

fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**NEW SECTION.** Sec. 5. The department and the regional fisheries enhancement group advisory board shall report biennially to the senate environment and natural resources committee, the house of representatives fisheries and wildlife committee, the senate ways and means committee and house of representatives fiscal committees, or any successor committees beginning October 1, 1991. The report shall include but not be limited to the following:

- (1) An evaluation of enhancement efforts;
- (2) A description of projects;
- (3) A region by region accounting of financial contributions and expenditures including the enhancement group account funds; and
- (4) Volunteer participation and member affiliation.

**NEW SECTION.** Sec. 6. Section 3 of this act shall take effect January 1, 1991.

Passed the Senate March 6, 1990.

Passed the House February 28, 1990.

Approved by the Governor March 15, 1990.

Filed in Office of Secretary of State March 15, 1990.

## CHAPTER 59

[House Bill No. 2797]

### ELECTION LAWS—UNIFICATION AND SIMPLIFICATION

AN ACT Relating to elections; amending RCW 29.01.006, 29.01.050, 29.27.020, 29.27.050, 29.30.010, 29.30.020, 29.30.060, 29.30.081, 29.30.101, 29.30.130, 29.33.020, 29.33.041, 29.33.051, 29.33.061, 29.33.081, 29.33.130, 29.33.230, 29.34.080, 29.34.085, 29.34.090, 29.34.143, 29.34.153, 29.34.157, 29.34.163, 29.34.167, 29.34.170, 29.48.010, 29.48.030, 29.48.070, 29.48.100, 29.51.010, 29.51.050, 29.51.060, 29.51.070, 29.51.100, 29.51.140, 29.51.150, 29.51.175, 29.51.180, 29.51.190, 29.51.240, 29.51.250, 29.54.010, 29.54.035, 29.54.050, 29.54.060, 29.54.170, 29.62.010, 29.62.040, 29.62.050, 29.64.030, 29.64.040, 29.64.050, 29.64.060, 29.71.020, 29.74.080, 29.82.130, 28A.57.435, 29.21.075, 29.45.060, 29.51.020, 29.36.130, 29.18.010, 29.18.015, 29.18.025, 29.18.040, 29.18.050, 29.18.105, 29.18.120, 29.18.200, 29.21.010, 29.21.015, 29.21.070, 29.21.140, 29.30.040, 28A.57.314, 28A.57.425, 29.04.180, 29.13.025, 29.18.150, 29.24.070, 29.68.080, 35A.29.105, 35A.29.110, 53.12.035, and 54.12.010; reenacting and amending RCW 29.42.040; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.04 RCW; adding new sections to chapter 29.30 RCW; adding new sections to chapter 29.33 RCW; adding a new section to chapter 29.51 RCW; adding new sections to chapter 29.54 RCW; adding a new section to chapter 29.85 RCW; adding a new chapter to Title 29 RCW; creating new sections; recodifying RCW 29.34.080, 29.34.085, 29.34.090, 29.34.143, 29.34.163, 29.34.170, 29.33.230, 29.34.153, 29.34.157, 29.34.167, 29.54.035, 29.13.075, 29.18.015, 29.18.025, 29.18.032, 29.18.040, 29.18.045, 29.18.050, 29.18.053, 29.18.055, 29.18.057, 29.18.070, 29.18.080, 29.18.105, 29.21.140, 29.21.350, 29.21.360, 29.21.370, 29.21.380, 29.21.385, 29.21.390, and 29.21.400; repealing RCW 29.18.020, 29.18.022, 29.18.030, 29.18.031, 29.18.035, 29.18.060, 29.18.090, 29.18.100, 29.18.110, 29.21.017, 29.21.020, 29.21.040, 29.21.060, 29.21.075, 29.21.080, 29.21.085, 29.21.090, 29.21.110, 29.21.120, 29.21.130, 29.21.150, 29.21.160, 29.21.180, 29.21.190, 29.21.200, 29.21.210, 29.21.220, 29.21.330, 29.27.010, 29.27.040, 29.27.045, 29.30.030, 29.30.061, 29.30.091, 29.30.310, 29.30.320, 29.30.330,

29.30.340, 29.30.350, 29.30.370, 29.30.380, 29.30.390, 29.30.410, 29.30.420, 29.30.430, 29.30.440, 29.30.450, 29.30.460, 29.30.480, 29.30.490, 29.33.010, 29.33.015, 29.33.090, 29.33.110, 29.33.120, 29.33.140, 29.33.150, 29.33.160, 29.33.170, 29.33.180, 29.33.190, 29.33.200, 29.33.210, 29.33.220, 29.34.010, 29.34.125, 29.34.130, 29.34.140, 29.34.145, 29.34.180, 29.51.080, 29.51.110, 29.51.120, 29.51.130, 29.51.160, 29.51.220, 29.51.260, 29.54.020, 29.54.030, 29.54.040, 29.54.043, 29.54.045, 29.54.070, 29.54.080, 29.54.090, 29.54.100, 29.54.110, 29.54.120, 29.54.130, and 29.54.140; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. By this act the legislature intends to unify and simplify the laws and procedures governing filing for elective office, ballot layout, ballot format, voting equipment, and canvassing.

Sec. 2. Section 1, chapter 361, Laws of 1977 ex. sess. and RCW 29.01.006 are each amended 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))~~ means, as the context ~~((may imply))~~ implies, either:

(a) The issues and offices to be voted upon in a jurisdiction or portion of a jurisdiction at a particular primary, general election, or special election;

(b) A facsimile of the contents of a particular ballot whether printed on a paper ballot or ballot card or as part of a voting machine or voting device;

(c) A physical or electronic record of the choices of an individual voter in a particular primary, general election, or special election; or

(d) The physical document on which the voter's choices are to be recorded;

(2) ~~"Paper ballot" ((shall))~~ means a piece of paper ((whereon the candidates and measures to be voted upon)) on which the ballot for a particular election or ((a)) primary ((appear and upon)) has been printed, on which a voter may ((directly indicate a vote)) record his or her choices for any candidate or for or against any measure, and that is to be tabulated manually;

~~(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)) piece of paper of any size ((upon)) on which ((the)) a voter may record((s)) 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)) or her choices for any candidate and for or against any measure and that is to be tabulated on a vote tallying system;~~

~~((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 of material which is removed or partially removed when punching a hole or notch in a prescored ballot card))~~ (4) "Sample ballot" means a printed facsimile of all the issues and offices on the ballot in a jurisdiction and is intended to give voters notice of the issues, offices, and candidates that are to be voted on at a particular primary, general election, or special election.

NEW SECTION. Sec. 3. A new section is added to chapter 29.01 RCW to read as follows:

"Canvassing" means the process of examining ballots or groups of ballots, subtotals, and cumulative totals in order to determine the official returns of and prepare the certification for a primary or general election and includes the tabulation of any votes for that primary or election that were not tabulated at the precinct or in a counting center on the day of the primary or election.

NEW SECTION. Sec. 4. A new section is added to chapter 29.01 RCW to read as follows:

"Counting center" means the facility or facilities designated by the county auditor in which the canvassing of ballots on a vote tallying system is conducted on the day of a primary or election.

Sec. 5. Section 29.01.050, chapter 9, Laws of 1965 and RCW 29.01-.050 are each amended to read as follows:

"Election" when used alone means a general election except where the context indicates that a special election is ~~((meant))~~ included. "Election" when used without qualification ~~((never means))~~ does not include a primary ~~((election))~~.

NEW SECTION. Sec. 6. A new section is added to chapter 29.01 RCW to read as follows:

(1) "Voting system" means a voting device, vote tallying system, or combination of these together with ballots and other supplies or equipment used to conduct a primary or election or to canvass the votes cast in a primary or election;

(2) "Voting device" means a piece of equipment used for the purpose of or to facilitate the marking of a ballot to be tabulated by a vote tallying system or a piece of mechanical or electronic equipment used to directly record votes and to accumulate results for a number of issues or offices from a series of voters; and

(3) "Vote tallying system" means a piece of mechanical or electronic equipment and associated data processing software used to tabulate votes cast on ballot cards or otherwise recorded on a voting device or to prepare that system to tabulate ballot cards or count votes.

