

NEW SECTION. Sec. 9. If any provision of this 1974 act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 9 of this 1974 act shall constitute a new chapter in Title 52 RCW.

Passed the Senate February 11, 1974.  
Passed the House February 11, 1974.  
Approved by the Governor February 19, 1974.  
Filed in Office of Secretary of State February 19, 1974.

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CHAPTER 127

[Engrossed Senate Bill No. 3003]

ELECTION LAWS—REVISIONS—PENALTIES

AN ACT Relating to elections; amending section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055; amending section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.100; amending section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120; amending section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.160; amending section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110; amending section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. and RCW 29.39.120; amending section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.010; amending section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.030; amending section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.050; amending section 6, chapter 73, Laws of 1967 ex. sess. as amended by section 10, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.060; amending section 7, chapter 73, Laws of 1967 ex. sess. as amended by section 11, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.070; repealing section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025; repealing section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; repealing section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900; adding new sections to chapter 9, Laws of 1965 and to chapter 29.07 RCW; defining crimes; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 29.04.055, chapter 9, Laws of 1965 and RCW 29.04.055 are each amended to read as follows:

At any primary, regular, or special county, city, town, or district election, the election authority of any such municipality or district may combine, unite, or divide precincts for the purpose of holding such election: PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply.

Sec. 2. Section 6, chapter 156, Laws of 1965 ex. sess. as last amended by section 2, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.100 are each amended to read as follows:

All poll books or current ((precinct)) lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish ((copies of any poll books or)) current ((precinct)) lists or mailing labels of registered voters in his possession, at actual reproduction cost, to any person requesting such ((copies)) information: PROVIDED, That such lists and ((books)) labels shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and books may be used for any political purpose. In the case of political subdivisions which encompass portions of more than one county, the request may be directed to the secretary of state who shall contact the appropriate county auditors and arrange for the timely delivery of the requested information: PROVIDED, That the secretary of state shall promptly furnish, without cost and upon application therefor, an annual state-wide listing or computer tape of registered voters to the state central committee of any major political party that received at least ten percent of the total votes cast for the office of president at the preceding presidential election.

Sec. 3. Section 4, chapter 111, Laws of 1973 1st ex. sess. and RCW 29.04.120 are each amended to read as follows:

(1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be guilty of a felony punishable by imprisonment in the state penitentiary for a period of not more than five years or a fine of not more than five thousand dollars or both such fine and

imprisonment, and shall be liable to each person provided such advertisement or solicitation, without his consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to his residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless he is liable under subsection (2). For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one item. Merely having a mailbox or other receptacle for mail on or near his residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

Sec. 4. Section 29.07.160, chapter 9, Laws of 1965 as amended by section 20, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.160 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers ((between counties)) for thirty days immediately preceding every election and primary to be held in such precincts, respectively((; but they shall remain open for an additional fifteen days for transfers of registration from one precinct within the county to another precinct in the same county)).

The county auditor shall give notice of the closing of said files for original registration and transfer by one publication in a newspaper of general circulation in the county at least five days before such closing.

Sec. 5. Section 29.18.110, chapter 9, Laws of 1965 and RCW 29.18.110 are each amended to read as follows:

No candidate for a ((party nomination)) partisan office shall be the party nominee unless he receives a number of votes equal to at least ((ten)) five percent of the ((highest)) total number cast for ((any candidate of his party in the political subdivision in which he is a candidate)) all candidates for the position sought.

Subject thereto, 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.

Sec. 6. Section 29.39.120, chapter 9, Laws of 1965 as amended by section 2, chapter 178, Laws of 1971 ex. sess. and RCW 29.39.120 are each amended to read as follows:

In mailing absent voter's ballots to service voters, the county auditor ((or secretary of state)) shall send a copy of the official voters' pamphlet with the ballot and a small envelope and letter of instructions together with a larger envelope addressed to the county auditor ((or secretary of state)) and upon which there shall be plainly printed a form in substantially the following language:

"DECLARATION

"I do hereby declare under penalty of perjury that I am a citizen of the United States; ((and have checked the applicable box below:

" ) that I will be at least eighteen (18) years of age ((but less than twenty-one (21) years of age  or at least twenty-one (21) years of age )) on the day of ((the next)) this election; that I have been a legal resident of the state of Washington for at least ((one year; and have established all other residence as required by law; that my last residence in Washington for voting purposes was:

Name of county.....

