

CHAPTER 161.

[ H. B. 612. ]

ELECTIONS.

AN ACT relating to elections and voting; providing for time and manner of holding and calling certain city, town and district elections; conferring certain powers and duties in connection therewith upon the Secretary of State, and amending section 2, chapter 61, Laws of 1921, as last amended by section 1, chapter 182, Laws of 1927, section 1, chapter 170, Laws of 1921, as amended by section 1, chapter 279, Laws of 1927, section 5, chapter 194, Laws of 1945, as amended by section 3, chapter 234, Laws of 1947, section 8, page 403, Laws of 1889-90, as last amended by section 4, chapter 234, Laws of 1947, section 11, page 404, Laws of 1889-90, as last amended by section 5, chapter 234, Laws of 1947, and section 8, chapter 209, Laws of 1907, as last amended by section 2, chapter 234, Laws of 1947.

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

SECTION 1. Section 2, chapter 61, Laws of 1921, Amendment.  
as last amended by section 1, chapter 182, Laws of 1927, is amended to read as follows:

Section 1. All city, town, school district, park district, irrigation district, dike district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, water district, fire district, hospital district, ferry district, sewer district and all other municipal and district elections excepting port district and public utility district elections, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in Class A counties and counties of the first class on the second Tuesday in March in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time of holding elections for the recall of city, town or district officers: *Provided, however*,

Municipal and district elections in Class A and first class counties.

Port and public utility districts excluded.

Date of election.

Proviso.

Special election in emergency.

That the County Auditor as ex officio supervisor of elections, when in his judgment an emergency exists, whenever requested so to do by a resolution of the governing board of any such municipality or district, may call a special election at any time in any such municipality or district, and at any such special election said County Auditor may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law: *And provided further*, That this act shall not apply to irrigation districts in first class counties, but such irrigation district officers shall be elected and qualified for the terms at the time and in the manner provided by laws relating specifically to irrigation districts.

Irrigation districts in first class counties excluded.

Amendment.

SEC. 2. Section 1, chapter 170, Laws of 1921, as amended by section 1, chapter 279, Laws of 1927, is amended to read as follows:

Elections in cities and towns in other than Class A and first class counties.

Section 1. All city and town elections, other than in Class A and first class counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such city or town, of any question for their adoption and approval, or rejection, shall be held on the second Tuesday of March in the year in which they may be called. All school district elections, other than in Class A and first class counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such district, of any question for their adoption and approval, or rejection, shall be held on the first Saturday in February: *Provided, however*, That all elections affected by this section that would have been held during the year 1949, but for this act, shall be held on the dates provided herein during the year 1950: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city or district officers or primary elec-

Date of election.

School district elections.

Date of election.

Excluded elections.

tion or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter: *Provided further*, That whenever in the judgment of the governing board, an emergency exists, such board may, by resolution, call a special election at any time in such municipality or district, and at any such special election said governing board may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law.

Special election in emergency.

SEC. 3. All primaries for all cities of the first, second and third class named in this act, irrespective of type or form of government shall be nonpartisan and held four (4) weeks prior to the municipal general election. All names of candidates to be voted upon at city primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the municipal general election ballot under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the municipal general election ballot so that the voter shall have a choice of two candidates for each position: *Provided*, That no name of any candidate shall appear on the city general election ballot unless said candidate shall receive at least ten per centum (10%) of the total votes cast for that office. The

Primary elections in first, second and third class cities.

sequence of names of candidates printed on the municipal general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the municipal primary and general election ballot need not be rotated: *Provided, further,* That no provision of this section in conflict with the primary election provisions contained in charters of cities of the first class shall be effective.

Candidates nominated in fourth class cities.

Notice of nomination caucus.

SEC. 4. Fourth class municipalities shall not hold primaries but shall nominate candidates by party caucus to be held therein. Notice of such nominating caucus shall be given by one publication of general circulation within the community at least ten (10) days prior to the date fixed for the holding thereof. In the event no such publication is available then notice shall be given by posting at the three (3) most prominent places in the town. The caucus shall be held in such manner as shall be determined by ordinance of the town council.

Conducting and canvassing of elections.

SEC. 5. All elections held under section 1 of this act shall be conducted by the County Auditor as ex officio County Supervisor of Elections and shall be canvassed by the County Canvassing Board of Election Returns. All elections held under section 2 of this act shall be conducted and canvassed by the local municipal or district officers normally charged with the conducting of said elections.

Amendment.