**NEW SECTION.** Sec. 7. A new section is added to chapter 29.04 RCW to read as follows:

The secretary of state shall adopt rules to:

- (1) Establish standards for the design, layout, and production of ballots;
- (2) Provide for the examination and testing of voting systems for certification;
- (3) Specify the source and scope of independent evaluations of voting systems that may be relied upon in certifying voting systems for use in this state;
- (4) Establish standards and procedures for the acceptance testing of voting systems by counties;
- (5) Establish standards and procedures for testing the programming of vote tallying software for specific primaries and elections;
- (6) Establish standards and procedures for the preparation and use of each type of certified voting system including procedures for the operation of counting centers where vote tallying systems are used;
- (7) Establish standards and procedures to ensure the accurate tabulation and canvassing of ballots;
- (8) Provide consistency among the counties of the state in the preparation of ballots, the operation of vote tallying systems, and the canvassing of primaries and elections;
- (9) Ensure the secrecy of a voter's ballot when a small number of ballots are counted at the polls or at a counting center;
- (10) Govern the use of substitute devices or means of voting when a voting device at the polling place is found to be defective, the counting of votes cast on the defective device and from the substitute device or means, and the documentation that must be submitted to the county auditor regarding such circumstances; and
- (11) Govern the transportation of sealed containers of voted ballots or sealed voting devices.

The secretary shall publish proposed rules implementing this section not later than December 15, 1991.

Sec. 8. Section 29.27.020, chapter 9, Laws of 1965 as amended by section 4, chapter 103, Laws of 1965 ex. sess. and RCW 29.27.020 are each amended to read as follows:

~~((Prior to any September primary;))~~ On or before the ((first Wednesday)) day following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, the secretary of state shall ((transmit)) certify to each county auditor a ((certified)) list of the candidates ((for office to be voted for in each county as represented by the)) who have filed declarations of candidacy ((and nomination papers filed)) in his or her office for the primary. For each office, the certificate shall ((set

forth)) include the name of each candidate, his ~~((post-office))~~ or her address, ~~((the office for which he is a candidate))~~ and his or her party designation, if any.

Sec. 9. Section 29.27.050, chapter 9, Laws of 1965 as amended by section 7, chapter 103, Laws of 1965 ex. sess. and RCW 29.27.050 are each amended to read as follows:

~~((As soon as possible but in any event))~~ No later than the ~~((fifth))~~ day following ~~((official))~~ the certification of the returns of any primary ~~((election as made by the canvassing board))~~, the secretary of state shall certify to the appropriate county auditors ~~((of each county within which any of the electors may by law vote for candidates for such office))~~, the names ~~((and place of residence))~~ of ~~((each))~~ all persons nominated for ~~((such office, as specified in the certificates of nomination filed with))~~ offices, the returns of which have been canvassed by the secretary of state.

Sec. 10. Section 29.30.010, chapter 9, Laws of 1965 as last amended by section 10, chapter 167, Laws of 1986 and RCW 29.30.010 are each amended to read as follows:

Every ~~((primary paper))~~ ballot for a single combination of issues and offices shall be uniform ~~((in color and size,))~~ within a precinct and shall ~~((be white and printed in black ink. Each ballot shall be identified at the top with the words, "Primary Election Ballot," and below that))~~ identify the type of primary or election, the county ~~((in which the ballot is to be used)),~~ and the date of the primary or election, and the ballot or voting device shall contain instructions on the proper method of recording a vote, including write-in votes ~~((: "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 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. 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", with a square to the right))~~. Each position, together with the names ~~((running))~~ of the candidates for that office, shall be clearly separated from ~~((the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers 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))~~ other offices or positions in the same jurisdiction. The offices in each jurisdiction shall be clearly separated from each other. No paper ballot or ballot

card may be marked in any way that would permit the identification of the person who voted that ballot.

Sec. 11. Section 29.30.020, chapter 9, Laws of 1965 as last amended by section 52, chapter 361, Laws of 1977 ex. sess. 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 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; superintendent of public instruction; 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 ((appear- ing)) 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 candi- date, if desired:))

The order of the positions or offices on an election ballot shall be sub- stantially the same as on a primary ballot except that the offices of president and vice-president of the United States shall precede all other offices on a presidential election ballot. State ballot issues shall be placed before all of- fices on an election ballot. The positions on a ballot to be assigned to ballot measures regarding local units of government shall be established by the secretary of state by rule.

The political party or independent candidacy of each candidate for partisan office shall be indicated next to the name of the candidate on the primary and election ballot.

Sec. 12. Section 29.30.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 295, Laws of 1987 and RCW 29.30.060 are each amended to read as follows:

Except in class AA counties ((or portions of counties using paper bal- lots)), on or before the fifteenth day before a primary or ((an)) election, the county auditor shall prepare a sample ((paper)) ballot which shall be ((dis- played in a conspicuous place in the county auditor's office for public in- spection)) made readily available to members of the public. The secretary of state shall adopt rules governing the preparation of sample ballots in class AA counties. The rules shall permit, among other alternatives, the preparation of more than one sample ballot by a class AA county for a pri- mary or election, each of which lists a portion of the offices and issues to be voted on in that county. ((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 committee officer shall be shown on the ((general election)) sample ballot ((only by a listing of the position itself, and)) for the general election, but the names of candidates ((therefor)) for the individual positions need not be shown.

Sec. 13. Section 60, chapter 361, Laws of 1977 ex. sess. as last amended by section 11, chapter 167, Laws of 1986 and RCW 29.30.081 are each amended to read as follows:

(1) On the top of each ~~((general election paper))~~ ballot there shall be printed instructions directing the voters how to mark the ballot, 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 measure authorized by law to be submitted to the voters ((of such)) at that election.

(2) 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 ~~((below))~~ following the appropriate 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 independent candidates 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:))

(3) ~~((There shall be a  at the right of the name of each nominee 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 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,))~~ 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))~~ response position for a voter to indicate((s) his or her choice.

~~((6))~~ (4) All paper ballots ((for general elections)) and ballot cards shall be sequentially numbered((, but done)) in such a way to permit removal of such numbers 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:))

Sec. 14. Section 58, chapter 361, Laws of 1977 ex. sess. as amended by section 4, chapter 295, Laws of 1987 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))~~ at the ensuing election.

No name of any candidate whose nomination at a primary is required by law shall be placed upon the ballot at a general or special election 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))~~ under RCW 29.18.160.

~~((No person who has offered himself or herself as a candidate for the nomination of one party at the primary shall have the person's name printed on the ballot of the succeeding general election as the candidate of another political party.~~

~~No))~~ Excluding the office of precinct committee officer, a candidate's name shall not appear more than once upon ((the)) a ballot~~((, unless the name appears once for the office of precinct 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 the person desires to have his or her name placed)).~~

NEW SECTION. Sec. 15. A new section is added to chapter 29.30 RCW to read as follows:

The name of a candidate for a city, town, or district office shall not appear on the ballot at the general election unless the candidate received at least five percent of the total votes cast for that office at the primary.

Sec. 16. Section 29.30.130, chapter 9, Laws of 1965 and RCW 29.30.130 are each amended to read as follows:

The cost of printing ((of)) ballots ((and)), ballot cards ((of)), and instructions ((for electors)) and the delivery of ((the same)) this material to the precinct election officers shall be ((a charge against the county, city, town or other political subdivision by or for which the election is held)) an election cost that shall be borne as determined under RCW 29.13.045 and 29.13.047, as appropriate.

