

CHAPTER 361

[Reengrossed Substitute Senate Bill No. 2034]

ELECTIONS

AN ACT Relating to elections; amending section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020; amending section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030; amending section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055; amending section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040; amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120; amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; amending section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060; amending section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330; amending section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010; amending section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; amending section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040; amending section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060; amending section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075; amending section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180; amending section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210; amending section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220; amending section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010; amending section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080; amending section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130; amending section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; amending section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030; amending section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060; amending section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170; amending section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020; amending section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030; amending section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125; amending section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010; amending section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035; amending section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040; amending section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045; amending section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050; amending section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060; amending section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070; amending section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080; amending section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130; amending section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140; amending section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090; amending section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100; amending section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010; amending section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020; amending section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060; amending section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010; amending section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020; amending section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040; amending section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055; amending section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010; amending section 29.82.090,

chapter 9, Laws of 1965 and RCW 29.82.090; amending section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100; amending section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140; amending section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200; adding a new section to chapter 29.01 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.34 RCW; adding a new section to chapter 29.48 RCW; adding new sections to chapter 29.54 RCW; adding a new chapter to Title 29 RCW; repealing section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; repealing section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020; repealing section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030; repealing section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; repealing section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; repealing section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060; repealing section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065; repealing section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; repealing section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080; repealing section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; repealing section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092; repealing section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095; repealing section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100; repealing section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105; repealing section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; repealing section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115; repealing section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120; repealing section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130; repealing section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140; repealing section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150; repealing section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; repealing section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170; repealing section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180; repealing section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220; repealing section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230; repealing section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240; repealing section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100; repealing section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050; repealing section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080; repealing section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090; repealing section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100; repealing section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110; repealing section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150; repealing section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160; repealing section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040; repealing section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050; repealing section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110; repealing section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150; repealing section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030; repealing section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110; repealing section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130; repealing section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010; repealing section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020; repealing section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030; repealing section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040; repealing section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050; repealing section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060; repealing section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and

RCW 29.72.070; repealing section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080; repealing section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910; repealing section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82-.050; repealing section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150; providing penalties; and providing an effective date.

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

NEW SECTION. Section 1. There is added to chapter 29.01 RCW a new section to read as follows:

As used in this title:

(1) "Ballot" shall mean a paper ballot, a voting machine diagram, a ballot label, a ballot book, a ballot page, or any combination thereof as the context may imply;

(2) "Paper ballot" shall mean a piece of paper whereon the candidates and measures to be voted upon for a particular election or a primary appear and upon which a voter may directly indicate a vote for any candidate or for or against any measure;

(3) "Voting machine diagram" means an illustration of a voting machine complete with ballot labels prepared for a particular election or a primary;

(4) "Ballot card" means any type of tabulating card or cards or ballots of any size upon which the voter records his vote and shall also include either a security flap or an envelope issued to each voter at ballot card precincts for the voter to conceal his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;

(5) "Ballot label" means the card or paper containing the names of offices and candidates and the statements of measures to be voted upon;

(6) "Ballot page" means the pages on the vote recorder used to display the printed ballot titles and the names of candidates together with properly aligned numbers of response positions;

(7) "Chad" means the piece [piece] of material which is removed or partially removed when punching a hole or notch in a prescored ballot card.

Sec. 2. Section 29.04.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 202, Laws of 1971 ex. sess. and RCW 29.04.020 are each amended to read as follows:

The county auditor of each county shall be ex officio the supervisor of all primaries and elections, general or special, and it shall be his duty to provide places for holding such primaries and elections; to appoint the precinct election officers; to provide for their compensation; to provide ballot boxes and ballots or voting machines, poll books, or precinct lists of registered voters, and tally sheets, and deliver them to the precinct election officers at the polling places; to publish and post notices of calling such primaries and elections in the manner provided by law((;)); PROVIDED, That notice of a general election held in an even-numbered year shall indicate that the office of precinct committeeman will be on the ballot; and to apportion to each city, town, or district, its share of the expense of such primaries and elections: PROVIDED, That this section shall not apply to general or special elections for any city, town, or district which is not subject to RCW 29.13.010 and 29.13.020, but all such elections shall be held and conducted at the time, in the manner, and by the officials (with such notice, requirements for filing for office, and

certifications by local officers) as provided and required by the laws governing such elections.

Sec. 3. Section 29.04.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 165, Laws of 1973 1st ex. sess. and RCW 29.04.030 are each amended to read as follows:

Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act, or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

(1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or

(2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur; or

(6) An error or omission has occurred or is about to occur in the issuance of a certificate of election.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsections (1) and (3) of this section when relating to a general election must be filed with the appropriate court no later than three days following the official certification of the primary election returns and shall be heard and finally disposed of by the court not later than five days after the filing thereof. An affidavit of an elector under subsection (6) of this section shall be filed with the appropriate court no later than ten days following the issuance of a certificate of election.

Sec. 4. Section 29.04.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 129, Laws of 1975-'76 2nd ex. sess. and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. ~~((If at any election three hundred or more votes are cast at any such voting place, the secretary of state as ex officio chief election officer, shall report that fact to the city council, if it is a precinct lying within a first class city or to the county legislative authority if it is any other precinct.))~~ The ~~((city council of the first class city or the))~~ county legislative authority ~~((as the case may be, shall))~~ may divide, alter, or combine precincts so that, whenever practicable ~~((such)),~~ over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of

future growth(~~(, subject to the requirements and limitations of subsection (2) of this section)~~).

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, HOWEVER, That no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the ~~((September))~~ primary election and ending with the day of the ~~((November))~~ general election ~~((held in the even-numbered years. PROVIDED FURTHER, That no precinct boundaries shall be changed nor shall any precinct be created, divided, abolished, or consolidated during the period between February 1st of any year whose last digit is seven and December 1st of any year whose last digit is one, except whose boundaries are changed due to annexation or detachment))~~.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters(~~(, subject to the requirements and limitations of subsection (2) of this section)~~): PROVIDED, That ~~((the counties shall make such changes in the size of the precincts in anticipation of future growth, subject to the requirements and limitations of subsection (2) of this section. PROVIDED FURTHER, That))~~ there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

~~((4) Each county auditor, when reporting the official election returns to the secretary of state as provided by RCW 29.62.090, shall indicate in such report which precincts are voted by paper ballots, by voting machines, or by voting devices. In the instance of a voting machine or voting device precinct, the county auditor shall also indicate the number of such machines or devices used so that the secretary of state will be able to determine that the requirements of this section are being honored:))~~

On petition of ~~((ten))~~ twenty-five or more voters resident more than ten miles from any place of election, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority shall establish a separate voting precinct therefor(~~(, subject to the requirements and limitations of subsection (2) of this section)~~).

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 5. Section 29.04.055, chapter 9, Laws of 1965 as amended by section 1, chapter 127, Laws of 1974 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any ~~((primary, regular, or special county, city, town, or district))~~ election, general or special, or at any primary, 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.

NEW SECTION. Sec. 6. In all counties, all voters shall be registered in accordance with the provisions of this chapter. For the purpose of this chapter,

"county auditor" shall have the meaning ascribed to that term by RCW 29.04.095(1). The county auditor shall be responsible for the conduct of voter registration within the county and shall be the custodian of all official voter registration records for that county.

NEW SECTION. Sec. 7. The secretary of state shall design a unified voter registration form, compatible with existing records, which will permit the applicant to conveniently prepare, on a single card, an original registration, an initiative signature card as required by section 14 of this 1977 amendatory act, and a cancellation of any prior registration in this state. The applicant shall enter the required information, other than his or her signature, no more than one time. The form shall also contain instructions on its use, a notification of filing deadlines specified by section 16 of this 1977 amendatory act, a warning to the applicant of the penalty for knowingly supplying false information, and space for the county auditor to enter the voter's precinct identification, taxing district identification, and registration number. The reverse side of the form shall be printed to permit mailing to the county auditor.

NEW SECTION. Sec. 8. Registration forms necessary to carry out the registration of voters as provided by this chapter shall be furnished by the secretary of state without cost to the respective counties.

NEW SECTION. Sec. 9. The original voter registration records for all precincts within each county shall be filed alphabetically without regard to precincts in the office of the county auditor and shall not be open to public inspection. The information from such records, with the exception of date of birth, shall be available for public inspection and copying as provided in RCW 29.04.100 and 29.04.110.

NEW SECTION. Sec. 10. Each county auditor shall 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. Where it is necessary or advisable, the auditor may provide for the maintenance of such files by private contract or through interlocal agreement as provided by chapter 39.34 RCW, as now or 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 five consecutive dates on which the individual has voted: PROVIDED, That if the voter has not voted at least five times since establishing his or her current registration record, only the available dates shall be included. The county auditor shall subsequently record each consecutive date upon which the individual votes and retain at least the last five such consecutive dates. The computer file of voter registration records shall be arranged so that individual precinct lists of registered voters may be prepared containing only the names, and other information required by this section, listed alphabetically by the surnames of the voters in that precinct.

NEW SECTION. Sec. 11. There is established in the state general fund an account, entitled the voter registration assistance account, to be used to compensate county auditors in counties with fewer than twelve thousand registered voters at the time of the most recent state general election, for unrecoverable costs incident to the maintenance of voter registration records on electronic data processing systems. The secretary of state shall administer the voter registration assistance account and

authorize the payments therefrom under such rules as he may prescribe. County auditors in counties entitled to this compensation shall be paid annually an amount equal to thirty cents for each registered voter in that county at the time of the most recent state general election.

NEW SECTION. Sec. 12. The expense of voter registration and the maintenance of voter registration records shall be apportioned between the county and the cities and towns within that county according to the number of voters registered in all rural areas of the county and in each city and town, respectively, at the time of the last state general election.

NEW SECTION. Sec. 13. The county auditor shall be responsible for the distribution of voter registration forms by which a person may register to vote and cancel any previous registration in the state. Registrations submitted on such voter registration forms need not be subscribed to by the county auditor or a deputized registrar. The county auditor shall keep an adequate supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and he or she shall make every effort to make these forms generally available to the public through government offices, businesses, labor union offices, schools, and any other locations necessary to extend registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, it shall be the duty of a representative designated at that location by that office, business, union, school, firm, or other establishment to notify the county auditor of the need for additional supplies of voter registration forms.

