

NEW SECTION. Sec. 1. A new section is added to chapter 82.38 RCW to read as follows:

There is exempted from the tax imposed by this chapter the use of special fuel for the operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway.

Passed the House April 22, 1987.

Passed the Senate April 16, 1987.

Approved by the Governor May 8, 1987.

Filed in Office of Secretary of State May 8, 1987.

CHAPTER 295

[House Bill No. 954]

ELECTION STATUTES—GENDERLESS DESIGNATIONS AND CORRECTIONS

AN ACT Relating to genderless designations in some of the elections statutes; amending RCW 29.04.020, 29.18.050, 29.30.060, 29.30.101, 29.30.350, 29.30.450, 29.33.180, 29.34.085, 29.36.030, 29.36.070, 29.42.020, 29.42.030, 29.42.040, 29.42.050, 29.42.070, 29.45.030, 29.80.010, and 42.17.030; and reenacting and amending RCW 42.17.240.

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

Sec. 1. Section 29.04.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 361, Laws of 1977 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))~~ the county auditor's 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))~~ committee officer 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. 2. Section 29.18.050, chapter 9, Laws of 1955 as amended by section 4, chapter 142, Laws of 1984 and RCW 29.18.050 are each amended to read as follows:

A filing fee of one dollar shall accompany each declaration of candidacy for precinct (~~(committeeman)~~) committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with an annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary shall accompany the declaration of candidacy for any office with an annual salary of more than one thousand dollars per annum.

A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a nominating petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

(1) A federal or state-wide office, the fee shall be paid to the secretary of state for deposit in the state treasury.

(2) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district.

(3) A county office or a legislative, judicial, or district office that includes territory from a single county, the fee shall be paid to the county auditor for deposit in the county treasury.

(4) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

Sec. 3. Section 29.30.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 120, Laws of 1986 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 a sample paper ballot which (~~(he)~~) shall be displayed in a conspicuous place in (~~(his)~~) the county auditor's office for public inspection. Sample paper ballots shall be substantially in the same form as the official paper ballots but upon colored paper. The names of the candidates in the primary for each office shall be arranged on the sample ballot in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be in the order in which their names appear on

the official ballot, as provided in RCW 29.30.081(2), except that the position of precinct (~~(committeeman)~~) committee officer 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. 4. Section 58, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.101 are each amended 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 or herself as a candidate for the nomination of one party at the primary shall have (~~(his)~~) the person's 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)~~) committee officer, 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)~~) the person desires to have his or her name placed.

Sec. 5. Section 37, chapter 361, Laws of 1977 ex. sess. as amended by section 4, chapter 120, Laws of 1986 and RCW 29.30.350 are each amended 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 be displayed in a conspicuous place in (~~(his)~~) the county auditor's office for public inspection. Sample ballots shall be substantially in the same form as the official ballot pages but the names of the candidates in the primary for each office shall be arranged on the sample ballot in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be arranged in the order in which their names appear on the official ballot, as provided in RCW 29.30.380, except that the position of precinct (~~(committeeman)~~) committee officer 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. 6. Section 46, chapter 361, Laws of 1977 ex. sess. as amended by section 5, chapter 120, Laws of 1986 and RCW 29.30.450 are each amended 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))~~ the auditor shall display in a conspicuous place in ~~((his))~~ the auditor's 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 in the primary for each office shall be arranged on the diagram in the order provided by RCW 29.18.022 and 29.18.045, and the names of candidates in the general election for each office shall be arranged in the order in which their names appear on the official ballot labels as provided in RCW 29.30.480(2), except that the position of precinct ~~((committeeman))~~ committee officer 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.

Sec. 7. Section 29.33.180, chapter 9, Laws of 1965 as amended by section 62, chapter 361, Laws of 1977 ex. sess. 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))~~ committee officer, 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. 8. Section 1, chapter 143, Laws of 1983 and RCW 29.34.085 are each amended to read as follows:

No voting device may contain the names of candidates for the offices of United States representative, state senator, state representative, county council, or county commissioner in more than one district or the names of candidates for the office of precinct ~~((committeeman))~~ committee officer in more than one precinct. In all even-year state general elections, voting devices shall be grouped by precinct and physically separated from the voting devices containing ballot pages for other precincts. For all other primaries and elections, in each polling place the voting devices containing ballot pages for candidates from each congressional, legislative, or county council or commissioner district shall be grouped together and physically separated

from those devices containing ballot pages for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices and an explanation to the voters that separate devices are being used for specific precincts shall be prominently displayed within the polling place.

*Sec. 9. Section 29.36.030, chapter 9, Laws of 1965 as last amended by section 77, chapter 361, Laws of 1977 ex. sess. and RCW 29.36.030 are each amended to read as follows:

Upon receipt of the voter's signed application, the officer having jurisdiction of the election, or ((his)) the officer's 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)) committee officer 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)) the voter would have received if ((he)) the voter had been able to vote in person.