Sec. 17. Section 29.33.020, chapter 9, Laws of 1965 as amended by section 12, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.020 are each amended to read as follows:



At ~~((all))~~ any primary or election~~((s, ballots or))~~ in any county, votes may be cast, registered, recorded ~~((and)),~~ or counted by means of voting ~~((machines, paper ballots, ballot cards, voting devices and vote tallying))~~ systems that have been approved under RCW 29.33.041. ~~((The provisions of all statutes, charters and ordinances relating to elections and primaries shall apply to the use of voting machines, paper ballots, ballot cards, voting devices and vote tallying systems insofar as they are consistent with the provisions of this 1967 amendatory act, insofar as they are inconsistent, they shall be of no force and effect in precincts where voting machines, paper ballots, ballot cards, voting devices and vote tallying systems are used.))~~

Sec. 18. Section 1, chapter 40, Laws of 1982 and RCW 29.33.041 are each amended to read as follows:

The secretary of state shall inspect, evaluate, and publicly ~~((examine and report on))~~ test all voting ~~((machines, voting devices, and vote tally))~~ systems or components of voting systems that are submitted ~~((to the secretary))~~ for review under RCW 29.33.051. The secretary of state shall determine whether the voting ~~((machines, voting devices, and vote tally))~~ systems conform with ~~((statutory))~~ all of the requirements of this title, the applicable rules adopted in accordance with this title, and with generally accepted safety requirements. The secretary of state shall ~~((submit))~~ transmit a copy of the report of any examination under this section, within thirty days after completing the examination, to the ~~((board of county commissioners and the))~~ county auditor of each county ~~((and to all other persons requesting a copy)).~~

Sec. 19. Section 2, chapter 40, Laws of 1982 and RCW 29.33.051 are each amended to read as follows:

~~((Any owner))~~ The manufacturer or distributor of a voting ~~((machine, voting device, or vote tally))~~ system or ~~((any interested person))~~ component of a voting system may submit ~~((the voting machine, voting device, or vote tally))~~ that system or component to the secretary of state for examination under RCW 29.33.041.

Sec. 20. Section 3, chapter 40, Laws of 1982 and RCW 29.33.061 are each amended to read as follows:

(1) The secretary of state may ~~((employ not more than three))~~ rely on the results of independent design, engineering, and performance evaluations in the examination under RCW 29.33.041 if the source and scope of these independent evaluations are specified by rule.

(2) The secretary of state may contract with experts in ~~((one or more of the fields of))~~ mechanical or electrical engineering~~((;))~~ or data processing ~~((machinery))~~ to assist ~~((the secretary))~~ in examining ~~((the))~~ a voting ~~((machines, voting devices, or vote tally systems))~~ system or component. ~~((experts shall receive reasonable compensation in an amount to be established by the secretary which compensation shall be paid))~~ manufacturer

or distributor who has submitted a voting system for testing under RCW 29.33.051 shall pay the secretary of state a deposit to reimburse the cost of any contract for consultation under this section and for any other unrecoverable costs associated with the examination of a voting system or component by the ((person)) manufacturer or distributor who ((submits)) submitted the voting ((machine, voting device, or vote tally)) system or component for examination.

Sec. 21. Section 4, chapter 40, Laws of 1982 and RCW 29.33.081 are each amended to read as follows:

If voting systems or devices or vote tallying systems are to be used for conducting a primary or election, only ((voting machines, voting devices, and vote tally systems which)) those that have the approval of the secretary of state or had been approved under this chapter or chapter 29.34 RCW before March 22, 1982, may be used ((for conducting any election)). Any modification, change, or improvement ((of the)) to any voting ((machines, voting devices, or vote tally systems)) system or component of a system that does not impair ((their)) its accuracy, efficiency, or capacity or extend its function, may be made without ((the necessity of a)) reexamination or reapproval by the secretary of state under RCW 29.33.041.

Sec. 22. Section 29.33.130, chapter 9, Laws of 1965 and RCW 29.33-.130 are each amended to read as follows:

The county auditor of a county((, the city clerk, or proper officer of a district,)) in which voting ((machines)) systems are ((to be)) used ((shall cause them to be properly prepared therefor, and for that purpose shall)) is responsible for the preparation, maintenance, and operation of those systems and may employ ((for such time as is necessary one or more competent persons who shall be election officers known as the voting machine custodians. Voting machine custodians shall be sworn to perform their duties honestly and faithfully, and shall be paid for the time actually spent in the discharge of their duties. One custodian shall be employed for each twenty machines; if more than one is employed they shall be selected from the political parties entitled to representation on a board of election officers)) and direct persons to perform some or all of these functions.

NEW SECTION. Sec. 23. A new section is added to chapter 29.33 RCW to read as follows:

An agreement to purchase or lease a voting system or a component of a voting system is subject to that system or component passing an acceptance test prescribed by the secretary of state sufficient to demonstrate that the equipment is identical to that certified by the secretary of state and that the equipment is operating correctly as delivered to the county.

Sec. 24. Section 29.33.230, chapter 9, Laws of 1965 and RCW 29.33-.230 are each amended to read as follows:

Except for reopening to make a recanvass, the registering mechanism of each ~~((machine))~~ mechanical voting device used in any primary or election shall remain ~~((locked and))~~ sealed ~~((against operation for thirty))~~ until ten days ~~((following any state or county))~~ after the completion of the canvass of that primary or election ~~((and for eight days following any primary or election held by a city or other constituency not greater than a))~~ in that county. Except where provided by a rule adopted under section 7 of this 1990 act, voting devices used in a primary or election shall remain sealed until ten days after the completion of the canvass of that primary or election in that county.

**NEW SECTION.** Sec. 25. A new section is added to chapter 29.33 RCW to read as follows:

In preparing a voting device for a primary or election, a record shall be made of the ballot format installed in each device and the precinct or portion of a precinct for which that device has been prepared. Except where provided by a rule adopted under section 7 of this act, after being prepared for a primary or election, each device shall be sealed with a uniquely numbered seal and provided to the inspector of the appropriate polling place.

Sec. 26. Section 18, chapter 109, Laws of 1967 ex. sess. as last amended by section 6, chapter 40, Laws of 1982 and RCW 29.34.080 are each amended to read as follows:

No voting device shall be approved by the secretary of state 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))~~ (3) Permits the voter to vote for any person for any office and upon any measure that he or she has the right to vote for;
- ~~((4))~~ (3) 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))~~ (4) Correctly registers all votes cast for any and all persons and for or against any and all measures;
- ~~((6))~~ (5) 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; and
- ~~((7))~~ ~~((Lists all candidates for any office in every primary and election, special or general;))~~
- (6) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

Sec. 27. Section 1, chapter 143, Laws of 1983 as last amended by section 1, chapter 155, Laws of 1989 and RCW 29.34.085 are each amended to read as follows:

~~((No voting device may))~~ The ballot on a single voting device shall not 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. In all general elections, primaries, and special elections, in each polling place the voting devices containing ~~((ballot pages))~~ ballots 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))~~ ballots for other districts. Each voter shall be directed by the precinct election officers to the correct group of voting devices.

