at the county seat of each county at 2 o'clock p. m. on the second Saturday after such primary election, unless some other time and place of such meeting shall be designated by a regular call of the properly authorized officers of the retiring committee. Each political party organization shall have the power to make its own rules and regulations, call conventions, elect delegates to conventions, state and national, fill vacancies on the ticket, provide for the nomination of presidential electors, and perform all other functions inherent to such organizations, the same as though this act had not been passed: *Provided*, That in no instance shall any convention have the power to nominate any candidate to be voted for at any primary election. City committeemen may be elected at municipal elections in the manner provided in this section, as near as may be.

State
committee.

Party
organization.

[Am'd. § 28,
ch. 209, p.
472, L. '07.]

SEC. 7. That section 28 of said act be amended to read as follows: Section 28. No person shall, in order to aid or promote his own nomination to a public office under the provisions of this act, or any amendment thereto, directly or indirectly, himself or through another person, give, pay, expend or contribute, or promise to give, pay, expend or contribute any money or other valuable thing, except for personal expenses. The words "personal expenses," as used in this act, shall include only expenses directly incurred and paid by a candidate for traveling and for purposes properly incidental to traveling, and for writing, printing and preparing for transmission any letter, circular or other publication not issued at regular intervals, whereby he states his position or views upon public or other questions; for advertising in one or more newspapers a simple announcement of candidacy to contain only his name, address and the office for which he is a candidate and the party of which he

Personal
expenses.

Advertising.

seeks nomination, and to be paid for at no more than the regular advertising rates of such paper or papers; for stationery and postage, for telegraph, telephone and public messenger service; and for other similar expenses, and for the necessary expense of hiring halls or other rooms for the purpose of holding meetings to address the voters and others upon public questions and matters relating to his candidacy.

No person shall be competent to qualify for any public office, who shall have, prior to the holding of any primary election, paid or promised or agreed to pay, either directly or through another or in any manner whatsoever, to the owner, publisher, manager or representative of any newspaper, any sum of money or other thing of value, for any article or published statement in a newspaper, wherein the electors are advised or counseled to vote for such candidate, or his fitness or qualifications for office are set forth, or his photograph or biography is published.

Person violating not competent to qualify.

SEC. 8. That section 29 of said act is amended to read as follows: Sec. 29. It shall be unlawful for any owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or periodical printed or published in this state, to take, accept or receive, or agree to take, accept or receive, for himself or any other person or persons, firm or corporation either by himself or any other person, persons, firm or corporation, any money, gratuity or other valuable consideration or article of value for or on account of or as a consideration for such newspaper, magazine or other periodical supporting or advocating the election or defeat of any candidate or candidates at any primary election. Any such owner, proprietor, editor, manager, officer, clerk, agent, reporter or employe of any newspaper, magazine or other periodical violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than \$25.00 and not more than \$500.00, or confined in the county jail not less

[Am'd. § 29, ch. 209, p. 473, L. '07.]

Newspaper not to sell support.

Penalty.

than 10 days nor more than six months, or be punished by both such fine and imprisonment: *Provided, however,* That nothing herein shall prevent any person or persons, firm or corporation engaged in the publication of any newspaper, magazine or periodical from receiving from any person other than a candidate, for publication, and publishing, any matter, article or articles advocating the election or defeat of any candidate or candidates, and receiving from such person not a candidate, a consideration therefor, if such article so published or printed in black face Roman capitals, in a conspicuous place, the statement "Paid Advertisement, paid for by" (here insert name of person, persons, firm or corporation making such payment and if such person, persons, firm or corporation is agent for another, then must follow a statement as to whom such person, persons, firm or corporation is or are agent for). But this section shall not be construed as permitting the payment for such publication, either directly or indirectly, by a candidate, or for any publication prohibited by section 28 of this act.

"Paid advertisement."

[Am'd. § 30,
ch. 209, p.
473, L. '07.]

SEC. 9. That section 30 of said act shall be amended to read as follows: Sec. 30. Every candidate for nomination under the terms of this act, or any amendment thereto shall, within ten days after the day of holding the primary election at which he is a candidate, file an itemized statement in writing, duly sworn to as to its correctness, with the officer with whom his declaration of candidacy or other nomination paper is filed, setting forth each sum of money and thing of value, or any consideration whatever, contributed, paid or promised by him, or anyone for him, with his knowledge or acquiescence, for the purpose of securing or influencing, or in any way affecting, his nomination, to said office. Said statement to set forth the sums paid as personal expenses and stating fully the nature, kind and character of the expense for which the sums were expended separately, and the party or parties to whom the sums were paid and

Statement of expenses to be filed.

the purposes for which such payments were made; and in this statement all sums or other considerations promised and not paid shall be included. Such statement, when so filed shall immediately be subject to the inspection and examination of any elector and shall be and become a part of the public records.