NEW SECTION. Sec. 14. An applicant for registration shall record on the registration form the following items concerning his or her qualifications as a voter of this state, and of the county, city, town, and precinct in which he or she applies for registration:

(1) The address of his or her last former registration as a voter in this state, if applicable;

(2) His or her full name;

(3) His or her sex;

(4) His or her date of birth;

(5) His or her place of residence for voting purposes, giving the street and number, or post office box and physical description sufficient to determine location; and

(6) His or her daytime telephone number, if any. After completing this information concerning his or her qualifications, the applicant shall sign a statement in the following form: "I, the undersigned, hereby declare that the facts set forth relating to my qualifications as a voter are true. I further declare that I am a citizen of the United States, that I am not presently denied my civil rights as a result of being convicted of an infamous crime, that I will have lived in this state, county, and precinct thirty days immediately preceding the next election at which I offer to vote, and that I will be at least eighteen years of age at the time of voting."

The applicant shall also sign his or her name upon a separate portion of the voter registration card, to be designated as an initiative signature card, which also contains spaces for his or her surname, followed by his or her given name or names,

the name of the county and city or town, with post office or street address, the date on which the individual registered, and the name or number of the precinct in which the voter is registered.

The voter registration form shall provide, in a conspicuous place, the following warning: "Any person who knowingly supplies false information on this voter registration form or who knowingly makes a false declaration as to his or her qualifications for registration shall be guilty of a class C felony."

NEW SECTION. Sec. 15. Upon receipt of a completed voter registration form, the county auditor shall immediately examine the form to see that the applicant for registration is not currently registered in that county and shall record on the form the precinct identification, taxing district identification, and other information required by law. Except as provided in section 16 of this 1977 amendatory act, the county auditor, within thirty days of receipt of a voter registration form, shall send to the applicant by first class mail a voter registration card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state. If the voter registration form is incomplete or incorrect the county auditor, within fifteen days of receipt of such form, shall so notify the applicant, and if necessary, send him or her a new voter registration form. The post office shall be instructed not to forward this form or any voter registration card to any other address and to return to the county auditor all undelivered forms and voter registration cards.

NEW SECTION. Sec. 16. To be included among the records of a given precinct for any primary or election, the applicant's voter registration form must be received not later than thirty days prior to that primary or election. An applicant for voter registration whose otherwise complete and correct application is received less than thirty days prior to a primary or election shall be notified by the county auditor that he or she is not eligible to vote in such primary or election at a regular precinct polling place, explaining that he or she may vote an absentee ballot for said primary or election under section 19 of this 1977 amendatory act.

NEW SECTION. Sec. 17. At least thirty-five days prior to each primary or election, the county auditor shall give notice that, in order to be eligible to vote in that election at a regular precinct polling place, an original voter registration form or a request for transfer must be received not later than thirty days prior to that primary or election.

NEW SECTION. Sec. 18. Any qualified elector temporarily residing outside of the county of his or her permanent residence but within the state of Washington, may submit a registration form to the auditor of the county in which he or she is temporarily residing in the manner provided in this chapter. The county auditor receiving the voter registration forms as provided in section 15 of this 1977 amendatory act shall transmit the forms to the county auditor of the county where the applicant permanently resides. A voter registration form received from another county shall be processed immediately by the county auditor of the place of permanent residence of the applicant in the manner provided in sections 15 and 16 of this 1977 amendatory act.

NEW SECTION. Sec. 19. Any otherwise qualified elector whose otherwise complete and correct application for voter registration is received by the county

auditor less than thirty days prior to a primary or election, general or special, may apply prior to the day of any such primary or election in person to the office of the county auditor of the county of his or her residence for a special absentee ballot for such election or primary. The auditor shall register the individual in the manner provided in this chapter, but the registration shall not be effective until thirty days after its execution. The auditor, after the twenty-first day before the election in which the individual intends to vote, shall issue the individual an absentee ballot for any election which occurs before the effectiveness of the individual's registration. This absentee ballot shall be of the same form and shall be processed and canvassed in the same manner as other absentee ballots under chapter 29.36 RCW, as now or hereafter amended.

NEW SECTION. Sec. 20. On the first Monday of each calendar month the county auditor shall transmit all initiative signature cards which have been received in his or her office during the prior month to the secretary of state for filing in his office. Each lot must be accompanied by the certificate of the county auditor that the cards so transmitted are the original cards, and that the voters are registered in the precincts and from the addresses shown thereon.

NEW SECTION. Sec. 21. The initiative signature cards shall be kept on file in the office of the secretary of state in such manner as will be most convenient for, and for the sole purpose of, checking initiative and referendum petitions. They shall not be open to public inspection or be used for any other purpose.

NEW SECTION. Sec. 22. Prior to each primary or election, the county auditor shall prepare a precinct list of registered voters for each precinct in which that primary or election is to be conducted and a certificate as to the authenticity of those records. He or she shall deliver the precinct list of registered voters and the certificate to the inspector or one of the judges of the appropriate precinct at the proper polling place as provided by RCW 29.48.030, as now or hereafter amended.

NEW SECTION. Sec. 23. The precinct list of registered voters for each precinct, delivered to the precinct election officers for use on the day of a primary or an election held in that precinct, shall be returned by them to the county auditor upon the closing of the polling place or at the completion of the count of the votes cast in that precinct at the primary or election. The lists shall be retained by the county auditor for a period of at least one year following the election. These records shall be open to public inspection under such rules as the county auditor may prescribe.

NEW SECTION. Sec. 24. The secretary of state, as chief election officer, shall adopt rules not inconsistent with the provisions of this chapter to:

- (1) Provide the specifications, including style, form, color, quality, and dimensions of the cards, records, forms, lists, and other supplies to be used in recording and maintaining voter registration records;
- (2) Establish standards and procedures for the maintenance of voter registration records on electronic data processing systems and the use of voter registration information in the conduct of elections; and
- (3) Facilitate the registration of voters in an orderly manner and assist county auditors in the performance of their responsibilities under this chapter.

He or she shall provide planning, coordination, training, and other assistance to county auditors to facilitate the maintenance of voter registration records on electronic data processing systems and the use of voter registration in the conduct of elections.

NEW SECTION. Sec. 25. Sections 6 through 24 of this 1977 amendatory act shall constitute a new chapter in Title 29 RCW.

Sec. 26. Section 29.10.040, chapter 9, Laws of 1965 as amended by section 26, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.040 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county, shall be required to register anew. Before registering anew, the voter shall sign an authorization to cancel his or her present registration in substantially the following form: "I hereby authorize the cancellation of my registration in precinct of county." Such authorization shall be ~~((filed with the registration officer before whom the voter registers anew, and shall be))~~ forwarded promptly to the ~~((registrar))~~ county auditor of the county in which the voter was previously registered. Upon the receipt of such authorization, the ~~((registrar))~~ county auditor of the county where the previous registration was made, shall cause the signature on the authorization to be compared with the signature on the registration ~~((forms))~~ record of such voter, and if it appears that the signatures were made by the same person, the former registration record shall be canceled forthwith ~~((; but if it shall not so appear, it shall be the duty of the registrar receiving such authorization to notify the registrar of the county forwarding such authorization of the apparent fraud, and the registrar receiving such notification shall cancel the new registration, and note on the cards or forms the reason for such cancellation, and shall notify the person so registered anew, by mail of such cancellation and the reason therefor))~~.

Sec. 27. Section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080 are each amended to read as follows:

~~((On the first day of April of each odd-numbered year, or as soon thereafter as is practicable, every))~~ (1) After each state general election and prior to January 1st of the next calendar year, the county auditor shall ~~((examine the registration records in his custody, and if, from such examination, he finds that))~~ cancel the voter registration record of any registered voter ~~((has failed, for a period of thirty months preceding April 1st of said odd-numbered year to vote in at least one election, he shall remove the registration cards of such voter from the original and duplicate files, and cancel the same by entering thereon over his signature the words "canceled for failure to vote for thirty months" and the date of such cancellation or shall remove the name and other registration information of such voter from the registration lists of the county and place them on a list identified with the date of cancellation and the words, "canceled for failure to vote for thirty months"))~~ who fails to meet the requirements of subsection (2) of this section for retaining registered status. He shall ~~((also))~~ notify the voter whose registration has been canceled, by mail, at his last registration address, of the fact that his registration has been

canceled, and that he will not be entitled to vote at any election until he has registered anew. No voter's registration shall be canceled if his original registration was made less than ~~((thirty))~~ twenty-four months prior to the cancellation date. The secretary of state shall be notified immediately of all such cancellations.

(2) A registered voter shall retain such status by either having voted at (a) any election, general or special, or at any primary within the past twenty-four months, or (b) the most recent presidential election.

Sec. 28. Section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120 are each amended to read as follows:

On or before ~~((August))~~ March 1st of ~~((the odd-numbered))~~ each year, each county auditor shall execute a sworn statement and file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington }
County of } ss.

I,, do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the ~~((thirty))~~ twenty-four month period immediately prior to the first day of ~~((April))~~ January of this year, or at the last presidential election, as provided by law.

Further, the number of said cancellations totaled A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations ~~((as reported on Permanent Registration Form No. 8))~~.

.....
(Signature) (Title)
Subscribed and sworn to.

Sec. 29. Section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070 are each amended to read as follows:

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the third Tuesday of the preceding September or on the seventh Tuesday immediately preceding such general election, whichever occurs first.

Sec. 30. Section 29.18.040, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 29.18.040 are each amended to read as follows:

~~((+))~~ Declarations of candidacy shall be filed as follows:

~~((a))~~ (1) For state offices, United States senate, United States house of representatives, and the state legislature and superior court when electors from a district comprising more than one county vote upon the candidates, in the office of the secretary of state~~((:))~~;

~~((b))~~ (2) For all other offices, ~~((except city and town offices,))~~ when electors from only one county vote upon the candidates, in the office of the county auditor.

~~((c) For city and town offices, in the office of the city clerk.~~

~~(2))~~ Each official with whom declarations of candidacy are filed under this section, within one business day following the closing of the applicable filing period, shall forward to the public disclosure commission a copy of each declaration of candidacy filed in his office during such filing period or a list containing the name of each candidate who files such a declaration in his office during such filing period together with a precise identification of the position sought by each such candidate and the date on which each such declaration was filed. Such official, within three days following his receipt of any letter withdrawing a person's name as a candidate, shall also forward a copy of such withdrawal letter to the public disclosure commission.