Sec. 28. Section 19, chapter 109, Laws of 1967 ex. sess. as amended by section 7, chapter 40, Laws of 1982 and RCW 29.34.090 are each amended to read as follows:

~~((No))~~ The secretary of state shall not approve a vote tallying system ~~((shall be approved by the secretary of state))~~ unless it ~~((is constructed so that it is))~~:

(1) ~~((Capable of))~~ Correctly ~~((counting))~~ counts votes on ballots ~~((or ballot cards))~~ on which the proper number of votes have been marked for any office or ~~((question or))~~ issue ~~((that has been voted))~~;

(2) ~~((Capable of ignoring the))~~ Ignores votes marked for any office or ~~((question or))~~ issue where more than the allowable number of votes have been marked, but ~~((shall))~~ correctly counts the properly voted portions of the ballot ~~((or ballot card))~~;

(3) ~~((Capable of accumulating))~~ Accumulates a count of the specific number of ballots ~~((or ballot cards))~~ tallied for ~~((a))~~ each precinct, ~~((accumulating))~~ total votes by candidate for each office, and ~~((accumulating))~~ total votes for and against each ~~((question and))~~ issue of the ~~((ballots or ballot cards tallied for a))~~ ballot in that precinct;

(4) ~~((Capable of accommodating))~~ Accommodates rotation of candidates' names on the ballot ~~((or ballot card, provided that all ballots or ballot cards from one precinct shall be of the same rotation sequence))~~ under RCW 29.30.040;

(5) ~~((Capable of automatically producing))~~ Produces precinct and cumulative totals in ~~((either))~~ printed~~((, marked, or punched))~~ form~~((, or combinations thereof))~~; and

(6) Except for functions or capabilities unique to this state, has been tested, certified, and used in at least one other state or election jurisdiction.

Sec. 29. Section 69, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.143 are each amended to read as follows:

(1) Before each state primary or general election at which voting ~~((devices))~~ systems 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)) precinct election officers appointed under RCW 29.45.010, counting center personnel, and political party observers designated under RCW 29.34.153 as recodified by this 1990 act in the proper conduct of their duties ((in conjunction with the conduct of that primary or election)).

(2) The county auditor may waive instructional requirements for ((inspectors and judges of elections)) precinct election officers, counting center personnel, and political party observers who have previously ((have been granted a certificate of proficiency)) received instruction 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)). The county auditor shall keep a record of each person who has received instruction and is qualified to serve at the subsequent primary or election.

(3) As compensation for the time spent in receiving instruction, each ((inspector or judge)) precinct election officer 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.

(4) Except for the appointment of a precinct election officer to fill a vacancy under RCW 29.45.040, no inspector or judge ((of election shall)) may serve at any primary or ((general)) election at which voting ((devices)) systems are used unless he or she has received the required instruction and is qualified to perform his or her duties in connection with the 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)). No person may work in a counting center at a primary or election at which a vote tallying system is used unless that person has received the required instruction and is qualified to perform his or her duties in connection with the handling and tallying of ballots for that primary or election. No person may serve as a political party observer unless that person has received the required instruction and is familiar with the operation of the counting center and the vote tallying system and the procedures to be employed to verify the accuracy of the programming for that vote tallying system.

Sec. 30. Section 71, chapter 361, Laws of 1977 ex. sess. and RCW 29-34.153 are each amended 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))~~ (1) The counting center in a county using voting systems 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)) shall be observed by one representative from each major political party, if representatives have been appointed by the ((county chairman of the)) respective major political ((party. Such)) parties and these representatives are present while the counting center is operating. The proceedings shall be open to the public, but no persons except those employed and authorized ((for the purpose shall)) by the county auditor may touch any ballot ((card)) or ballot container or operate a vote tallying system.

~~((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.))~~ (2) The political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the votes cast on any office or issue. The ballots for that precinct shall then be counted by the vote tallying system, and this result shall be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

Sec. 31. Section 72, chapter 361, Laws of 1977 ex. sess. and RCW 29-34.157 are each amended to read as follows:

(1) At the direction of the county auditor, a team or teams composed of a representative of each major political party shall ((together)) stop at ((each)) designated polling places and pick up the sealed containers ((containing the)) of voted ballots ((cards)) for delivery to the counting center. There may be ((as many as two such stops at)) more than one delivery from 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 at))~~ seal the voted ballots in ~~((noncombustible, water-resistant ballot))~~ containers~~((;))~~ furnished by the county auditor and properly identified with his ~~((mailing))~~ or her address~~((; and seal the containers))~~ with uniquely 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))~~ a designated representative of the county auditor shall receive the sealed ballot containers ~~((with the voted ballot cards enclosed))~~, record the time ~~((and))~~, date ~~((together with each))~~, precinct name or number, 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).~~

Sec. 32. Section 73, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.163 are each amended to read as follows:

At least three days ~~((prior to the day of the))~~ before each state primary or general election, ~~((at))~~ the programming for ~~((the))~~ each vote tallying system to be used at that primary or general election shall be tested by the office of the secretary of state ~~((or his designee to ascertain))~~ to verify that the ~~((equipment))~~ system 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))~~ with 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))~~ determined and corrected, and an errorless ~~((count))~~ total shall be ~~((made before the programming is approved and certified))~~ produced before the primary or election.

Such tests shall be observed by at least ~~((two observers, who shall not be of the same))~~ one representative from each major political party, ~~((designated))~~ if representatives have been appointed by the ~~((county chairmen of the))~~ respective ~~((county central committees))~~ major political parties and are present at the test, and shall be open to candidates, the press, and the public. The secretary of state, the county auditor, and ~~((the))~~ any political party observers shall certify that the test has been ~~((properly))~~ conducted in accordance with this section. Copies of ~~((such))~~ this certification shall be retained by the secretary of state and the county auditor. All programming materials, test results, and test ballots shall be securely ~~((locked in a non-combustible, 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 pre-audited group of ballots:))~~

Sec. 33. Section 74, chapter 361, Laws of 1977 ex. sess. and RCW 29-.34.167 are each amended to read as follows:

(1) The ballots ~~((cards))~~ picked up from the precincts during the polling hours may ~~((subsequently))~~ be counted before the polls have closed ~~((: PROVIDED, That all such))~~. Election returns from the count of these ballots must be held in secrecy ~~((in the same manner as the count of paper ballots during polling hours))~~ until the polls have been closed as provided by



~~((RCW 29.54.030))~~ section 54 of this 1990 act. ~~((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.))~~

(2) Upon breaking the seals and opening the ballot containers from the precincts, all voted ballots ~~((cards))~~ shall be ~~((checked for partially removed chads, whereupon any such partially removed chads shall be entirely removed from the ballot cards))~~ manually inspected for damage, write-in votes, and incorrect or incomplete marks. 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))~~.

(3) The returns ~~((printed))~~ produced by the vote tallying system, to which ~~((has))~~ have been added the counts 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. 34. Section 32, chapter 109, Laws of 1967 ex. sess. as amended by section 75, chapter 361, Laws of 1977 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 chapter;))~~ shall publish manuals ~~((containing the))~~ of recommended procedures for the operation of the various vote tallying systems that have been approved. These manuals shall contain any applicable rules and ((regulations and)) statutes ((for the guidance of the county auditor)) relating to the printing of ballots ~~((cards))~~ and preparation and testing of the various vote tallying systems, ~~((for))~~ the ~~((guidance))~~ duties and functions of the precinct election officers ((serving ballot card precincts)), and ~~((for))~~ the ~~((guidance of election officers))~~ duties and functions of the counting center personnel and operators of ((tabulating equipment)) vote tallying systems 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. 35. Section 29.48.010, chapter 9, Laws of 1965 and RCW 29.48-.010 are each amended to read as follows:

The ~~((inspectors of election at the expense of the county or other constituency))~~ county auditor shall provide in ~~((their respective))~~ each polling place ~~((s))~~ a sufficient number of voting booths or ~~((compartments, which shall be furnished with the))~~ voting devices along with any supplies ((and conveniences)) necessary to enable the voter ~~((conveniently to prepare))~~ to mark or register his or her choices on the ballot ~~((for voting, and in which electors may mark their ballots, screened from observation, and a guardrail so constructed that only persons within the rail can approach within fifty~~

~~feet of the ballot boxes, or compartments:)) and within which the voters may cast their votes in secrecy. Where paper ballots are used for voting, the number of ((compartments)) voting booths shall ((not)) be ((less than)) at least one for every fifty ((electors or fraction thereof)) registered voters in the precinct ((or voting at the last preceding election where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted without the preparation of compartments)).~~