SEC. 10. That section 33 of said act shall be amended to read as follows: Sec. 33. The provisions of the statute in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns thereof, and all other kindred subjects, including the sale of intoxicating liquors during the hours the polls are open, shall apply to all primaries in so far as they are consistent with this act.

[Am'd. § 33,
ch. 209, p.
475, L. '07.]

General elec-
tion laws
apply.

SEC. 11. That section 38 of said act shall be amended to read as follows: Sec. 38. Judges of the superior courts, state senators and representatives shall not be considered state officers within the provisions of this act relating to the first choice and second choice voting. Candidates for judges of the supreme court shall be nominated by a convention of any political party or parties in the manner provided by existing laws for conventions and the names of such nominees shall be certified to the Secretary of State and shall be placed on the official ballots under the party designation of the party so nominating them, or if by a joint convention of two or more political parties, then under the political designation of each party joining in such convention. When there are to be elected at any general election one or more judges of the superior court of any county, the candidates for each respective office whose names are to be placed on the general election ticket, shall be determined as follows: The number of candidates equaling the number of judicial positions to be filled, who receive the highest number of votes at the primary election, and an equal number of candidates for such positions, providing there are such candidates, who receive the next highest number of votes,

[Am'd. § 38,
ch. 209, p.
476, L. '07.]

Supreme
judges nomi-
nated by
convention.

Placed on
ballots, how.

Superior
judges.

shall be the candidates for such respective offices and their names shall appear on the general election ballot under the designation of such respective offices. The names of all such candidates for such judicial offices shall appear on the general election ballot under the heading "Non-Partisan Judiciary." Where a vacancy or other cause shall necessitate the election of a judge for a short term and at the same election one or more judges are to be elected for the full term, candidates may announce themselves for either the short or full term and the ballots shall be arranged accordingly. There shall be a separate ballot for the candidates for nomination for such judicial offices which shall be the general election ballot hereinbefore referred to, and shall be printed, delivered, voted and counted as hereinbefore provided for the general primary election ballot: *Provided*, That any voter shall have the privilege of voting this ticket alone. The form of said ballot shall be substantially as follows:

[FORM OF BALLOT]

PRIMARY ELECTION BALLOT

.....COUNTY

NON-PARTISAN JUDICIARY TICKET

To vote for a person make a cross (x) in the square at the RIGHT of the name of the person for whom you desire to vote.

| Judges of Superior Court | Vote for.... |
|--------------------------|--------------------------|
| JOHN DOE..... | <input type="checkbox"/> |
| JOHN DOE..... | <input type="checkbox"/> |
| JOHN DOE..... | <input type="checkbox"/> |

[New section to ch. 209, L. '07.]

SEC. 12. That said act be amended by inserting between sections 38 and 39, section 38½, to read as follows: Sec. 38½. Nothing in this act contained shall prevent any voter from writing or pasting on his ballot or ballots the name of any person for whom he desires to vote for any office, and such vote shall be counted the same as if printed upon the ballot and marked by the voter.

Writing or pasting name permitted.

SEC. 13. An emergency exists and this act shall take Emergency.
effect immediately.

Passed by the Senate March 4, 1909.

Passed by the House March 10, 1909.

Approved March 12, 1909.

CHAPTER 83.

[S. B. 228.]

RELATING TO ACTIONS FOR TORT.

AN ACT providing that all claims for damages sounding in tort against any city of the first class must set forth a statement of the actual residence of the claimant at the date of presenting such claim and for six months immediately prior to the time such claim for damage accrued, and providing that such claims for damages shall comply in all other respects with valid charter provisions of any such city relating to such claims for damages, and declaring mandatory the provisions hereof.

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

SECTION 1. That whenever a claim for damages sounding in tort against any city of the first class shall be presented to and filed with the city clerk or other proper officer of such city, in compliance with valid charter provisions of such city, such claim must contain, in addition to the valid requirements of such city charter relating thereto, a statement of the actual residence of such claimant, by street and number, at the date of presenting and filing such claim; and also a statement of the actual residence of such claimant for six months immediately prior to the time such claim for damages accrued. Claims, how presented.

SEC. 2. That nothing in this act shall be construed as in any wise modifying, limiting or repealing any valid provision of the charter of any such city relating to such claims for damages, but the provisions of this act shall be in addition to such charter provisions, and such claims for Charter provisions.