Sec. 31. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the ~~((clerk thereof))~~ county auditor not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010, as now or hereafter amended, shall file their declarations of candidacy with the county auditor of the county not earlier than the last Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

~~((The city and town clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.))~~

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 32. Section 1, chapter 130, Laws of 1967 ex. sess. and RCW 29.21.330 are each amended to read as follows:

Not less than ten days before the time for filing declarations of candidacy for election as freeholders under Article XI, section 4, of the state Constitution, and after the county ~~((commissioners have))~~ legislative authority has determined the number of positions to be filled in either the legislative or county commissioner

districts, the county auditor shall designate the positions to be filled by consecutive number, commencing with one. The positions to be designated shall be dealt with as separate offices for all election purposes, and each candidate shall file for one, but only one, of the positions so designated.

In the printing of ballots, the positions of the names of candidates for each numbered position shall be changed as many times as there are candidates for the numbered position, following insofar as applicable the procedure provided for in RCW 29.30.040 as now or hereafter amended for the rotation of names on primary ballots, the intention being that ballots at the polls will reflect as closely as practicable the rotation procedure as provided for herein.

NEW SECTION. Sec. 33. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position 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. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

NEW SECTION. Sec. 34. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting devices and on absentee ballots designed to be tabulated on a vote tallying system, the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if

any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

NEW SECTION. Sec. 35. There is added to chapter 29.30 RCW a new section to read as follows:

The form of a ballot page for a primary election shall be substantially as follows:

PRIMARY ELECTION BALLOT

..... County

(Date of primary)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the RIGHT of the measure or of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

UNITED STATES SENATOR	(Name of candidate)	(Party)→
	(Name of candidate)	(Party)→
Vote for one	(Name of candidate)	(Party)→
UNITED STATES REPRESENTATIVE	(Name of candidate)	(Party)→
	(Name of candidate)	(Party)→
Vote for one	(Name of candidate)	(Party)→

(and so on with the other officers in order.)

NEW SECTION. Sec. 36. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting devices, unless otherwise required, the names of candidates for each office or position shall be first arranged beside each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot pages for the voting devices shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position between each set of ballot pages, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot pages are printed, they shall be allocated among the various voting devices throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot pages shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: PROVIDED, That this ten percent restriction shall not apply to counties with fewer than twenty-five precincts.

NEW SECTION. Sec. 37. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using absentee ballots designed to be tabulated on a vote tallying system, on or before the fifteenth day before a primary or an election, the county auditor shall prepare sample ballots which he shall display in a conspicuous place in his office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

NEW SECTION. Sec. 38. There is added to chapter 29.30 RCW a new section to read as follows:

In counties using absentee ballots designed to be tabulated on a vote tallying system, at least twenty days before any primary, each county auditor shall have prepared a sufficient number of such absentee ballots for use by absentee voters.

NEW SECTION. Sec. 39. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot pages for general elections shall be of the same size for each and every precinct within a county, shall be of a good quality paper, and the names shall be printed thereon in black ink.

NEW SECTION. Sec. 40. There is added to chapter 29.30 RCW a new section to read as follows:

Where voting devices are used, the candidates for partisan offices shall be listed on the ballot pages at the general election in the following manner: The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first beside the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot card or envelope.

NEW SECTION. Sec. 41. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of the ballot pages used in general elections shall conform as nearly as possible to the following form:

GENERAL ELECTION BALLOT
..... County
(Date of election)

To vote for a candidate or for or against a measure, punch through the ballot card in the hole to the right of the measure or of the name of the person for whom

you desire to vote. To vote for a person not on the ballot, write the title of the office, the name of the candidate, and party affiliation if for a partisan office, in the space provided on the ballot card or ballot envelope.

(Here place any state measures to be voted on.)

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES	(Name of candidate) and (Name of candidate)	(Party)→
	(Name of candidate) and (Name of candidate)	(Party)→
Vote for one	(Name of candidate) and (Name of candidate)	(Party)→
UNITED STATES SENATOR	(Name of candidate)	(Party)→
	(Name of candidate)	(Party)→
Vote for one	(Name of candidate)	(Party)→

(Other partisan offices follow on the ballot in the same form.)

NONPARTISAN BALLOT

SUPERINTENDENT OF PUBLIC INSTRUCTION	(Name of candidate)	Nonpartisan→
	(Name of candidate)	Nonpartisan→
Vote for one		
JUSTICE OF THE SUPREME COURT POSITION.....	(Name of candidate)	Nonpartisan→
	(Name of candidate)	Nonpartisan→
Vote for one		

(Other nonpartisan offices follow on the ballot in the same form.)

NEW SECTION. Sec. 42. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for primary elections in counties using voting machines shall be uniform in color and size, shall be white and printed in black ink. The following instructions shall be prominently displayed in the polling place: "Move the handle of the machine to the RIGHT as far as it will go and leave it there. To vote on measures, pull the lever down over the 'Yes' or 'No' and leave it there. To vote for a candidate, pull the lever down over the name of each candidate you wish to vote for and leave it there. Move the handle of the machine to the LEFT as far as it will go and you have voted." Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names beneath such designation are candidates, and below the office designation 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. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any,

with which the candidate desires to affiliate or the word "nonpartisan". Each position with the names running for that office, shall be separated from the adjacent ones by a bold line.

NEW SECTION. Sec. 43. There is added to chapter 29.30 RCW a new section to read as follows:

In precincts using voting machines the positions or offices on a state primary ballot shall be arranged in substantially the following order: United States senator; United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; judges of the court of appeals; judges of the superior court; and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. The voting machine shall provide blank spaces for writing in the name of any candidate, if desired.

NEW SECTION. Sec. 44. There is added to chapter 29.30 RCW a new section to read as follows:

The form of primary ballots in precincts where voting machines are used shall be substantially as follows:

PRIMARY ELECTION BALLOT
 County
 (Date of primary)

(Here place any state or local measure to be voted on.)

UNITED STATES SENATOR Vote for one	UNITED STATES REPRESENTATIVE District Vote for one
(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)
(Name of Candidate) (Party)	(Name of Candidate) (Party)

(Other offices follow to the right in order.)

NEW SECTION. Sec. 45. There is added to chapter 29.30 RCW a new section to read as follows:

In primary elections in precincts where votes are cast on voting machines, unless otherwise required by law, the names of candidates for each office or position shall be first arranged under each office heading in the order in which their declarations of candidacy were filed. Additional sets of ballot labels shall be printed in which the positions of the names of all candidates for each such office or position shall be changed as many times as there are candidates in the office or position in which there are the greatest number of names. In making the changes of position

between each set of ballot labels, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved to the position previously occupied by the name of the preceding candidate under that office heading in the order of filing for such office. After the required sets of ballot labels are printed, they shall be allocated among the various voting machines throughout the county in such a manner that each rotation will be utilized by a nearly equal number of registered voters. The maximum variation between the number of registered voters allocated to any two sets of rotated ballot labels shall not exceed ten percent of the total number of registered voters in the county, with the count taken at the close of the filing period: PROVIDED, That this restriction shall not apply to counties with fewer than twenty-five precincts.

NEW SECTION. Sec. 46. There is added to chapter 29.30 RCW a new section to read as follows:

In counties or portions of counties using voting machines, on or before the fifteenth day before a primary or an election, the county auditor shall prepare a voting machine diagram which he shall display in a conspicuous place in his office for public inspection. Voting machine diagrams shall be substantially in the same form as the official ballot labels, but the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed, except that the position of precinct committeeman shall be shown on the general election voting machine diagram only by a listing of the position itself, and the names of candidates therefor need not be shown. Voting machine diagrams shall also include instructions for write-in voting.

NEW SECTION. Sec. 47. There is added to chapter 29.30 RCW a new section to read as follows:

All ballot labels for use at a general election shall be of the same size for each and every precinct within the county, shall be of a good quality white paper, and the names shall be printed thereon in black ink.

NEW SECTION. Sec. 48. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall precede the list of candidates of the party whose candidate for president of the United States received the next highest number of votes from the electors of this state in the preceding presidential election, and the candidates of other parties shall be placed in subsequent rows in the order in which their certificates of nomination have been filed.

NEW SECTION. Sec. 49. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Prominently displayed in the polling place used at a general election there shall be printed instructions directing the voters how to operate the voting machine and correctly indicate votes on issues and candidates, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state or county measures authorized by law to be submitted to the voters of such election. Measures submitted by

any jurisdiction other than the state or county may be placed on the same ballot labels as the state and county measures or on separate ballot labels either immediately following the state or county measures or in the position in which offices in that jurisdiction would normally be located.

(2) All nominations of any party or group of petitioners shall be placed on the same row as the title of such party or petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a lever above the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his vote.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in a column separated from the balance of the party tickets by a heavy black line, shall be the names of the candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single lever above with which the voter indicates his choice.

NEW SECTION. Sec. 50. There is added to chapter 29.30 RCW a new section to read as follows:

(1) Displayed within the voting machine shall be instructions including the following: If you desire to vote for any candidate, pull down the lever above the name of such candidate. If you desire to vote for or against any measure, pull down the lever over the "Yes" or "No" above such measure. To vote for a person not on the ballot, write the name of the candidate in the space provided.

(2) The arrangement of the ballot labels used in general elections shall conform as nearly as possible to the following form:

(Here place any state or local measures to be voted on.)

PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES Vote for one	UNITED STATES SENATOR Vote for one
(Names of candidates) (Party)	(Name of candidate) (Party)
(Names of candidates) (Party)	(Name of candidate) (Party)
(Names of candidates) (Party)	(Name of candidate) (Party)

(Other partisan offices follow to the right in the same form.)