Sec. 36. Section 29.48.020, chapter 9, Laws of 1965 as last amended by section 81, chapter 361, Laws of 1977 ex. sess. and RCW 29.48.030 are each amended to read as follows:

No later than the day before ((the hour for opening the polls at any)) a 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)) provide to the inspector or one of the judges of each precinct((:

~~(1) 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 to the number of voters registered therein or such number as the county auditor or other officer in charge of such primary or election may certify to be necessary;~~

~~(3) A suitable ballot 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) Sample ballots;~~

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

~~(7) One United States flag;~~

~~(8) All)) or to one of the inspectors of a polling place where more than one precinct will be voting, all of the ballots, precinct lists of registered voters, and other supplies necessary for conducting the election or primary.~~

Sec. 37. Section 29.48.070, chapter 9, Laws of 1965 and RCW 29.48-.070 are each amended to read as follows:

Before opening the polls for a precinct, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the precinct election officers shall verify that no votes have been registered for any issue or office to be voted on at that primary or election. Any ballot box shall be carefully examined by the judges of election to determine that ((nothing may remain therein;)) it is empty. The ballot box shall then be

~~((locked and the key thereof delivered to one of the judges, to be designated by the auditor or other officer and))~~ sealed or locked. The ballot box shall not be opened ((during)) before the certification of the primary or election except in the manner and for the purposes ((otherwise)) provided ((by law)) under this title.

Sec. 38. Section 29.48.100, chapter 9, Laws of 1965 and RCW 29.48-.100 are each amended to read as follows:

The precinct election ~~((board))~~ officers, immediately before they ~~((commence receiving))~~ start to issue ballots or permit a voter to vote, shall ~~((cause it to be proclaimed aloud))~~ announce at the place of voting that the polls for that precinct are ~~((now))~~ open.

Sec. 39. Section 29.51.010, chapter 9, Laws of 1965 and RCW 29.51-.010 are each amended to read as follows:

No person ~~((other than voters engaged in receiving, preparing, or depositing their ballots or a person present for the purpose of challenging a voter about to receive his ballot shall be permitted within the rail.~~

~~In the case of small precincts where compartments are not required, no person engaged in preparing his ballot shall be interfered))~~ may interfere with a voter in any way ((except by some person authorized to assist him)) within the polling place. This does not prevent the voter from receiving assistance in preparing his or her ballot as provided in RCW 29.51.200.

Sec. 40. Section 29.51.050, chapter 9, Laws of 1965 and RCW 29.51-.050 are each amended to read as follows:

A voter desiring to vote shall give his or her name to ~~((one of))~~ the precinct election officer(s), who has the precinct list of registered voters. This officer shall ((then in an audible tone announce it: A challenge may then be interposed. If no challenge is interposed or if it is overruled)) announce the name to the precinct election officer who has the copy of the poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter shall be ((given)) issued a ballot or permitted to enter a voting ((machine)) booth ((as the case may be. If a ballot is given)) or to operate a voting device. The number ((thereof must)) of the ballot or the voter shall be ((called to the clerks of)) recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29.10.125 and 29.10.127 apply to that voter.

Sec. 41. Section 29.51.060, chapter 9, Laws of 1965 as last amended by section 41, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.060 are each amended to read as follows:

If any person appears ~~((and offers or demands the right))~~ to vote at any primary or election~~((:))~~ as a registered voter in the ~~((precinct))~~ jurisdiction where the primary or election is being held, the precinct election officers shall require ~~((him))~~ the voter to sign his or her name and current address subject to penalties of perjury in ~~((one of the official poll books or in~~

~~a space provided on)) one of the precinct lists of registered voters((, which shall be designated the county auditor's copy. PROVIDED, That)). If the person registered using a ((cross or)) mark((, and being identified by the signature of some other person)) or can no longer sign his or her name, the election officers ((must)) shall require the person offering to vote to be identified by ((the person who so signed, or by a)) another registered voter ((of the precinct. Unless the identifying witness is personally known to the election officers, or to some of them, they may require the identifying witness to sign his name in the presence of the election officers for the purpose of identification)).~~

As soon as it is determined that the person is qualified to vote, one of the precinct election officers shall ((copy)) enter the voter's name ((and address on the corresponding line)) in a second poll book ((or precinct list of registered voters which shall be identified as the inspector's copy)).

Sec. 42. Section 29.51.070, chapter 9, Laws of 1965 as amended by section 42, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.070 are each amended to read as follows:

~~((At every primary and election whereat only registered voters may vote,))~~ As each voter casts his or her vote, ~~((and, where voting machines are used, before each voter enters the voting machine booth, each clerk))~~ the precinct election officers shall insert in ~~((his list of voters,))~~ the poll books or precinct list of registered voters opposite ~~((the))~~ that voter's name, ~~((the letter "V" and the number of his vote or ballot and the inspector or one of the judges shall enter on the voter's registration card or beside his name on the precinct list of registered voters, in the space provided for that purpose; the month, day and year of the primary or election (for example 11/4/30) or such other))~~ a notation ~~((as may be prescribed))~~ to credit the voter with having participated in ~~((the))~~ that primary or election.

Sec. 43. Section 29.51.100, chapter 9, Laws of 1965 as last amended by section 4, chapter 181, Laws of 1988 and RCW 29.51.100 are each amended to read as follows:

On ~~((receipt of his or her))~~ signing the precinct list of registered voters or being issued a ballot ~~((in an election the elector)),~~ the voter shall ~~((forthwith and)),~~ without leaving the polling place ~~((retire alone)),~~ proceed to one of the ~~((places,))~~ voting booths~~((, or apartments provided to prepare))~~ or voting devices to cast 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 RCW 29.04.180 for whom he or she may wish to

~~vote. 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 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)) vote. If the voter was issued a ballot, he or she shall remove the number from the ballot, place the ballot in the ballot box, and return the number to the precinct election officers or shall deliver it to the ((inspector of)) precinct election officers who shall remove the number from the ballot and place the ballot in the ballot box.~~

Sec. 44. Section 29.51.140, chapter 9, Laws of 1965 and RCW 29.51.140 are each amended to read as follows:

~~((Whenever)) In primaries or elections where a voter ((enters the booth who)) has the right to vote only on certain offices and measures, ((an)) a precinct election officer shall ((adjust)) set the ((machine)) mechanical voting device so that ((he)) the voter can only vote on ((such)) those offices and measures ((and no others)) or direct the voter to a voting device where the ballot contains the appropriate offices and measures.~~

Sec. 45. Section 29.51.150, chapter 9, Laws of 1965 and RCW 29.51.150 are each amended to read as follows:

~~The precinct election officers shall ((occasionally)) periodically examine the ((face of the machine and the ballot labels)) voting devices to determine ((whether)) if they have been ((injured or)) tampered with.~~

Sec. 46. Section 16, chapter 101, Laws of 1965 ex. sess. and RCW 29.51.175 are each amended to read as follows:

~~Votes cast by stickers or printed ((label shall not be)) labels are not valid for any purpose and shall be rejected((: PROVIDED, That such action)). Votes cast by sticker or label shall not ((jeopardize the remaining portion of)) affect the validity of other offices or issues on the voter's ballot.~~

Sec. 47. Section 29.51.180, chapter 9, Laws of 1965 and RCW 29.51.180 are each amended to read as follows:

~~Any voter may take ((with him)) into the ((polling place)) voting booth or voting device any printed or written ((memorandum or paper)) material to assist ((him in marking or preparing his ballot)) in casting his or her vote. The voter shall not use this material to electioneer and shall remove the material when he or she leaves the polls.~~

Sec. 48. Section 29.51.190, chapter 9, Laws of 1965 and RCW 29.51.190 are each amended to read as follows:

~~No ((voter shall be permitted to enter a voting machine booth or move the operating lever more than once, or, if ballots are used, no)) ballots ((shall)) may be ((cast)) used in any polling place other than those ((printed)) prepared by the ((respective)) county auditor((s or other authorized election officials as provided by law, and)). No voter ((shall be)) is entitled~~

to vote more than ~~((one ballot. PROVIDED))~~ once at a primary or a general or special election, except that if a voter ((spoils)) incorrectly marks a ballot, he ((shaft)) or she may return it and ((get)) be issued a new ballot(;;). The precinct election officers shall ((immediately destroy the spoiled ballots returned)) void the incorrectly marked ballot and return it to the county auditor.

