

CHAPTER 181

[Engrossed House Bill No. 1341]

WRITE-IN VOTING

AN ACT Relating to write-in voting; amending RCW 29.36.075, 29.51.100, and 29.51.170; and adding new sections to chapter 29.04 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 29.04 RCW to read as follows:

Any person who desires to be a write-in candidate and have such votes counted at a primary or election may, if the jurisdiction of the office sought is entirely within one county, file a declaration of candidacy with the county auditor not later than the day before the primary or election. If the jurisdiction of the office sought encompasses more than one county the declaration of candidacy shall be filed with the secretary of state not later than the day before the primary or election. Votes cast for write-in candidates who have filed such declarations of candidacy and write-in votes for persons appointed by political parties pursuant to RCW 29.18.160 need only specify the name of the candidate in the appropriate location on the ballot in order to be counted. Write-in votes cast for any other candidate, in order to be counted, must designate the office sought and position number or political party, if applicable.

No person may file as a write-in candidate where:

(1) At a general election, the person attempting to file either filed as a write-in candidate for the same office at the preceding primary or the person's name appeared on the ballot for the same office at the preceding primary;

(2) The person attempting to file as a write-in candidate has already filed a valid write-in declaration for that primary or election, unless one or the other of the two filings is for the office of precinct committeeperson;

(3) The name of the person attempting to file already appears on the ballot as a candidate for another office, unless one of the two offices for which he or she is a candidate is precinct committeeperson.

The declaration of candidacy shall be similar to that required by RCW 29.18.030. No write-in candidate filing under section 1 of this act may be included in any voter's pamphlet produced under chapter 29.80 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29.81A RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

NEW SECTION. Sec. 2. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall notify each county auditor of any declarations filed with the secretary under section 1 of this act for offices appearing on the ballot in that county. The county auditor shall ensure that those persons charged with counting the ballots for a primary or election are notified of all valid write-in candidates before the tabulation of those ballots.

Sec. 3. Section 29.36.075, chapter 9, Laws of 1965 as last amended by section 16, chapter 346, Laws of 1987 and RCW 29.36.075 are each amended to read as follows:

In counties that do not tabulate absentee ballots on electronic vote tallying systems, canvassing boards may not tabulate or record votes cast by absentee ballots on any uncontested office except write-in votes for candidates for the office of precinct committeeperson~~((s. In all counties, write-in votes for uncontested precinct committeepersons' races shall be canvassed and included with the official vote count))~~ who have filed valid declarations of candidacy under section 1 of this 1988 act. "Uncontested office" means an office where only one candidate has filed a valid declaration of candidacy either during the regular filing period or as a write-in candidate under section 1 of this 1988 act.

Each registered voter casting an absentee ballot shall be credited with voting on his or her voter registration record. Absentee ballots shall be retained for the same length of time and in the same manner as ballots cast at the precinct polling places.

Sec. 4. Section 29.51.100, chapter 9, Laws of 1965 as amended by section 15, chapter 101, Laws of 1965 ex. sess. and RCW 29.51.100 are each amended to read as follows:

On receipt of his or her ballot in an election the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths, or apartments provided to prepare his or her ballot. Each elector shall prepare his or her ballot by marking a cross "X" after the name of every person or candidate for whom he or she wishes to vote.

In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question, for or against the amendment or proposition, as the case may be. Any elector may write in the blank spaces the name of any person for an office who has filed as a write-in candidate for the office in the manner provided by section 1 of this 1988 act for whom he or she may wish to vote~~((: PROVIDED, That where a partisan office is concerned, the voter must not only write in the name of the candidate but also the party affiliation of such person pursuant to the provisions of RCW 29.51-170 as now or hereafter amended))~~. Write-in votes cast for any other candidate must designate the office sought and the position number or political party, if applicable.

Before leaving the booth or compartment the elector shall fold ~~((his))~~ the ballot in such a manner that the number of the ballot shall appear on

the outside thereof, without displaying the marks on the face thereof, and deliver it to the inspector of election.

Sec. 5. Section 29.51.170, chapter 9, Laws of 1965 as last amended by section 1, chapter 121, Laws of 1973 1st ex. sess. and RCW 29.51.170 are each amended to read as follows:

For any office at any election or primary, any voter may write in on the ballot the name of any person ((for whom he desires to vote for any office)) for an office who has filed as a write-in candidate for the office in the manner provided by section 1 of this 1988 act and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter~~((: PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary. PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name: AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.~~

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated)). No write-in vote made for any person who has not filed a declaration of candidacy pursuant to section 1 of this act is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office, position, or political party shall be accepted if the canvassing board can determine, to their satisfaction, the voter's intent.

Passed the House March 9, 1988.

Passed the Senate March 6, 1988.

Approved by the Governor March 22, 1988.

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