Nonpartisan offices appear on a separate portion of the voting machine in the

following form:

SUPERINTENDENT OF PUBLIC INSTRUCTION	JUSTICE OF THE SUPREME COURT POSITION
Vote for one	Vote for one
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan
(Name of candidate) Nonpartisan	(Name of candidate) Nonpartisan

Sec. 51. Section 29.30.010, chapter 9, Laws of 1965 and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be 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;))~~ Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that, the county(;) in which the ballot is to be used(;- Then shall follow the words), the date of the primary, and the instruction: "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. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided." Beginning at the top of the left hand column, at the left of the line ~~(, in black type;))~~ shall appear the name of 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))~~ Below this shall come the names of all candidates for that position ((inclosed in a light faced rule)), each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word "nonpartisan", with a square to the right(, said square being separated by a heavy black face rule, the parallel rules containing the names and squares to be one-sixth of an inch apart)). Each position with the names running for that office, shall be separated from the following one by a ~~((black face rule))~~ bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 52. Section 29.30.020, chapter 9, Laws of 1965 as amended by section 76, chapter 81, Laws of 1971 and RCW 29.30.020 are each amended to read as follows:

In precincts using paper ballots and on absentee paper ballots, the positions or offices on a state primary ballot shall be arranged in substantially ((as follows: First;)) the following order: United States senator; ((next, congressional, next;)) United States representative; governor; lieutenant governor; secretary of state; state treasurer; state auditor; attorney general; commissioner of public lands; insurance commissioner; state senator; state representative; county officers; superintendent of public instruction; justices of the supreme court; ((next;)) judges of the court of appeals; ((next;)) judges of the superior court; ((next, other state officers; next, legislative; next, county officers; next, precinct officers; next, justice of the peace;

next, precinct committeemen)) and judges of the district court. For all other jurisdictions appearing on the primary ballot, the offices in each jurisdiction shall be grouped together and be in the order of the position numbers assigned to those offices, if any. Unless otherwise specified by law, the names shall be listed in order of filing. There shall be a blank space left following the list of names of candidates for each office or position for writing in the name of a candidate, if desired.

Sec. 53. Section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030 are each amended to read as follows:

The form of primary paper ballots shall be substantially as follows:

~~((FORM OF BALLOT))~~
PRIMARY ELECTION BALLOT
..... County
(Date of primary)

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

UNITED STATES SENATOR	Vote for One
((Adams, Frank C.	Democrat <input type="checkbox"/>
Haddock, R. A.	Republican <input type="checkbox"/>
Johnson, Oscar F.	Republican <input type="checkbox"/>
<u>(name of candidate)</u>	<u>(party) <input type="checkbox"/></u>
<u>(name of candidate)</u>	<u>(party) <input type="checkbox"/></u>
<u>(name of candidate)</u>	<u>(party) <input type="checkbox"/></u>
<u>(space for write-in candidate)</u>	<u>(name of party) <input type="checkbox"/></u>

(and so on with the other officers in order.)

~~((Where voting machines are legally used in any county, city, or other municipality, the ballot arrangement of candidates to be voted on at the primary shall be substantially in form with that heretofore set forth in this section, but may be varied so as to carry out the purposes required by use of voting machines.))~~

Sec. 54. Section 29.30.040, chapter 9, Laws of 1965 and RCW 29.30.040 are each amended to read as follows:

In primary elections in precincts where votes are cast on paper ballots, unless otherwise required by law, the names of candidates for each office ((upon primary ballots under the heading designating each official)) or position ((upon the ballots to be used in voting;)) shall be first arranged in the order in which their declarations of candidacy were filed. ((In printing each set of ballots for the several counties;)) Additional sets of official ballots shall be printed in which the positions of the names of all candidates for each such office or position shall be changed ((in

~~each office division))~~ as many times as there are candidates in the office ~~((division))~~ or position in which there are the ~~((most))~~ greatest number of 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))~~ between each set of ballots, the candidates for each such office in the first position under the office heading shall be moved to the last position under that office heading, and each other name shall be moved up to the position immediately above its previous position under that office heading. After the required sets of 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 at the polls shall have the names of the candidates under such offices in a different position.

Sec. 55. Section 29.30.060, chapter 9, Laws of 1965 and RCW 29.30.060 are each amended to read as follows:

In counties or portions of counties using paper ballots, on or before the fifteenth day before a primary or an election, the county auditor shall prepare ((at once)) a sample paper ballot which he shall ((post)) display in a conspicuous place in his office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper, and the names of the candidates for each office shall be arranged thereon in the order in which their declarations of candidacy were filed ((and need not be alternated)), except that the position of precinct committeeman shall be shown on the general election sample ballot only by a listing of the position itself, and the names of candidates therefor need not be shown.

Sec. 56. Section 29.30.075, chapter 9, Laws of 1965 as amended by section 5, chapter 103, Laws of 1965 ex. sess. and RCW 29.30.075 are each amended to read as follows:

In counties using absentee paper ballots, at least twenty days before any primary, each county auditor shall have prepared sufficient paper ballots for use by absentee voters.

NEW SECTION. Sec. 57. There is added to chapter 29.30 RCW a new section to read as follows:

All general election paper ballots within a given precinct shall be of a good quality white paper and the names shall be printed thereon in black ink.

No ballot shall bear any impression, device, color, or thing designated to distinguish such ballot from other legal ballots, or whereby the ballot may be known or designated.

NEW SECTION. Sec. 58. There is added to chapter 29.30 RCW a new section to read as follows:

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

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 secretary of state, 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.

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.

No candidate's name shall appear more than once upon the ballot, unless the name appears once for the office of precinct committeeman, in which case the name may appear not more than twice: **PROVIDED**, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the county auditor within three days after the certification of the canvass of the primary, designate the political party under whose title he desires to have his name placed.

NEW SECTION. Sec. 59. There is added to chapter 29.30 RCW a new section to read as follows:

The list of candidates of the party whose candidate for president of the United States received the highest number of votes from the electors of this state in the preceding presidential election shall be placed in the first column of the left hand side of the paper ballot, the list of candidates of the party whose candidate for president of the United States received the next highest number of votes from the electors of this state in the preceding presidential election shall be placed in the second column, and the candidates of other parties in the order in which certificates of nomination have been filed.

NEW SECTION. Sec. 60. There is added to chapter 29.30 RCW a new section to read as follows:

(1) On the top of each general election paper ballot and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot, including write-in votes, before the same shall be deposited with the judges of election. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be placed under the title of such party of petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

(3) There shall be a at the right of the name of each of its nominees so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice

president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

NEW SECTION. Sec. 61. There is added to chapter 29.30 RCW a new section to read as follows:

The arrangement of paper ballots used in general elections shall in general conform as nearly as possible to the following form:

GENERAL ELECTION BALLOT

..... County
(Date of election)

Instructions: If you desire to vote for any candidate, place X in at the right of the name of such candidate. If you desire to vote for or against any measure, place an X in the appropriate following such measure. To vote for a person not on the ballot, write the title of the office and the name of the candidate in the space provided.

(Here place any state measures to be voted on.)

REPUBLICAN PARTY	DEMOCRATIC PARTY	OTHER PARTY
PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . } (Name of candidate) . . . } <input type="checkbox"/>	PRESIDENT AND VICE PRESIDENT (Name of candidate) . . . } (Name of candidate) . . . } <input type="checkbox"/>	
UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	UNITED STATES SENATOR (Name of candidate) . . . <input type="checkbox"/>	

(Other partisan offices follow on the ballot in the same form.)

NONPARTISAN OFFICES

SUPERINTENDENT OF PUBLIC INSTRUCTION

Vote for one

(name of candidate)
(name of candidate)

**JUSTICE OF STATE SUPREME COURT
POSITION**

Vote for one

(name of candidate)
(name of candidate)

(Other nonpartisan offices follow on the ballot in the same form.)

Sec. 62. Section 29.33.180, chapter 9, Laws of 1965 and RCW 29.33.180 are each amended to read as follows:

Not more than ten nor less than three days before each election at which voting machines are to be used the board or officer charged with the duty of providing ballots shall publish in newspapers representing at least two political parties a diagram of reduced size showing the face of the voting machine after the official ballot labels are arranged thereon, together with illustrated instructions how to vote and a statement of the locations of voting machines which are on public exhibition. Diagrams of voting machines used at general elections held in even-numbered years shall show the position of precinct committeeman, but need not list the names of candidates therefor. In lieu of publication thereof, the board or officer may send by mail or otherwise at least three days before the elections a printed copy of the diagram to each registered voter.

Sec. 63. Section 29.33.210, chapter 9, Laws of 1965 and RCW 29.33.210 are each amended to read as follows:

If more than one voting machine or voting device is to be used in a precinct, ~~((one)) as many additional ((inspector of election shall)) judges may be appointed ((for each additional machine. In any voting precinct where the number of registered voters is less than one hundred the election board may consist of one inspector, one judge and one clerk))~~ as the county auditor determines are required for that primary or election.

Sec. 64. Section 29.33.220, chapter 9, Laws of 1965 as last amended by section 4, chapter 46, Laws of 1975-'76 2nd ex. sess. and RCW 29.33.220 are each amended to read as follows:

Before each primary ~~((election))~~ at which voting machines ~~((or voting devices))~~ are to be used, or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors~~((;))~~ and judges~~((, and clerks))~~ of election who are to serve thereat in the use of the machine ~~((or voting device))~~ and their duties in connection therewith. The custodian may waive instructional requirements for inspectors~~((;))~~ and judges~~((, and clerks))~~ of elections ~~((that))~~ who previously have been granted a certificate of proficiency and ~~((that))~~ who have served as precinct officers for a sufficient length of time to be fully qualified to perform his or her duties in connection with the machine ~~((or voting device))~~: PROVIDED, That any inspectors~~((;))~~ and judges ~~((and clerks))~~ of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine ~~((or voting device))~~ a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. ~~((Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device.))~~ As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine ~~((or voting device))~~ is used unless he has received the required instruction and is fully qualified to perform his

duties in connection with the machine (~~(or voting device)~~) and has received a certificate to that effect from the custodian of the machines (~~(or voting devices)~~): PROVIDED, That this shall not prevent the appointment of an inspector(~~(:)~~) or judge of election to fill a vacancy in an emergency.

Sec. 65. Section 11, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.010 are each amended to read as follows:

As used in this (~~(1967 amendatory act)~~) chapter:

(1) (~~("Ballot card" means the tabulating card or cards or paper ballot of any size upon which the voter records his vote and shall also include the envelope issued to each voter at ballot card precincts for the voter to enclose his voted ballot to insure secrecy and to provide a space for the voter to cast write-in votes if he so desires;~~

~~(2) "Ballot label" means the cards, papers, booklet or other material containing the names of offices, candidates, and measures to be voted on;~~

~~(3)) "Election" means all state, county, city, town, and district elections, general or special, including primaries;~~

~~((4)) (2) "Voting device" means any device into which a ballot card may be inserted and which is so designed and constructed that the vote for any candidate or for and against any measure may be indicated by punching or marking the ballot card;~~

~~((5)) (3) "Vote tally system" means one or more machines used for the purpose of automatically examining and counting votes as cast by paper ballots or ballot cards. Such apparatus may be operated manually, electrically, or electronically and may include data processing machines;~~

~~((6)) (4) "Precinct election officers" shall mean the inspectors(~~(:)~~) and judges(~~(, and clerks)~~) as provided by chapter 29.45 RCW as it now exists or may hereafter be amended;~~

(5) "Counting center" means a facility designated by the county auditor for the operation of a vote tally system on the day of a primary or election.