NEW SECTION. Sec. 49. A new section is added to chapter 29.51 RCW to read as follows:

Deliberately impeding other voters from casting their votes by refusing to leave a voting booth or voting device is a misdemeanor and is subject to the penalties provided in chapter 9A.20 RCW. The precinct election officers may provide assistance in the manner provided by RCW 29.51.200 to any voter who requests it.

Sec. 50. Section 29.51.240, chapter 9, Laws of 1965 and RCW 29.51.240 are each amended to read as follows:

~~((No adjournment or intermission whatever shall take place until))~~ The polls ((are closed and)) for a precinct shall remain open continuously until ((all the votes cast at the polls have been counted and the result publicly announced)) the time specified under RCW 29.13.080. At that time, the precinct election officers shall announce that the polls for that precinct are closed.

Sec. 51. Section 29.51.250, chapter 9, Laws of 1965 and RCW 29.51.250 are each amended to read as follows:

If at the ~~((hour))~~ time of closing the polls, there are any voters in the polling place who have not voted, ~~((the polls must be kept open after the hour for closing to enable them to do so, but this shall not include any voter who was not present at the exact time of closing))~~ they shall be allowed to vote after the polls have been closed.

Sec. 52. Section 29.54.010, chapter 9, Laws of 1965 as last amended by section 84, chapter 361, Laws of 1977 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))~~ after the last qualified voter has cast his or her vote, the precinct election officers shall ((destroy)) identify and seal all unused ballots ((or ballot cards furnished)) for ((use at such)) that precinct and seal them in a container to be returned to the county auditor.

~~((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.))~~

NEW SECTION. Sec. 53. A new section is added to chapter 29.54 RCW to read as follows:

Immediately after the close of the polls and the completion of voting, the precinct election officers shall count the number of voted ballots and make a record of any discrepancy between this number and the number of voters who signed the poll book for that precinct or polling place, complete the certifications in the poll book, prepare the ballots for transfer to the counting center if necessary, and seal the voting devices.

NEW SECTION. Sec. 54. A new section is added to chapter 29.54 RCW to read as follows:

(1) Paper ballots may be tabulated at the precinct polling place before the closing of the polls under rules adopted by the secretary of state. The tabulation of ballots, paper or otherwise, shall be open to the public, but no persons except those employed and authorized by the county auditor may touch a ballot card or ballot container or operate vote tallying equipment.

(2) The results of the tabulation of paper ballots at the polls shall be delivered to the county auditor as soon as the tabulation is complete.

Sec. 55. Section 29.54.035, chapter 9, Laws of 1965 as amended by section 85, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.035 are each amended to read as follows:

(1) In precincts using paper ballots ((precincts, no election officer or any other)) and in counting centers, no person authorized by law to be present while votes are being counted((, shall)) may divulge ((the)) any results of the count of the ballots at any time prior to the closing of the polls for that primary or election.

(2) A violation of this section is a misdemeanor 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)) under chapter 9A.20 RCW.

Sec. 56. Section 29.54.050, chapter 9, Laws of 1965 as last amended by section 88, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.050 are each amended to read as follows:

((Ballots and)) A ballot ((cards must be rejected)) is invalid and no votes on that ballot may be counted if((:(1) Two are)) it is found folded together with another ballot; ((2)) or, except for an absentee ballot, it is 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 a ballot((s and ballot cards must not)) are invalid and no votes may be counted ((which: (1) Designate more persons for an office than are to be elected to that office; (2) Are not in compliance with)) for those issues or offices where more votes are cast for the office or issue than are permitted by law; write-in votes do not contain all of the information

required under RCW 29.51.170; ~~((3) Are)~~ or that issue or office is not marked with sufficient definiteness to determine the voter's choice or intention(~~(-PROVIDED, That no ballot or ballot card or part thereof shall)~~); No write-in vote may be rejected ~~((for want of))~~ due to a variation in the form ~~((or mistake in initials))~~ of the name~~((s))~~ if the election board or the canvassing board can determine ~~((to their satisfaction))~~ the issue for or against which or the person ~~((voted))~~ and the office for ~~((and))~~ which the ~~((office))~~ voter intended to vote.

Sec. 57. Section 29.54.060, chapter 9, Laws of 1965 as amended by section 89, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.060 are each amended to read as follows:

Whenever the precinct election officers or the counting center personnel have a question ~~((arises in the precinct election board or the counting center as to))~~ about the ~~((legality))~~ validity of a ballot or ~~((ballot card or any part thereof, the action thereon together with))~~ the votes for an office or issue that they are unable to resolve, they shall prepare and sign a concise ~~((statement))~~ record 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))~~ in question or dispute. These ballots ~~((and statements))~~ shall be ~~((forwarded))~~ delivered to the canvassing board for processing. All ballots ~~((and ballot cards must))~~ shall be preserved ~~((whether rejected or counted in whole or in part and returned))~~ in the same manner as ~~((other))~~ valid ballots ~~((and ballot cards))~~ for that primary or election.

NEW SECTION. Sec. 58. A new section is added to chapter 29.54 RCW to read as follows:

Except as provided by rule under section 7 of this act, on the day of the primary or election, the tabulation of ballots at the polling place or at the counting center shall proceed without interruption or adjournment until all of the ballots cast at the polls at that primary or election have been tabulated.

NEW SECTION. Sec. 59. A new section is added to chapter 29.54 RCW to read as follows:

Immediately after their tabulation, all ballots shall be sealed in containers that identify the primary or election and be retained for at least sixty days. The containers may only be opened by the canvassing board as part of the canvass or to conduct recounts or by order of the superior court in a contest or election dispute. If the canvassing board opens a ballot container, it shall make a full record of the additional tabulation or examination made of the ballots. This record shall be added to any other record of the canvassing process in that county.

NEW SECTION. Sec. 60. A new section is added to chapter 29.54 RCW to read as follows:



The county auditor shall produce cumulative and precinct returns for each primary and election and deliver them to the canvassing board for verification and certification. The precinct and cumulative returns of any primary or election are public records under chapter 42.17 RCW.

Sec. 61. Section 94, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.170 are each amended to read as follows:

In counties using voting ~~((devices))~~ systems, 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))~~ for at least sixty days after the primary or election:

(1) Sample 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))~~ All 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 RCW 29.34.163.