The election officer, or ((his)) the officer's 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. 9 was partially vetoed, see message at end of chapter.*

****Sec. 10. Section 29.36.070, chapter 9, Laws of 1965 as amended by section 2, chapter 73, Laws of 1974 ex. sess. and RCW 29.36.070 are each amended to read as follows:***

Upon the canvass of the votes, if there are on file one or more absentee ballot inner envelopes, the canvassing authority shall cause such envelopes to be opened and the absentee precinct ((committeeman)) committee officer ballot, if any, shall be physically separated from the remainder of the absentee ballot. The absentee precinct ((committeeman)) committee officer ballot shall be, subject to the provisions of RCW 29.36.075 and 29.36.077, counted separately. The remainder of the absentee ballot shall be grouped and counted without regard as to precinct by legislative districts if the election is a state primary or state election, special or general.

These ballots shall be made a part of the returns and handled accordingly.

**Sec. 10 was vetoed, see message at end of chapter.*

Sec. 11. Section 29.42.020, chapter 9, Laws of 1965 as amended by section 1, chapter 45, Laws of 1972 ex. sess. and RCW 29.42.020 are each amended to read as follows:

The state committee of each major political party shall consist of one committeeman and one committeewoman from each county elected by the county committee at its organization meeting. It shall have a ((chairman)) chair and vice ((chairman))-chair who must be of opposite sexes. This committee shall meet during January of each odd-numbered year for the purpose of organization at a time and place designated by a sufficient notice to all the newly elected state committeemen and committeewomen by the authorized officers of the retiring committee. For the purpose of this section a notice mailed at least one week prior to the date of the meeting shall constitute sufficient notice. At its organizational meeting it shall elect its ((chairman)) chair and vice ((chairman))-chair, and such officers as its by-laws may provide, and adopt bylaws, rules and regulations. It shall have power to:

(1) Call conventions at such time and place and under such circumstances and for such purposes as the call to convention shall designate. The

manner, number and procedure for selection of state convention delegates shall be subject to the committee's rules and regulations duly adopted;

(2) Provide for the election of delegates to national conventions;

(3) Fill vacancies on the ticket for any federal or state office to be voted on by the electors of more than one county;

(4) Provide for the nomination of presidential electors; and

(5) Perform all functions inherent in such an organization.

Notwithstanding any provision of this chapter, the committee shall not set rules which shall govern the conduct of the actual proceedings at a party state convention.

Sec. 12. Section 29.42.030, chapter 9, Laws of 1965 as last amended by section 1, chapter 85, Laws of 1973 and RCW 29.42.030 are each amended to read as follows:

The county central committee of each major political party shall consist of the precinct ~~((committeemen))~~ committee officers of the party from the several voting precincts of the county. Following each state general election held in even-numbered years, this committee shall meet for the purpose of organization at an easily accessible location within the county, subsequent to the certification of precinct ~~((committeemen))~~ committee officers by the county auditor and no later than the second Saturday of the following January. The authorized officers of the retiring committee shall cause notice of the time and place of such meeting to be mailed to each precinct ~~((committeeman))~~ committee officer at least seventy-two hours prior to the date of the meeting.

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

Sec. 13. Section 29.42.040, chapter 9, Laws of 1965 as amended by section 6, chapter 4, Laws of 1973 and RCW 29.42.040 are each amended to read as follows:

Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his or her declaration of candidacy with the county auditor for the office of precinct ~~((committeeman))~~ committee officer of his or her party in that precinct. When elected ~~((he))~~ the precinct committee officer shall serve so long as ~~((he))~~ the committee officer remains an eligible voter in that precinct and until ~~((his))~~ a successor has been elected at the next ensuing state general election in the even-numbered year.

Sec. 14. Section 29.42.050, chapter 9, Laws of 1965 as last amended by section 7, chapter 4, Laws of 1973 and RCW 29.42.050 are each amended to read as follows:

The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct ~~((committeeman))~~ committee officer

except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of ~~((his))~~ the candidate's party receiving the greatest number of votes in ~~((his))~~ the precinct. Any person elected to the office of precinct ~~((committeeman))~~ committee officer who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct ~~((committeeman))~~ committee officer shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county ~~((chairman))~~ chair of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a class AA county, such appointment shall be made only upon the recommendation of the legislative district ~~((chairman))~~ chair: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct ~~((committeeman))~~ committee officer exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county ~~((chairman))~~ chair selected as provided by RCW 29.42.030.

Sec. 15. Section 1, chapter 32, Laws of 1967 ex. sess. and RCW 29.42.070 are each amended to read as follows:

Within forty-five days after the state-wide general election in even-numbered years, or within thirty days following July 30, 1967, for the biennium ending with the 1968 general elections, the county ~~((chairman))~~ chair of each major political party shall call separate meetings of all elected precinct ~~((committeemen))~~ committee officers in each legislative district a majority of the precincts of which are within a class AA county for the purpose of electing a legislative district ~~((chairman))~~ chair in such district. The district ~~((chairman))~~ chair shall hold ~~((his))~~ office until the next legislative district reorganizational meeting two years later, or until ~~((his))~~ a successor is elected.