Sec. 66. Section 18, chapter 109, Laws of 1967 ex. sess. as amended by section 1, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.080 are each amended to read as follows:

No voting device shall be approved by the state voting machine committee unless it is constructed so that it:

(1) Secures to the voter secrecy in the act of voting;

(2) Provides facilities for voting for the candidate of as many political parties or organizations as may make nominations, and for or against as many measures as may be submitted;

(3) Permits the voter to vote for any person for any office and upon any measure that he has the right to vote for;

(4) Permits the voter to vote for all the candidates of one party or in part for the candidates of one or more other parties;

(5) Correctly registers (~~(or records)~~) all votes cast for any and all persons and for or against any and all measures;

(6) Provides that a vote for more than one candidate cannot be cast by one single operation of the voting device or vote tally system except when voting for president and vice president of the United States;

(7) (~~Voting devices shall list~~) Lists all candidates for any office in every primary and election, special or general (~~in the manner shown in RCW 29.30.030 after an arrangement of positions as provided in RCW 29.30.020~~: PROVIDED, That at partisan general elections the candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first under the position designation, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state)).

NEW SECTION. Sec. 67. There is added to chapter 29.34 RCW a new section to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers by precinct election workers without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 68. Section 23, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.130 are each amended to read as follows:

(1) Pursuant to RCW 29.04.080, the secretary of state shall by appropriate regulation devise and prescribe the form, size, weight of paper or material, kind of ballot cards, ballot page formats, procedures for conducting logic and accuracy

tests of computer programs, and other materials and supplies and procedures necessary in the use of voting devices or vote tally systems as provided in this (~~(1967 amendatory act)~~) chapter and in the process of counting and tabulating the ballots by mechanical, electrical, or electronic devices or equipment.

(2) The secretary of state shall follow the provisions of the Administrative Procedure Act, chapter 34.04 RCW, in adopting the rules and regulations authorized by this (~~(1967 amendatory act)~~) chapter.

NEW SECTION. Sec. 69. There is added to chapter 29.34 RCW a new section to read as follows:

Before each primary at which voting devices are to be used, or more frequently as he deems necessary, the county auditor or other election official shall instruct all inspectors and judges of elections who are to serve at that primary or general election in the use of the voting devices and their duties in conjunction with the conduct of that primary or election.

The auditor may waive instructional requirements for inspectors and judges of elections who previously have been granted a certificate of proficiency and who have served as precinct officers for a sufficient length of time to be fully qualified to perform their duties in connection with the voting device: PROVIDED, That any inspectors and judges of elections for whom the instructional requirements are waived may at their discretion take advantage of the instructional program outlined herein. He shall give to each inspector or judge who has received instruction and is qualified to conduct the primary or election with the voting devices, a certificate to that effect. For the purpose of instruction, the county auditor or other election officials shall call such meetings of the inspectors or judges as may be necessary. As compensation for the time spent in receiving instruction each inspector or judge who qualifies and serves at the subsequent primary or election shall receive an additional two hours compensation, to be paid to him at the same time and in the same manner as compensation is paid him for his services on the day of the primary or election. No inspector or judge of election shall serve at any primary or general election at which voting devices are used unless he has received the required instruction and is qualified to perform his duties in connection with voting devices and has received a certificate to that effect from the county auditor or other election official: PROVIDED, That this shall not prevent the appointment of an inspector or judge of election to fill a vacancy in an emergency.

NEW SECTION. Sec. 70. There is added to chapter 29.34 RCW a new section to read as follows:

Before each state primary or general election at which a vote tallying system is to be used, or more frequently as he deems necessary, the county auditor or other election official shall, during the day of the election, instruct all counting center personnel, including political party observers, who are to serve at that primary or election in their duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as an election worker in the counting center at any primary or election at which a vote tallying system is used unless he has received the required instruction and is qualified to perform his duties in connection with the handling and tallying of ballots for that primary or election. No person shall serve as a political party observer unless he has received the required instruction and is familiar with the operation of the vote tallying system and

the procedures to be employed to verify the accuracy of the programming for that vote tallying system.

NEW SECTION. Sec. 71. There is added to chapter 29.34 RCW a new section to read as follows:

The county auditor shall determine the location of the counting center for each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility may be located wherever in the judgment of the county auditor best serves the voters.

All proceedings at the counting center shall be under the direction of the county auditor and under the observation of at least two observers, who shall not be from the same political party, appointed by the county chairman of the respective major political party. Such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container.

Technical assistance from private vendors to the county auditor shall be limited to advice and assistance in the training of precinct election officers and counting center personnel and the development of instructional materials for use in such training, routine maintenance and repair service on the voting devices and vote tallying systems, and any emergency assistance required due to the mechanical failure of any voting device or vote tallying system. Private vendors may provide the compilation of computer programs and preparation of office and report files according to the specifications established by the county auditor for a specific primary or election. All precinct program cards shall be prepared by the county auditor or the staff of his office. Ballot layout functions are to be performed by the secretary of state for federal offices and state-wide measures and offices, and by the county auditor for all other measures and offices.

NEW SECTION. Sec. 72. There is added to chapter 29.34 RCW a new section to read as follows:

At the direction of the county auditor, a representative of each major political party shall together stop at each designated polling place and pick up the sealed containers containing the voted ballot cards for delivery to the counting center. There may be as many as two such stops at each polling place, but the first stop may not be made prior to 2:00 p.m. and the second stop may not be made until after the polls have been closed to voting.

The procedure for transporting voted ballot cards from the respective polling places to the counting center or to predesignated collection stations shall include, but not be limited to, the following measures:

(1) On the day of the primary or election in precincts where ballots are cast on voting devices, two precinct election officials, one representing each major political party, shall place all voted ballots in noncombustible, water resistant ballot containers, furnished by the county auditor and properly identified with his mailing address, and seal the containers with prenumbered seals. The precinct election officials of each major political party or representative of each major political party designated by the county auditor to deliver such ballots shall transport the sealed ballot containers to the counting center or to a predesignated collection station in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked.

(2) At the counting center or the collection stations where the sealed ballot containers are delivered by the designated representatives of the major political parties, the county auditor or his designated representative shall receive the sealed ballot containers with the voted ballot cards enclosed, record the time and date together with each precinct and seal number, and complete signed receipts indicating the time, date, and precinct and seal number of each ballot container received, and give a copy of such receipt to the representatives delivering the ballot containers as such containers are received.

(3) If the ballot containers are delivered to the collection station instead of being delivered directly to the counting center, the county auditor or his designated representative shall transfer such election containers to the counting center in an enclosed vehicle, making certain that all doors and windows thereof other than those windows necessary for adequate ventilation are closed and locked. All ballots being so transferred shall be accompanied by two appointed officials, who shall not be of the same political party, and a representative of the county auditor, who may be one of the appointed officials.

NEW SECTION. Sec. 73. There is added to chapter 29.34 RCW a new section to read as follows:

At least three days prior to the day of the primary or general election, all programming for the vote tallying system to be used at that primary or general election shall be tested by the secretary of state or his designee to ascertain that the equipment will correctly count the vote cast for all candidates and on all measures appearing on the ballot at that primary or general election. The tests shall be conducted by processing a preaudited group of ballots prepared by the office of secretary of state, so punched or marked as to record a predetermined number of ballot votes for each candidate and for and against each measure. For each office for which there are two or more candidates and for each issue, the group of test ballots shall include one or more ballots which have votes in excess of the number allowed by law, in order to verify the ability of the vote tallying system to reject such votes. The test shall be designed to verify the capability of the vote tallying system to perform all of the functions that can reasonably be expected to occur during conduct of that particular primary or election, including but not limited to verification of the content of the ballot format for each precinct or polling place, verification of rotation in the program, and verification of major error identification routines in the program of the vote tallying system. If any error is detected, the cause thereof shall be ascertained and corrected, and an errorless count shall be made before the programming is approved and certified.

Such tests shall be observed by at least two observers, who shall not be of the same political party, designated by the county chairmen of the respective county central committees, and shall be open to candidates, the press, and the public. The secretary of state, the county auditor, and the political party observers shall certify that the test has been properly conducted. Copies of such certification shall be retained by the secretary of state and the county auditor. All programming materials and test ballots shall be securely locked in a noncombustible, water resistant container, and sealed until the day of the primary or general election. This test shall be repeated immediately before the start of the official count of ballots in the same manner as set forth above.

The political party observers, upon mutual agreement, may request a precinct, to be selected at random, at the point of check-in, and manually take a total count of ballots and/or a total count for any one office, return that precinct to the counting center, and request a detailed printout. This may be done as many as three times during the official count so that the accuracy of the proceedings can be again verified by the count of the preaudited group of ballots.

NEW SECTION. Sec. 74. There is added to chapter 29.34 RCW a new section to read as follows:

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: PROVIDED, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035.

Upon breaking the seals and opening the containers, all voted ballot cards shall be checked for partially removed chads, whereupon any such partially removed chads shall be entirely removed from the ballot cards. If it is found that any ballot is damaged or defective so that it cannot properly be counted by the vote tallying system, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The returns printed by the vote tallying system, to which has been added the count of questioned ballots, challenged ballots, write-in votes, and absentee votes, shall constitute the official returns of the primary or election in that county.

Sec. 75. Section 32, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.170 are each amended to read as follows:

The secretary of state, upon promulgating the rules and regulations necessary for carrying out the purpose of this ((1967 amendatory act)) chapter, shall publish manuals containing the applicable rules and regulations and statutes for the guidance of the county auditor relating to the printing of ballot cards and preparation of the vote tallying systems, for the guidance of precinct election officers serving ballot card precincts, and for the guidance of election officers and operators of tabulating equipment at counting centers.

There shall be no charge for such manuals, and the number to be printed and the distribution thereof shall be determined by the secretary of state.