Sec. 62. Section 29.62.010, chapter 9, Laws of 1965 and RCW 29.62.010 are each amended to read as follows:

Every ~~((official body))~~ canvassing board or officer ~~((upon whom is imposed the duty of))~~ responsible for canvassing and certifying the returns of any primary or election shall:

(1) Adopt administrative rules to facilitate and govern the canvassing process in that jurisdiction;

(2) For each primary and election, prepare and ((certify)) sign a statement ((separately setting forth)) of the returns for each office ~~((the returns as to which it or he is required by law to canvass, and the vote each)),~~ candidate ~~((received therefor;~~

~~((2) If required to canvass returns from a primary, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the member of each political party participating therein who received the highest number of votes for each office: PROVIDED, That if there is more than one position to be filled for the same office the number of candidates of each political party participating therein equaling the number of positions to be filled who received the highest number of votes shall be listed as the nominees)),~~ and issue voted on in that jurisdiction;

(3) If, at a partisan primary, two or more candidates of the same party ~~((are tied))~~ receive the greatest, and identical, number of votes for ~~((the same))~~ an office, ((determine)) resolve the tie ((then and there)) vote by lot;

(4) If, at a nonpartisan or judicial primary, two or more candidates ~~((have received an equal))~~ receive the second greatest, and identical, number of votes ~~((and such number is barely sufficient for nomination, but as a~~

consequence, the number of persons so nominated exceeds twice the number of positions to be filled, determine)) for that office or position, resolve the tie ((then and there)) vote by lot ((so as to reduce the field of candidates to the proper number:

~~(5) After each election, prepare and certify a statement separately setting forth each office the returns as to which it or he is required by law to canvass, and the person who received the highest number of votes for each office. PROVIDED, That if there is more than one position to be filled for the same office, the number of persons equaling the number of positions to be filled who receive the highest number of votes shall be listed as having been elected)).~~

Sec. 63. Section 29.62.040, chapter 9, Laws of 1965 and RCW 29.62-.040 are each amended to read as follows:

~~((The county canvassing board at any meeting for)) Before canvassing the returns of a primary or election ((shall proceed as follows:~~

~~(1)), the chairman of the ((board of)) county ((commissioners)) legislative authority shall administer ((the following)) an oath to the county auditor((:~~

~~"I do solemnly swear that the primary (or election) returns of the several precincts included in the primary (or election) last held in . . . . . (here name the county or any other governmental unit not larger than a county if the election was held for it) have been in no wise altered by additions or erasures and that they are the same as when they were deposited in my office, so help me God."~~) attesting to the authenticity of the information presented to the canvassing board. This oath((,- the signature and certificate)) must be ((in writing)) signed by the county auditor and filed with the ((papers pertaining to)) returns of the primary or election((;);~~~~

~~((2)) The county ((auditor with the assistance of the other members of the)) canvassing board shall proceed to ((count the vote of)) verify the results from the precincts((-precinct by precinct;~~

~~(3) Neither the tally books and sheets, the poll lists nor the certificate returned for any primary or election from any precinct shall be rejected for want of form or substance if it can be satisfactorily understood;~~

~~(4) File)) and the absentee ballots. The board shall execute a certificate of ((their canvass)) the results of the primary or election signed by all ((the)) members ((with the county auditor;~~

~~(5) If there is a vacancy in the county canvassing board, the remaining members of the board shall choose one of the other county officers to act during the canvass;~~

~~(6)) of the board. Failure to ((return the total votes counted)) certify the returns, if they can be ascertained with reasonable certainty ((shall be)), is a misdemeanor.~~

Sec. 64. Section 29.62.050, chapter 9, Laws of 1965 and RCW 29.62-.050 are each amended to read as follows:

Whenever the canvassing board (~~((authorized to canvass the returns))~~) finds (~~((, in its discretion,))~~) that there is an apparent discrepancy or an inconsistency in the (~~((primary or election))~~) returns (~~((such))~~) of a primary or election, the board may (~~((order that))~~) re-canvass (~~((of))~~) the ballots or voting (~~((machines be made of all, or of))~~) devices in any (~~((number less than all, of the))~~) precincts of the county (~~((, and said re-canvass may, in the discretion of said board, be made as to all, or as to any number less than all, of the candidates or measures voted upon. In conducting such re-canvass said board, or any duly authorized representative or employee of the board, may open the counter compartment of any voting machine without unlocking the machine against voting and recheck the vote cast thereon. If in the course of such re-canvass the board determines that there is an error in the return of any precinct said board shall summon the inspector and judges of the precinct and the inspector and judges shall correct such error by making notation thereof in the poll book and shall initial such notation. PROVIDED, That in the event that the election officials do not appear, or fail or refuse to make the correction as indicated,)).~~) The canvassing board shall correct (~~((such))~~) any error (~~((in the poll book and initial such correction))~~) and document the correction of any error that it finds.

Sec. 65. Section 29.64.030, chapter 9, Laws of 1965 and RCW 29.64-030 are each amended to read as follows:

At the time and place (~~((fixed))~~) established for (~~((making))~~) a recount (~~((of paper ballots))~~), the canvassing board or (~~((their))~~) its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted, and shall recount (~~((them))~~) the votes for the offices or issues for which the recount has been ordered. Ballots shall be handled only by the members of the canvassing board (~~((;))~~) or their duly authorized representatives (~~((or by the clerk or other employees of the board))~~). Witnesses shall be permitted to (~~((see))~~) observe the ballots and the process of tabulating the votes, but they shall not be permitted to (~~((touch them, and))~~) handle the ballots. The canvassing board shall not permit the (~~((counting or))~~) tabulation of votes (~~((shown on the ballots))~~) for any nomination, (~~((or for))~~) election (~~((to any office or position))~~), or (~~((upon any question or proposition,))~~) issue other than the (~~((votes shown on such ballots))~~) ones for (~~((the nomination, election, or question or proposition concerning))~~) which a recount (~~((of ballots))~~) was (~~((applied for))~~) ordered.

At the time and place (~~((fixed))~~) established for (~~((making a recheck))~~) a re-canvass of the votes cast on voting (~~((machines))~~) devices that do not provide an individual record of the choices of each voter, the canvassing board or (~~((their))~~) its duly authorized representatives, in the presence of all witnesses who may be in attendance, shall open the voting (~~((machines))~~) devices

to be rechecked, and shall ~~((recheck them))~~ verify the votes cast for the offices and issues for which the recount was ordered. Witnesses shall be permitted to watch the recheck of the voting ~~((machines, and))~~ devices. The canvassing board shall not permit the rechecking of votes for any nomination, ~~((or for))~~ election ~~((to any office or position)),~~ or ~~((upon any question or proposition;))~~ issue other than the ~~((votes shown on such voting machines for the nomination, election, or question or proposition concerning))~~ ones for which a recount ((of voting machines)) was ((applied for)) ordered.

At any time before the ballots from all of the precincts listed in the application for the recount have been recounted, the applicant may file with the board a written request to stop the recount ~~((and not recount the ballots from the precincts so listed and which have not been recounted prior to the time of such request. PROVIDED, That this provision shall not apply to a recount when a recount is being made of any regular or special district election wheremat the precincts were consolidated and as a result thereof the application for a recount embraced all ballots cast at such election)).~~

If ~~((, upon such request;))~~ the canvassing board finds that the results of the votes in the precincts recounted, if substituted for the results of the votes in ~~((such))~~ those precincts as shown in the certified abstract of the votes ((in such precincts;)) would not ~~((cause the applicant, if a person for whom votes were cast for nomination or election, to be declared nominated or elected or if an election upon a question or proposition would not cause a result contrary to))~~ change the result ((thereof as declared prior to such recount)) for that office or issue, it shall ((grant such request and shall)) not recount the ballots of the precincts listed in the application for recount which have not been recounted ((prior to such time. If the board finds otherwise, it may deny such request and shall continue to recount ballots until the ballots from all of the precincts listed in the application for recount have been recounted. PROVIDED, That if such request is denied it may be renewed from time to time. Upon any such renewal the board shall consider and act upon the request in the same manner as provided in this section in connection with an original request.)) before the request to stop the recount. The canvassing board shall attach a copy of the request to stop the recount to the partial returns of the recount.

The recount may be observed by persons representing the candidates affected by the recount or the persons representing both sides of an issue that is being recounted. The observers may not make a record of the names, addresses, or other information on the ballots, poll books, or applications for absentee ballots unless authorized by the superior court. The secretary of state or county auditor may limit the number of observers to not less than two on each side if, in his or her opinion, a greater number would cause undue delay or disruption of the recount process.