Name of city or town.....

Street or number.....) thirty days; and that I

am a service voter under the laws of the state of Washington. ((If possible give precinct name or number here.....)) I

further declare that I am not voting any other ballot of the state of Washington or of any other state of the United States at this election."

Legislative District ..... Precinct .....

Dated this ..... day of ....., 19...



.....  
Print name for  
positive identification

.....  
Signature of applicant

((.....  
Article VI, section 4 of the state Constitution provides: For the purpose of voting and eligibility to office; no person shall be deemed to have gained a residence by reason of his presence; or lost it by reason of his absence; while in the civil or military service of the state or of the United States; nor while a student at any institution of learning; nor while engaged in the navigation of the waters of this state or of the United States; or of the high seas; .....))

Any person making a false statement in his declaration is guilty of perjury.

Sec. 7. Section 1, chapter 73, Laws of 1967 ex. sess. as amended by section 3, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.010 are each amended to read as follows:

As used in this chapter:

((1)) "New resident" means a person qualified to vote for presidential and vice-presidential electors as provided by this chapter and the laws of the United States((;

(2) "Special voter" means a person qualified to vote for presidential and vice-presidential offices or electors and the office of United States senator and United States representative as provided by this chapter and the laws of the United States)).

Sec. 8. Section 3, chapter 73, Laws of 1967 ex. sess. as amended by section 6, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.030 are each amended to read as follows:

All voting as provided by this chapter shall be by mail through the use of a ((special voter ballot or)) new resident presidential ballot issued by the secretary of state.

Insofar as applicable, the voting procedure for a new resident to cast a presidential ballot ((and for special voters to cast a special ballot;)) shall be substantially the same as for civilian absentee voting as provided in chapter 29.36 RCW but the secretary of state shall make such revisions that are necessary to carry out the purpose of this chapter, including but not limited to, the following:

(1) A new resident must execute an official application form as prescribed by RCW 29.72.040, as now or hereafter amended, as a prerequisite to obtaining a ballot;

(2) ((A special voter must execute an official application form as prescribed by RCW 29.72.045 as a prerequisite to obtaining a ballot;

~~(3)~~) All such signed application forms must be received by the secretary of state no later than the day prior to the election concerned. In order to be valid, all ballots must be voted and postmarked no later than the day of the election and received by the secretary of state no later than the fifteenth day following the election;

~~((4))~~ (3) The state canvassing board as prescribed in RCW 29.62.100 shall perform the preliminary tasks and be responsible for the count of the new resident presidential ballots ~~((and the special voter ballots))~~ in the same manner as the county canvassing board performs in the count of absentee ballots as provided in chapter 29.36 RCW. In the event any member of the state canvassing board cannot appear in person, his assistant or deputy may serve in his place;

~~((5))~~ (4) The actual count of the new resident presidential ballots ~~((and special voter ballots))~~ shall be done by teams, each consisting of four persons, and equally representing each major political party as provided by RCW 29.54.043. The secretary of state shall determine the number of such counting teams to be used and shall employ such persons as needed from lists of names submitted by the state chairman of each major political party. The compensation of such persons shall be the same as those employed by the Thurston county canvassing board to count absentee ballots: PROVIDED, That all votes allowed to be cast by the provisions of this chapter may be cast by "ballot card" and counted by "vote tally system" as those terms are defined in chapter 29.34 RCW, as now or hereafter amended; and

~~((6))~~ (5) The tallying of the new resident presidential ballot ~~((and special voter ballot))~~ shall be by county and upon the conclusion and certification of such count, the appropriate election figures shall be added to the vote cast on each position as reported to the secretary of state by each county auditor. Such adjusted totals shall then constitute the official election returns of the respective counties.

Sec. 9. Section 5, chapter 73, Laws of 1967 ex. sess. as amended by section 9, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.050 are each amended to read as follows:

The wording of the voter's affidavit appearing upon the preaddressed return envelope shall be substantially the same as the wording of the official application as contained in RCW 29.72.040 ~~((or 29.72.045))~~.