Sec. 76. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010 are each amended to read as follows:

In addition to those persons authorized under section 19 of this 1977 amendatory act, any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor no earlier than forty-five days nor later than the day prior to any election or primary: PROVIDED, That an application honored for a primary ballot shall

also be honored as an application for a ballot for the following election if the voter so indicates on his application.

Such applications must contain the voter's signature and may be made in person or by mail or messenger: PROVIDED, That no application for an absentee ballot shall be approved unless the voter's signature upon the (~~certificate or~~) application compares favorably with the voter's signature upon his permanent registration record.

Sec. 77. Section 29.36.030, chapter 9, Laws of 1965 as amended by section 1, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.030 are each amended to read as follows:

Upon receipt of the (~~certificate, either signed by the voter or attached to the~~) voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

At each general election in the even-numbered year, each absentee voter shall also be given a separate ballot containing the names of the candidates that have filed for the office of precinct committeeman provided that two or more candidates have filed for the same political party in the absentee voter's precinct and providing space for writing in the name of additional candidates.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

- (1) Instructions for voting.
- (2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.
- (3) A size #10 envelope, capable of being sealed and preaddressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of }
 County of } ss.

I,, do solemnly swear under the penalty as set forth in RCW 29.36.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19..: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed)
 Voter

(date of oath)

PENALTY PROVISION: Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

Sec. 78. Section 29.36.060, chapter 9, Laws of 1965 as amended by section 1, chapter 140, Laws of 1973 and RCW 29.36.060 are each amended to read as follows:

The opening and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day prior to such primary or election: **PROVIDED**, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election but must be completed on or before the tenth day following the primary or election: **PROVIDED**, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

~~((This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.))~~ The county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal, and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: **PROVIDED**, That in the instance of punchcard absentee ballots, such ballots may be taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application: **PROVIDED**, That if the postmark is illegible, the date on the outer envelope, which a person attests to as provided in RCW 29.36.030 as now or hereafter amended shall be the date for determining the validity, as to the time of voting, of any absentee ballot under the provisions of this chapter. The board then shall open ~~((each))~~ the outer envelopes ~~((postmarked or received (if not delivered by mail)))~~ not later than the tenth day following any primary or special election ~~((day and upon which the statement has been executed according to law in such a way as not to mar the statement))~~, and the fifteenth day following any general election, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee ~~((voters' certificates))~~ voter's application shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

Sec. 79. Section 29.39.170, chapter 9, Laws of 1965 and RCW 29.39.170 are each amended to read as follows:

All procedure governing the receipt and subsequent handling of absent voters' ballots shall be governed by the provisions of chapter 29.36 RCW (~~(; but the respective time limits within which some specific act on the part of the county auditors and canvassing boards is required to be done shall not apply to absent voters' ballots cast by service voters, it being the intent of this section that every facility shall be given to such absent voters' ballots cast by service voters so that such ballots shall be counted if possible)~~).

Sec. 80. Section 29.48.020, chapter 9, Laws of 1965 and RCW 29.48.020 are each amended to read as follows:

The precinct election officers (~~(of)~~) for each precinct shall meet at the designated polling place (~~(thereof)~~) at (~~(least forty-five minutes before the time set for opening the polls)~~) the time set by the county auditor.

Sec. 81. Section 29.48.030, chapter 9, Laws of 1965 as amended by section 40, chapter 202, Laws of 1971 ex. sess. and RCW 29.48.030 are each amended to read as follows:

Before the hour for opening the polls at any primary or election and allowing a reasonable time for preparation thereof, the county auditor or other officer in charge of such primary or election shall deliver to the inspector or one of the judges of each precinct:

(1) (~~(Two poll books or two copies of the precinct list of registered voters for use in recording the names and signatures of all persons who vote at the election))~~ The precinct list of registered voters for that precinct and a suitable means to record the signature, name, and address of the voter;

(2) Ballots equal (~~(in number)~~) to (~~(one hundred ten percent of)~~) the number of voters registered therein or such (~~(further)~~) number as the county auditor or other officer in charge of such primary or election may certify to be necessary (~~(; except where voting machines are used in which case a less number may be delivered)~~);

(3) A suitable ballot (~~(box)~~) container (except when voting machines are in use), with lock and key, having an opening through the lid thereof of no larger size than sufficient to admit a single folded ballot or ballot card;

(4) Two cards of instructions to voters printed in English in large clear type containing full instruction to voters as to how:

(a) To obtain ballots for voting;

(b) To prepare the ballots for deposit in the ballot boxes;

(c) To obtain a new ballot in the place of one spoiled by accident or mistake;

(5) (~~(The voters' registration files or precinct lists of registered voters pertaining to the precinct;~~

(6) ~~Two tallying books which must be printed in relation to the sample ballots: PROVIDED, That at primary elections (except where machines are used) there must be furnished to each precinct two sets of tally books for each political party having candidates to be voted for and the first sheet of each tally book shall be headed:~~

ⁿTally book for (name of political party) (name of city) (county) (ward) (precinct) for the primary election held (date).ⁿ ~~The names of the candidates shall be~~

~~placed on the tally sheets in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;~~

~~(7) Two certificates printed in relation to the sample ballots or two sample ballots prepared as blanks, for certification of the result by the precinct election officers;~~

~~(8))~~ Sample ballots;

~~((9))~~ (6) Two oaths for each inspector(;) and each judge ((and each clerk));

~~((10) Three pamphlets containing arguments on measures for submission to voters;~~

~~(11))~~ (7) One U.S. flag;

~~((12))~~ (8) All other supplies necessary for conducting the election or primary.

NEW SECTION. Sec. 82. There is added to chapter 29.48 RCW a new section to read as follows:

In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29.48.030 as now or hereafter amended, shall be provided:

(1) Two tally books in which the names of the candidates shall be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers.

Sec. 83. Section 29.51.125, chapter 9, Laws of 1965 and RCW 29.51.125 are each amended to read as follows:

~~((Each major political party, at any general election, may assign any one of its precinct election officers at))~~ At any election, general or special, or at any primary, any political party or committee may designate a person other than a precinct election officer, for each polling place to check a list of registered voters of the precinct ((so that they may)) to determine who has and who has not voted: PROVIDED, That such lists shall be furnished by the ((major political parties)) party or committee concerned.

Sec. 84. Section 29.54.010, chapter 9, Laws of 1965 as amended by section 6, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.010 are each amended to read as follows:

At paper ballot precincts and at ballot card precincts served by a single set of precinct election officers, the inspector and judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, shall destroy all unused ballots or ballot cards furnished for use at such precinct.

At paper ballot precincts and at ballot card precincts served by two sets of precinct election officers, the members of the receiving board shall destroy all unused ballots or ballot cards upon the closing of the polls.

Sec. 85. Section 29.54.035, chapter 9, Laws of 1965 and RCW 29.54.035 are each amended to read as follows:

In paper ballot precincts, no election officer or any other person authorized by law to be present while votes are being counted, shall divulge the result of the count of the ballots at any time prior to the closing of the polls. Violation of this section is punishable, upon conviction, by a fine of not less than one hundred dollars nor

more than five hundred dollars or imprisonment in the county jail not less than three nor more than six months, or by both such fine and imprisonment.

Sec. 86. Section 29.54.040, chapter 9, Laws of 1965 as amended by section 9, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.040 are each amended to read as follows:

In paper ballot precincts, the ballot ((box)) container shall not be removed from the polls nor shall the counting of the votes be discontinued until all are counted.

The duties of the precinct election officers counting ballots in such precincts shall not be complete until it is determined that:

- (1) A recheck of the tally marks accurately reflect the total vote credited to each candidate and the total vote credited for and against each proposition((-));
- (2) The total number of votes cast for all candidates for a single position to be filled does not exceed the number of voters who have signed the poll book((-));
- (3) The records of the votes in each tally book are the same.

Sec. 87. Section 29.54.045, chapter 9, Laws of 1965 as last amended by section 4, chapter 102, Laws of 1973 and RCW 29.54.045 are each amended to read as follows:

In paper ballot precincts, when two or more sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The set or sets designated as the counting board or boards shall commence tabulation of any state primary or state general election at a time set by the officer in charge of the election.

(2) A second ballot ((box)) container for receiving ballots shall be used, and the first ballot ((box)) container shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the officer in charge of the election proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot ((box)) container to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot ((box)) container, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot ((boxes)) containers shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted.

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer.

Sec. 88. Section 29.54.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.54.050 are each amended to read as follows:

Ballots and ballot cards must be rejected if:

- (1) Two are found folded together;
- (2) Marked so as to identify who the voter is: PROVIDED, That this subsection (2) shall not apply to absentee ballots;
- (3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots and ballot cards must not be counted which:

- (1) Designate more persons for an office than are to be elected to that office;
- (2) Are not in compliance with RCW 29.51.170;
- (3) Are not marked with sufficient definiteness to determine the voter's choice or intention: PROVIDED, That no ballot or ballot card or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended.

Sec. 89. Section 29.54.060, chapter 9, Laws of 1965 and RCW 29.54.060 are each amended to read as follows:

Whenever a question arises in the precinct election board or the counting center as to the legality of a ballot or ballot card or any part thereof, ~~((its))~~ the action thereon together with a concise statement of the facts that gave rise to the objection must be indorsed upon the ballot or attached to the ballot card and signed by a majority of the board or the counting center personnel processing the ballot. All such ballots and statements shall be forwarded to the canvassing board. All ballots and ballot cards must be preserved whether rejected or counted in whole or in part and returned in the same manner as other ballots and ballot cards.

Sec. 90. Section 29.54.070, chapter 9, Laws of 1965 as amended by section 10, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.070 are each amended to read as follows:

After all the paper ballots have been counted, strung, and tallied it shall be the duty of the inspector to place them in a sealed envelope and write thereon, "Ballots of precinct county, state of Washington, of election held this day of, 19 . . .," and ~~((send said))~~ deliver such sealed envelope to the auditor of the county or other election official. The county auditor or other officer shall keep the sealed envelope containing said ballots unopened for the period of two months, to be used only as evidence in case or cases of contest when called for. At the end of that time he shall burn or make such disposition of said ballots, as he may deem expedient, in the presence of two other officers.

Sec. 91. Section 29.54.080, chapter 9, Laws of 1965 and RCW 29.54.080 are each amended to read as follows:

As soon as all the paper ballots have been counted or the voting machines have been canvassed, two sets of the following papers shall be assembled:

- (1) One poll list;
- (2) One tally book or set of tally sheets, or one statement of canvass where voting machines are used;
- (3) One each of the duplicate oaths of the inspector, the judges and the clerks.