SEC. 6. Section 5, chapter 194, Laws of 1945, as amended by section 3, chapter 234, Laws of 1947, is amended to read as follows:

Filing candidacy in elections in first, second and third class cities.

Section 5. All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty (60) nor less than forty-five (45) days prior to the day of the primary with the clerk thereof.

All candidates for district offices shall file declarations of candidacy not more than sixty (60) nor less than forty-five (45) days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That this act shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five (5) days after the last day allowed for filing declarations of candidacy.

Filing of candidacy for district offices.

Withdrawal of candidacy.

The City Clerk in Class A or first class counties shall transmit to the County Auditor at least thirty-five (35) days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

Certified list of candidates in Class A and first class counties.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections.

Fees.

SEC. 7. Section 8, page 403, Laws of 1889-90, as last amended by section 4, chapter 234, Laws of 1947, is amended to read as follows:

Amendment.

Section 8. Certificates of nomination by clerks of fourth class towns, in Class A and first class counties, showing who has been nominated and for what office therein, shall be filed with the County Auditor not less than twenty (20) days before the election.

Filing of certificates of nominations in fourth class cities.

SEC 8. Section 11, page 404, Laws of 1889-90, as last amended by section 5, chapter 234, Laws of 1947, is amended to read as follows:

Amendment.

Section 11. Any person nominated for public office at a September primary may at least twenty-five (25) days before election notify in writing the officer who issues the certificate of nomination that he declines the nomination, whereupon the nomination shall be void.

Decline of nomination.

Any person nominated for public office at other than a September primary may at least twenty (20) days before election notify in writing the officer who issues the certificate of nomination that he declines the nomination, whereupon the nomination shall be void.

Date of commencement of term of officers.

SEC. 9. The term of every city, town and district officer, excepting school district officers, elected to office on the second Tuesday in March shall begin on the first Monday in June following his election. The term of every officer in first, second and third class school districts shall begin on the twentieth day following his election. Any person elected to office at the first election held under this act shall not take office until the expiration of the term of office of his predecessor. Any person whose term of office shall expire prior to the holding of the first election under this act, shall continue to hold office until his successor is elected and qualified.

Amendment.

SEC. 10. Section 8, chapter 209, Laws of 1907, as last amended by section 2, chapter 234, Laws of 1947, is amended to read as follows:

List of candidates.

Section 8. At least thirty-five (35) days before any September primary, the Secretary of State shall transmit to each County Auditor a certified list, containing the name, post office address and party designations of each person to be voted for at such primary, and the office for which he is a candidate as appears by the nomination papers filed in his office.

Notice of primary election.

Notice for any primary election shall be given by publication not more than ten (10) nor less than three (3) days prior to the primary election by the County Auditor or City Clerk as the case may be, in one or more newspapers of general circulation within the county. Said legal notice shall contain the proper party designations, the names and addresses of all persons who have filed a declaration

Contents of notice.

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 non-partisan 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.

Non-partisan offices.

Each County Auditor or City Clerk as the case may be shall at least twenty-five (25) days before any primary, have prepared sufficient ballots for use by absentee voters.

Absentee ballots.

SEC. 11. Notice for any state, county, district, or municipal general election shall be given by publication not more than ten (10) nor less than three (3) days prior to the general 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 non-partisan 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 election.

Notice of general election.

Contents of notice.

Non-partisan offices.

SEC. 12. The Secretary of State through his election division shall be the chief election officer for all state, city and town elections and it shall be his duty to keep records of such elections held in the state

Secretary of State is chief election officer.

and to make such records available to the public upon request.

Secretary of State to make rules and regulations.

SEC. 13. The Secretary of State shall make rules and regulations not inconsistent with the state, city and town 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.

Passed the House March 3, 1949.

Passed the Senate March 6, 1949.

Approved by the Governor March 16, 1949.

CHAPTER 162.

[ H. B. 202. ]

RENTING OR LEASING OF LANDS HELD FOR STATE HIGHWAY PURPOSES.

AN ACT relating to state highways; providing that the Director of Highways may rent, lease and administer certain highway property, and providing disposition of monies received therefrom.

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

Unused state highway lands may be rented or leased.

SECTION 1. The Director of Highways is authorized to rent or lease any lands, including improvements thereon, which are held for state highway purposes and are not presently needed therefor, upon such terms and conditions as the Director may determine, and to maintain and care for such property in order to secure rent therefrom.

Disposition of monies collected.

SEC. 2. All monies paid to the State of Washington under any of the provisions hereof shall be deposited in the Motor Vehicle Fund.

Passed the House March 8, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 16, 1949.