Such declaration properly executed is hereby declared to be a full and complete registration of the new resident ~~((or special voter))~~ concerned but only for the purposes of this chapter and the

election for which it is submitted ([: PROVIDED; That a special voter application properly executed and timely received shall be sufficient for both the primary and general election of that year]).

Sec. 10. Section 6, chapter 73, Laws of 1967 ex. sess. as amended by section 10, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.060 are each amended to read as follows:

The signed applications of the new residents ((and special voters)) received by the secretary of state shall be available for public inspection under such reasonable rules and regulations as may be prescribed therefor.

Sec. 11. Section 7, chapter 73, Laws of 1967 ex. sess. as amended by section 11, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.070 are each amended to read as follows:

The secretary of state shall be responsible for furnishing all election supplies necessary to carry out the purposes of this chapter, including but not limited to ballots, envelopes, voting instructions and application forms.

The sets of envelopes used for mailing such ballots shall be patterned after the envelopes as provided by RCW 29.36.030 for the voting of absentee ballots.

The secretary of state shall determine the size of envelopes, dimensions of ballots and voting instructions, and may revise the wording of forms and affidavits whenever in his judgment such changes shall best serve the voting procedure for new residents ((and special voters)).

NEW SECTION. Sec. 12. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

Each county auditor shall establish, on or before July 1, 1975, and maintain a computer file on magnetic tape or disk, punched cards, or other form of data storage containing the records of all registered voters within the county: PROVIDED, That an auditor in a county with more than 150,000 registered voters may decline to comply with the provisions of all or none of sections 1, 4, 12, 13, and 14 of this act. Where it is necessary or advisable, the auditor may provide for the establishment and maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as it now exists or is hereafter amended. The computer file shall include, but not be limited to, each voter's name, residence address, sex, date of registration, applicable taxing district and precinct codes and the last date on which the individual voted. The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain at least the last five such consecutive dates: PROVIDED, That if the voter has not

voted at least five times since establishing his current registration record, only the available dates shall be included.

NEW SECTION. Sec. 13. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

There is established in the general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors for unrecoverable costs incident to the establishment and maintenance of voter registration records on electronic data processing systems. For establishment of such systems, county auditors in counties with fewer than thirty thousand registered voters at the time of the most recent state general election shall be paid thirty cents per registered voter from the voter registration assistance account. For maintenance of such voter registration files, county auditors in counties with fewer than ten thousand registered voters at the time of the most recent state general election shall be paid thirty cents per registered voter per year from the voter registration assistance account: PROVIDED, That prior to July 1, 1975, the secretary of state shall pro rate the maintenance subsidy for each county under such rules and regulations as he may prescribe to reflect the portion of the year or years during which the information on the computer file must be updated and maintained.

NEW SECTION. Sec. 14. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

The secretary of state, as chief election officer, shall adopt rules and regulations, not inconsistent with the provisions of this chapter to:

- (1) Facilitate the establishment and maintenance of voter registration records by county auditors and the use of voter registration information in the conduct of elections; and
- (2) Establish standards and procedures for the establishment and maintenance of voter registration records on electronic data processing systems.

He shall provide planning, coordination, training and other assistance in the conversion of voter registration files to maintenance by electronic data processing and he shall administer the voter registration assistance account.

NEW SECTION. Sec. 15. The following acts or parts of acts are each hereby repealed:

- (1) Section 5, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.025;
- (2) Section 8, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.045; and



(3) Section 13, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.900.

NEW SECTION. Sec. 16. This 1974 act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

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CHAPTER 128  
[Engrossed Senate Bill No. 3021]  
OUT-OF-STATE VEHICLES—  
REGISTRATION—PHYSICAL INSPECTION

AN ACT Relating to motor vehicles; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.030; amending section 46.12.040, chapter 12, Laws of 1961 and RCW 46.12.040; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 46.12.030, chapter 12, Laws of 1961 as last amended by section 2, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

(1) A full description of the vehicle, which said description shall contain the ((~~manufacturer's serial number if it be a trailer, the motor number or~~)) proper vehicle identification number ((~~if it be a motor vehicle~~)), the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: PROVIDED, That the director may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either; PROVIDED FURTHER, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the