To each set of papers shall be attached a certificate signed by the inspector, the judges and the clerks designating, in the order in which they appear upon the sample ballots, each candidate, the number of votes he received, and the office for

which he is a candidate. The number of votes in each case must be written in words and figures (for example five thousand four hundred and fifty-two—(5452)).

One set shall constitute the "returns" to be made to the canvassing board or official; the other set shall be retained by the inspector and preserved by him for at least six months.

Sec. 92. Section 29.54.130, chapter 9, Laws of 1965 and RCW 29.54.130 are each amended to read as follows:

The returns from each election precinct using paper ballots or voting machines shall be transmitted to the county auditor or other election officer either by ~~((registered))~~ certified mail or in person by one of the judges or the inspector.

Failure to transmit the returns is a misdemeanor punishable by a fine of not less than five dollars nor more than fifteen dollars.

Sec. 93. Section 29.54.140, chapter 9, Laws of 1965 and RCW 29.54.140 are each amended to read as follows:

~~((Following every primary and election, before adjourning, every))~~ Before adjourning from the polling place, following a primary or an election in any precinct where votes are cast on paper ballots or voting machines, the precinct election board shall enter the unofficial results in duplicate upon sample ballots or suitable forms furnished for that purpose by the county auditor or other election officer. One copy shall be posted conspicuously on the outside of the polling place and the other transmitted to the county election officer.

NEW SECTION. Sec. 94. There is added to chapter 29.54 RCW a new section to read as follows:

In counties using voting devices the county auditor or other election officer shall maintain, for at least sixty days following each primary or election, the following descriptive documents relating to the conduct of that primary or election:

- (1) Ballot page formats together with a record of the format or formats assigned to each precinct;
- (2) Program cards, precinct header cards, office and report files, program listings, and any similar programming material related to the control of the vote tallying system for that primary or election; and
- (3) All test materials used to verify the accuracy of the tabulating equipment as required by section 73 of this 1977 amendatory act.

NEW SECTION. Sec. 95. There is added to chapter 29.54 RCW a new section to read as follows:

In each county possessing the facilities necessary to do so, the county auditor or other election official shall copy all voted ballot cards on magnetic tape, deleting any details which could be used to ascertain the identity of any voter and making certain that all ballot cards, as copied, are readily identifiable and segregated by precinct for each primary and election, special or general. Once copied, the county auditor or his designee shall make such disposition of the voted ballot cards as he may deem expedient. The original magnetic tape copy of such voted ballot cards shall be retained in the office of the county auditor for a period of not less than ten years after being made. Copies of any magnetic tapes so retained shall be promptly furnished by the county auditor to any individual requesting them upon receipt of a payment sufficient to cover costs associated therewith.

Sec. 96. Section 29.62.090, chapter 9, Laws of 1965 and RCW 29.62.090 are each amended to read as follows:

Immediately after the official results of ~~((an))~~ a state primary or general election ~~((or primary))~~ in his county are ascertained, the county auditor or other election officer shall make an abstract of the number of registered voters in each precinct and of all the votes cast in his county at such state primary or general election for ~~((county officers, state officers, national officers and officers elected by districts;))~~ and against state measures and for each candidate for federal, state, and legislative office or for any other office which the secretary of state is required by law to canvass. The abstract shall be entered on blanks furnished by the secretary of state or on compatible computer printouts approved by the secretary of state, and ~~((transmit))~~ transmitted to the secretary of state ~~((by registered mail a certified copy thereof))~~ no later than the next business day following the certification by the county canvassing board.

Sec. 97. Section 29.62.100, chapter 9, Laws of 1965 and RCW 29.62.100 are each amended to read as follows:

The ~~((state canvassing board shall consist of the))~~ secretary of state ~~((, the state treasurer and the state auditor. It))~~ shall, as soon as possible but in any event not later than the third Tuesday following the primary, canvass and certify 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. 98. Section 29.64.010, chapter 9, Laws of 1965 and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

An officer of a political party or any person who was a candidate at any general election for election to an office or position who was not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

An application for recount in a precinct using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from

that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of such program.

All applications for recount shall be filed within three days, excluding Saturdays and Sundays, after the canvassing board has declared the official results of the primary or election(~~(, as the case may be)~~).

The provisions of this chapter shall apply to the recounting of votes cast by paper ballots and counted at the polling places (~~(and)~~), to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: PROVIDED, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.

Sec. 99. Section 29.64.020, chapter 9, Laws of 1965 and RCW 29.64.020 are each amended to read as follows:

Each application for recount shall separately list each precinct as to which a recount of the votes therein is requested, and the person filing an application shall at the same time deposit with the canvassing board the sum of (~~(five)~~) ten dollars in cash or by certified check for each precinct so listed in such application as security for the payment of charges for the making of the recount therein applied for, which charges shall be fixed by the canvassing board as provided in RCW 29.64.060. In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be (~~(five)~~) ten dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of (~~(two)~~) five cents; and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of (~~(two)~~) five cents.

If at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be (~~(five)~~) ten dollars for each voting machine used.

If ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.

Upon the filing of an application, the canvassing board shall promptly fix the time when and the place at which the recount will be made, which time shall be not later than five days after the day upon which such application is filed. The (~~(clerk of the board)~~) county auditor shall mail notice of the time and place so fixed to the

applicant. If the application requests a recount of votes cast for a nomination or a candidacy for election, the ((clerk)) auditor shall also mail such notice to each person for whom votes were cast for such nomination or election. Such notice shall be mailed by registered mail not later than two days before the date fixed for the commencement of the recount. Each person entitled to receive such notice may attend and witness the recount and may be accompanied by counsel.

In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated may attend and witness the recount.

Sec. 100. Section 29.64.060, chapter 9, Laws of 1965 and RCW 29.64.060 are each amended to read as follows:

The charges for making a recount of votes of precincts listed in an application for recount filed with the board of elections shall be fixed by the board and shall include all expenses incurred by such board because of such application other than the regular operating expenses which the board would have incurred if the application had not been filed.

The total amount of charges so fixed divided by the number of precincts listed in such application, the votes of which were recounted, shall be the charge per precinct for the recount of the votes of the precincts listed in such application, the votes of which were recounted: PROVIDED, That the charges per precinct so fixed shall not be more than ~~((five dollars for each precinct concerned or in the event of a recount of a regular or special district election whereat all ballots were requested to be recounted irrespective of precincts, the maximum charge shall not exceed two cents per ballot))~~ the actual cost.

Such charge shall be deducted by the board from the money deposited with the board by the applicant for the recount at the time of filing his application, and the balance of the money so deposited shall be returned to such applicant unless the costs of the recount were higher than the deposit, in which case the applicant shall be required to pay the difference: PROVIDED, That no such charges shall be deducted by the board from the money deposited for a recount of votes cast for a nomination or for an election to an office or position in any precinct, if upon the completion of a recount the applicant is declared nominated or elected, or if upon completion of a recount concerning a question or proposition, the result of such election is declared to be opposite to the original declaration of the result of such election. All moneys deposited with the board by an applicant not returned to him shall be paid by such board into the general fund of the political subdivision concerned.

Sec. 101. Section 29.65.010, chapter 9, Laws of 1965 and RCW 29.65.010 are each amended to read as follows:

Any registered voter may contest the right of any person declared elected to an office to be ~~((exercised in the county, district or precinct of his residence,))~~ issued a certificate of election for any of the following causes:

(1) For malconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector(;) or judge ((or clerk)) of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

All election contests shall proceed under RCW 29.04.030, as now or hereafter amended.

Sec. 102. Section 29.65.020, chapter 9, Laws of 1965 and RCW 29.65.020 are each amended to read as follows:

~~((To commence an election contest, the contestant must file with the clerk of the superior court of his residence a verified written statement of contest within ten days after the person whose right is being contested has been declared elected, setting forth))~~ An affidavit of an elector with respect to RCW 29.04.030(6) must be filed with the appropriate court no later than ten days following the issuance of a certificate of election and shall set forth specifically:

(1) The name of the contestant and that he is a registered voter in the county, district or precinct, as the case may be, in which the office is to be exercised;

(2) The name of the person whose right is being contested;

(3) The office;

(4) The particular causes of the contest.

No statement of contest shall be dismissed for want of form if the particular causes of contest are alleged with sufficient certainty ~~((to advise the defendant of the particular proceedings or cause for which such election is contested))~~. The person charged with the error or omission shall be given the opportunity to call any witness, including the candidate to whom he has issued or intends to issue the certificate of election.

Sec. 103. Section 29.65.040, chapter 9, Laws of 1965 and RCW 29.65.040 are each amended to read as follows:

Upon such ~~((statement))~~ affidavit being filed, it shall be the duty of the clerk to inform the judge of the ~~((superior))~~ appropriate court, who may give notice, and order a session of the court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: PROVIDED, That if no session be called for the purpose, such contest shall be determined at the first regular session of court after such statement is filed.

The clerk of the court shall also at the time issue a citation for the person ~~((whose right to the office is contested))~~ charged with the error or omission, to appear at the time and place specified in the notice, which citation shall be delivered to the sheriff ~~((or constable,))~~ and be served upon the party in person; or if he cannot be found, by leaving a copy thereof at the house where he last resided.

Sec. 104. Section 29.65.055, chapter 9, Laws of 1965 and RCW 29.65.055 are each amended to read as follows:

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party (~~((whose election was contested))~~) charged with error or omission.

If such election is annulled and set aside, judgment for costs shall be rendered against the party (~~((whose election was contested;))~~) charged with the error or omission and in favor of the party ((contesting)) alleging the same.

Sec. 105. Section 29.79.200, chapter 9, Laws of 1965 as amended by section 1, chapter 107, Laws of 1969 ex. sess. and RCW 29.79.200 are each amended to read as follows:

Upon filing the volumes of an initiative petition proposing a measure for submission to the legislature at its next regular session, the secretary of state shall forthwith in the presence of at least one person representing the advocates and one person representing the opponents of the proposed measure, should either desire to be present, proceed to canvass and count the names of the legal voters thereon. The secretary of state may use any statistical sampling techniques for this canvass which have been (~~((approved by the state canvassing board established by RCW 29.62.100))~~) adopted by rule as provided by chapter 34.04 RCW: PROVIDED, That no petition will be rejected on the basis of any statistical method employed: **PROVIDED FURTHER,** That no petition will be accepted on the basis of any statistical method employed if such method indicates that the petition contains less than one hundred ten percent of the requisite number of signatures of legal voters. If the secretary of state finds the same name signed to more than one petition he shall reject the name as often as it appears. If the petition is found to be sufficient, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session together with a certificate of the facts relating to the filing of the petition and the canvass thereof.