The legislative district ~~((chairman))~~ chair can only be removed by the majority vote of the elected precinct ~~((committeemen))~~ committee officers in ~~((his))~~ the chair's district.

Sec. 16. Section 29.45.030, chapter 9, Laws of 1965 as amended by section 3, chapter 101, Laws of 1965 ex. sess. and RCW 29.45.030 are each amended to read as follows:

The precinct (~~(committeeman)~~) committee officer of each major political party shall certify to (~~(his)~~) the officer's county (~~(chairman)~~) chair a list of those persons belonging to (~~(his)~~) the officer's political party qualified to act upon the election board in (~~(his)~~) the officer's precinct.

At least sixty days prior to the primary or election the (~~(chairman)~~) chair of the county central committee of each major political party shall certify to the officer having jurisdiction of the election, a list of those persons belonging to (~~(his)~~) the county chair's political party in each precinct who are qualified to act on the election board therein.

The county (~~(chairman)~~) chair shall compile this list from the names certified by (~~(his)~~) the various precinct (~~(committeemen)~~) committee officers unless no names or not sufficient names have been certified from a precinct, in which event (~~(he)~~) the county chair may include therein the names of qualified members of (~~(his)~~) the county chair's party selected by (~~(him)~~) the county chair. The county (~~(chairman)~~) chair shall also have the authority to substitute names of persons recommended by (~~(his)~~) the precinct (~~(committeemen)~~) committee officers if in (~~(his)~~) the judgment of the county chair such persons are not qualified to serve as precinct election officers.

Sec. 17. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1984 and RCW 29.80.010 are each amended to read as follows:

As soon as possible before 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, together with a campaign mailing address and telephone number submitted by the nominee at the nominee's option, and in even-numbered years containing a description of the office of precinct (~~(committeeman)~~) committee officer and its duties, in order that voters will understand that the office is a state office and will be found on the ballot of the forthcoming general election. In odd-numbered years no candidates' pamphlet may 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, or justice of the supreme court.

Sec. 18. Section 3, chapter 1, Laws of 1973 as last amended by section 1, chapter 12, Laws of 1986 and RCW 42.17.030 are each amended to read as follows:

The provisions of this chapter relating to the financing of election campaigns shall apply in all election campaigns other than (1) for precinct (~~committeeman~~) committee officer; (2) for a federal elective office; and (3) for an office of a political subdivision of the state that does not encompass a whole county and that contains fewer than five thousand registered voters as of the date of the most recent general election in the subdivision, unless required by RCW 42.17.405(2) through (5).

Sec. 19. Section 9, chapter 10, Laws of 1982 as last amended by section 1, chapter 34, Laws of 1984 and by section 14, chapter 125, Laws of 1984 and RCW 42.17.240 are each reenacted and amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st.

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) For the purposes of this section, the term "executive state officer" includes those listed in RCW 43.17.020 and those listed in RCW 42.17.2401.

(8) This section does not apply to incumbents or candidates for a federal office or the office of precinct (~~committeeman~~) committee officer.

Passed the House March 16, 1987.

Passed the Senate April 15, 1987.

Approved by the Governor May 8, 1987, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State May 8, 1987.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to portions of section 9 and all of section 10, House Bill No. 954, entitled:

"AN ACT Relating to genderless designations in some of the elections statutes."

Parts of section 9 of this bill conflict with amendments to RCW 29.36.030 contained in section 11 of Substitute House Bill No. 614. Section 10 of this bill conflicts with section 15 of Substitute House Bill No. 614. In order to avoid confusion in the code, I have vetoed most of section 9 and all of section 10.

With these exceptions, House Bill No. 954 is approved."

CHAPTER 296

[Senate Bill No. 5693]

VOTING—EMPLOYERS TO PROVIDE WORKERS WITH AN OPPORTUNITY TO VOTE

AN ACT Relating to voting access; and adding a new section to chapter 49.28 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 49.28 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, every employer shall arrange employees' working hours on the day of a primary or election, general or special, so that each employee will have a reasonable time up to two hours available for voting during the hours the polls are open as provided by RCW 29.13.080.

If an employee's work schedule does not give the employee two free hours during the time the polls are open, not including meal or rest breaks, the employer shall permit the employee to take a reasonable time up to two hours from the employee's work schedule for voting purposes. In such a case, the employer shall add this time to the time for which the employee is paid.

(2) The provisions of this section apply only if, during the period between the time an employee is informed of his or her work schedule for a primary or election day and the date of the primary or election, there is insufficient time for an absentee ballot to be secured for that primary or election.

Passed the Senate April 21, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 8, 1987.

Filed in Office of Secretary of State May 8, 1987.