Sec. 106. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 2, chapter 4, Laws of 1975-'76 2nd ex. sess. and RCW 29.80.010 are each amended to read as follows:

As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein and in even-numbered years containing a description of the office of precinct committeeman and its duties, in order that voters will understand that such office is a state office and will be found on the ballot of the forthcoming general election: PROVIDED, That in odd-numbered years no candidates' pamphlet shall be published, unless an election is to be held to fill a vacancy in one or more of the following state-wide elective offices: United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, and justice of the supreme court.

Sec. 107. Section 29.82.090, chapter 9, Laws of 1965 and RCW 29.82.090 are each amended to read as follows:

At the time set for the canvass, in the presence of at least one person representing the petitioners and in the presence of the person charged, or some one representing him, if either should desire to be present, the canvassing officer shall ~~((detach the sheets containing the signatures from the copies of the charge, and cause them to be firmly attached to one or more copies of the charge in such volumes as will be most convenient for canvassing and filing; and))~~ forthwith compare the signatures on the petition with the voter registration records of that jurisdiction. No signature shall be rejected if the officer conducting the canvass is reasonably certain that the signature on the petition is the same as the signature of a registered voter of that jurisdiction. The omission to fill any blanks shall not prevent the certification of any name if sufficient information is given to enable one by a comparison of signatures to identify the voter. He shall then proceed to canvass and count the names of certified legal voters on such petitions. If he finds that the same person has signed more than one petition, he shall reject all signatures of such person from the count.

Sec. 108. Section 29.82.100, chapter 9, Laws of 1965 as amended by section 5, chapter 205, Laws of 1971 ex. sess. and RCW 29.82.100 are each amended to read as follows:

If, at the conclusion of the canvass and count, it is found that a petition for recall bears the requisite number of signatures of certified legal voters, the officer with whom the petition is filed shall ~~((certify the proposition to the proper authority which shall))~~ fix a date ~~((, not more than fifteen days after the conclusion of the canvass, for calling a))~~ for the special election to determine whether or not the officer charged shall be recalled and discharged from his office. ((On the date fixed the election shall be called. The)) Such special election shall be held not less than forty-five nor more than sixty days from the date of the call((;)) and, whenever possible, on one of the dates provided in RCW 29.13.020: PROVIDED, That no recall election shall be held between the date of the primary and the date of the general election in any calendar year. Notice thereof shall be given in the manner required by law for ((calling)) special elections in the state or in the political subdivision, as the case may be.

Sec. 109. Section 29.82.140, chapter 9, Laws of 1965 and RCW 29.82.140 are each amended to read as follows:

The votes on a recall election shall be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for the office from which the officer is being recalled: PROVIDED, That if the officer whose recall is demanded is the officer to whom, under the law, returns of elections are made, such returns shall be made to the officer with whom the charge is filed, and who called the special election; and in case of an election for the recall of a state officer, the county canvassing boards of the various counties shall canvass and return the result of such election to the officer calling such special election. If a majority of all votes cast at the recall election is for the recall of the officer charged, he shall thereupon be recalled and discharged from his office, and the office shall thereupon become and be vacant.

Sec. 110. Section 29.85.200, chapter 9, Laws of 1965 and RCW 29.85.200 are each amended to read as follows:

Any person who (~~falsely swears, in taking the oath or affirmation prescribed for registration~~) knowingly gives false information on an application for voter registration, or who knowingly makes a false declaration as to his or her qualifications as a voter, or who falsely personates another and procures himself or herself to be registered as the person so personated, or causes himself or herself to be registered under two or more different names, or causes any name to be registered otherwise than in the manner provided by law, shall be guilty of a class C felony under RCW 9A.72.030.

NEW SECTION. Sec. 111. The following acts or parts of acts are each hereby repealed:

(1) Section 29.07.010, chapter 9, Laws of 1965, section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010;

(2) Section 29.07.020, chapter 9, Laws of 1965, section 5, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.020;

(3) Section 29.07.030, chapter 9, Laws of 1965 and RCW 29.07.030;

(4) Section 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040;

(5) Section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050;

(6) Section 29.07.060, chapter 9, Laws of 1965, section 8, chapter 202, Laws of 1971 ex. sess., section 1, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.060;

(7) Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065;

(8) Section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070;

(9) Section 29.07.080, chapter 9, Laws of 1965, section 10, chapter 202, Laws of 1971 ex. sess., section 4, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.080;

(10) Section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090;

(11) Section 2, chapter 153, Laws of 1973, section 1, chapter 184, Laws of 1975 1st ex. sess. and RCW 29.07.092;

(12) Section 29.07.095, chapter 9, Laws of 1965, section 12, chapter 202, Laws of 1971 ex. sess., section 6, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.095;

(13) Section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100;

(14) Section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.105;

(15) Section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110;

(16) Section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115;

- (17) Section 29.07.120, chapter 9, Laws of 1965, section 16, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.120;
- (18) Section 29.07.130, chapter 9, Laws of 1965, section 17, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.130;
- (19) Section 29.07.140, chapter 9, Laws of 1965, section 18, chapter 202, Laws of 1971 ex. sess., section 7, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.140;
- (20) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;
- (21) Section 29.07.160, chapter 9, Laws of 1965, section 20, chapter 202, Laws of 1971 ex. sess., section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160;
- (22) Section 29.07.170, chapter 9, Laws of 1965, section 21, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.170;
- (23) Section 29.07.180, chapter 9, Laws of 1965, section 22, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.180;
- (24) Section 12, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.220;
- (25) Section 13, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.230;
- (26) Section 14, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.240;
- (27) Section 29.21.100, chapter 9, Laws of 1965 and RCW 29.21.100;
- (28) Section 29.30.050, chapter 9, Laws of 1965 and RCW 29.30.050;
- (29) Section 29.30.080, chapter 9, Laws of 1965, section 2, chapter 52, Laws of 1965, section 1, chapter 18, Laws of 1971 and RCW 29.30.080;
- (30) Section 29.30.090, chapter 9, Laws of 1965 and RCW 29.30.090;
- (31) Section 29.30.100, chapter 9, Laws of 1965 and RCW 29.30.100;
- (32) Section 29.30.110, chapter 9, Laws of 1965 and RCW 29.30.110;
- (33) Section 25, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.150;
- (34) Section 27, chapter 109, Laws of 1967 ex. sess., section 1, chapter 70, Laws of 1973 1st ex. sess. and RCW 29.34.160;
- (35) Section 29.51.040, chapter 9, Laws of 1965 and RCW 29.51.040;
- (36) Section 29.59.050, chapter 9, Laws of 1965 and RCW 29.59.050;
- (37) Section 29.62.110, chapter 9, Laws of 1965 and RCW 29.62.110;
- (38) Section 29.62.150, chapter 9, Laws of 1965, section 44, chapter 202, Laws of 1971 ex. sess. and RCW 29.62.150;
- (39) Section 29.65.030, chapter 9, Laws of 1965, section 30, chapter 109, Laws of 1967 ex. sess. and RCW 29.65.030;
- (40) Section 29.65.110, chapter 9, Laws of 1965 and RCW 29.65.110;
- (41) Section 29.65.130, chapter 9, Laws of 1965, section 77, chapter 81, Laws of 1971 and RCW 29.65.130;
- (42) Section 1, chapter 73, Laws of 1967 ex. sess., section 3, chapter 178, Laws of 1971 ex. sess., section 7, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.010;
- (43) Section 2, chapter 73, Laws of 1967 ex. sess., section 4, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.020;
- (44) Section 3, chapter 73, Laws of 1967 ex. sess., section 6, chapter 178, Laws of 1971 ex. sess., section 8, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.030;

(45) Section 4, chapter 73, Laws of 1967 ex. sess., section 7, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.040;

(46) Section 5, chapter 73, Laws of 1967 ex. sess., section 9, chapter 178, Laws of 1971 ex. sess., section 9, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.050;

(47) Section 6, chapter 73, Laws of 1967 ex. sess., section 10, chapter 178, Laws of 1971 ex. sess., section 10, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.060;

(48) Section 7, chapter 73, Laws of 1967 ex. sess., section 11, chapter 178, Laws of 1971 ex. sess., section 11, chapter 127, Laws of 1974 ex. sess. and RCW 29.72.070;

(49) Section 8, chapter 73, Laws of 1967 ex. sess., section 12, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.080;

(50) Section 14, chapter 178, Laws of 1971 ex. sess. and RCW 29.72.910;

(51) Section 29.82.050, chapter 9, Laws of 1965 and RCW 29.82.050; and

(52) Section 29.82.150, chapter 9, Laws of 1965 and RCW 29.82.150.

NEW SECTION. Sec. 112. If any provision of this 1977 amendatory 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. 113. This 1977 amendatory act shall take effect January 1, 1978.

Passed the Senate June 21, 1977.

Passed the House June 10, 1977.

Approved by the Governor July 7, 1977.

Filed in Office of Secretary of State July 7, 1977.

CHAPTER 362

[Engrossed Senate Bill No. 2516]

APIARIES

AN ACT Relating to apiaries; amending section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005; amending section 15.60.015, chapter 11, Laws of 1961 and RCW 15.60.015; amending section 15.60.030, chapter 11, Laws of 1961 as amended by section 1, chapter 44, Laws of 1965 and RCW 15.60.030; amending section 15.60.040, chapter 11, Laws of 1961 and RCW 15.60.040; amending section 15.60.050, chapter 11, Laws of 1961 and RCW 15.60.050; amending section 15.60.110, chapter 11, Laws of 1961 and RCW 15.60.110; and adding new sections to chapter 15.60 RCW.

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

Section 1. Section 15.60.005, chapter 11, Laws of 1961 and RCW 15.60.005 are each amended to read as follows:

As used in this chapter:

(1) "Director" means the director of agriculture of the state of Washington;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Apiary" includes bees, hives, and appliances, wherever they are kept, located, or found;

(4) "Apiarist" means any person who owns bees or is a keeper of bees;