Sec. 66. Section 29.64.040, chapter 9, Laws of 1965 and RCW 29.64.040 are each amended to read as follows:

Upon completion of ~~((the))~~ a recount ~~((of the ballots, or upon stopping the recount prior to such time)),~~ the canvassing board shall ~~((promptly))~~ prepare and certify an amended abstract showing the votes cast in each precinct ~~((in))~~ for which the ~~((nomination, election, or question or proposition was submitted to the electors, which amended abstract shall embody the votes of the precincts, the ballots of which were recounted, as shown by such))~~ recount was conducted. Copies of ~~((such certified))~~ the amended abstracts shall be ~~((mailed to such other boards or election officials as required in the case of the original abstract which such amended))~~ transmitted to the same officers who received the abstract ~~((amends))~~ on which the recount was based.

If the nomination, election, or ~~((question or proposition concerning))~~ issue for which ~~((such))~~ the recount was ~~((made))~~ conducted was submitted only to the ~~((electors within))~~ voters of a county, the canvassing board shall ~~((make an))~~ file the amended ~~((declaration of the result of such election in the same manner required in the making of its))~~ abstract with the original ~~((declaration of the))~~ results of ~~((such))~~ that election or primary.

If the nomination, election, or ~~((question or proposition concerning))~~ issue for which a recount was ~~((made))~~ conducted was submitted to the ~~((electors))~~ voters of more than one county, the secretary of state shall canvass ~~((all))~~ the amended abstracts ~~((received from the canvassing board of each county in which a recount was made,))~~ and shall ~~((make))~~ file an amended ~~((declaration of the results of such election in the same manner required in the making of his))~~ abstract with the original ~~((declaration of the))~~ results of ~~((such))~~ that election. An amended abstract certified under this section supersedes any prior abstract of the results for the same offices or issues at the same primary or election.

Sec. 67. Section 29.64.050, chapter 9, Laws of 1965 and RCW 29.64-.050 are each amended to read as follows:

~~((If))~~ When a person was declared nominated ~~((as a candidate))~~ for ~~((election to an office))~~ or elected to an office or position and ~~((if))~~ it subsequently appears ~~((by the amended declaration of the results of such election made))~~ following a recount of votes ~~((cast in such election))~~ that ~~((such))~~ this person was not ~~((so))~~ nominated or elected, ~~((such person))~~ he or she may, within three days after the ~~((date of such amended declaration))~~ certification of the results of ~~((such election))~~ the recount, file ~~((an application))~~ a request with the appropriate canvassing board or official for a recount of the votes cast ~~((at such primary or election for such))~~ for that nomination or election in any precinct~~((;))~~ for which the ballots ~~((of which))~~ have not been recounted.

If, following a recount of votes cast at an election~~((, regular or special; upon any question or proposition, the amended declaration of the))~~ on an issue, the certified results of ~~((such election shows the result of such election to be))~~ the recount are contrary to the result ~~((thereof as declared))~~ on that

issue in the original ~~((declaration of the))~~ results ~~((thereof))~~ of that election, any group of five or more registered voters ~~((which has filed a statement with the board as provided in RCW 29.64.020))~~ may, within three days after the ~~((date of the amended declaration))~~ certification of the results of the recount, file ~~((an application))~~ a request with the appropriate board or official for a recount of the votes cast ~~((at such election upon such question or proposition in any precinct, the votes of which))~~ upon that issue that have not been recounted.

RCW 29.64.010, 29.64.020, and 29.64.030 are applicable to any ~~((application provided for in this section and to the))~~ request and recount ~~((had pursuant thereto))~~ under this section.

Sec. 68. Section 29.64.060, chapter 9, Laws of 1965 as amended by section 100, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.060 are each amended to read as follows:

The ~~((charges))~~ expenses for ~~((making))~~ conducting a recount of votes ~~((of precincts listed in an application for recount filed with the board of elections))~~ shall be fixed by the canvassing 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 the actual cost).

~~((Such charge))~~ The cost of the recount shall be deducted ~~((by the board))~~ from the ~~((money))~~ amount deposited ~~((with the board))~~ by the applicant for the recount at the time of filing ~~((his application))~~ the request for the recount, and the balance ~~((of the money so deposited))~~ shall be returned to ~~((such))~~ the applicant ~~((unless))~~. If the costs of the recount ~~((were higher than))~~ exceed the deposit, ~~((in which case))~~ the applicant shall ~~((be required to))~~ pay the difference ~~((PROVIDED, That no such charges shall))~~. No charges may be deducted by the canvassing board from the ~~((money deposited))~~ deposit 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;))~~ if the recount changes the result of ~~((such))~~ the nomination or 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))~~ for which the recount was ordered.

Sec. 69. Section 29.71.020, chapter 9, Laws of 1965 as amended by section 1, chapter 238, Laws of 1977 ex. sess. and RCW 29.71.020 are each amended to read as follows:

In the year((s)) in which a presidential election~~((s-are))~~ is held, each major political party ~~((nominating))~~ and each minor political party or independent candidate convention held under chapter 29.24 RCW that nominates candidates for president and vice-president of the United States shall nominate ~~((their))~~ presidential electors for this state ~~((and))~~. The party or convention shall file with the secretary of state a certificate~~((s-of nomination for such candidates at the time and in the manner and number provided by law. Each political party shall require from each candidate for))~~ signed by the presiding officer of the convention at which the presidential electors were chosen, listing the names and addresses of the presidential electors. Each presidential elector shall execute and file with the secretary of state a pledge that, as an elector, he or she will vote for the candidates nominated by that party. ~~((The secretary of state shall certify to the county auditors the names of the candidates for president and vice president of the several political parties, which shall be printed on the ballot.))~~ The names of ~~((candidates for))~~ presidential electors ~~((of president and vice president))~~ shall not ~~((be printed upon))~~ appear on the ballots. The votes cast for candidates for president and vice-president of each political party shall be counted for the candidates for presidential electors of ~~((such))~~ that political party~~((, whose names have been filed with the secretary of state)).~~

Sec. 70. Section 29.74.080, chapter 9, Laws of 1965 and RCW 29.74.080 are each amended to read as follows:

The ~~((ballot))~~ issue shall be ~~((headed))~~ identified as, "Delegates to a convention for ratification or rejection of a proposed amendment to the United States Constitution, relating . . . . . (stating briefly the substance of amendment proposed for adoption or rejection)." The names of all candidates who have filed ~~((for))~~ in a district shall be printed on the ballots for that district in two separate groups~~((-In one group))~~ under the headings, "For the amendment" ~~((shall be printed in alphabetical order of their surnames, the names of all candidates, who in their filed declaration of candidacy have declared themselves to be in favor of the amendment; and in the other group under the heading;))~~ and "Against the amendment." The names of the candidates in each group shall be printed in alphabetical order ~~((of their surnames, the names of all candidates, who in their filed declaration of candidacy have declared themselves to be against the amendment. The wording of the headings for the two groups may be varied from that prescribed above if the nature of the proposal submitted by congress requires a different heading in order to clearly and briefly express the attitude of the candidates as disclosed in their declarations of candidacy. One of said groups shall occupy the left, and the other the right, column on said ballot. At the top of the ballot preceding the list of names shall be the~~

statement, "Vote for" then the word, "two" or a spelled number designating the number of delegates to which the district is entitled, and "To vote for a person, make a cross (X) in the square at the right of the name of each person for whom you desire to vote." In all other respects the ballots shall follow the form prescribed by general law)).

Sec. 71. Section 29.82.130, chapter 9, Laws of 1965 as amended by section 2, chapter 42, Laws of 1980 and RCW 29.82.130 are each amended to read as follows:

The special election ((to be called)) for the recall of an officer((s)) shall be conducted in the same manner as ((general, state, county, municipal, or other political subdivision elections, as the case may be, are conducted. The proper election officer shall provide for the holding of)) a special election for that jurisdiction. The county auditor shall conduct the recall election((s and the necessary places and officers, ballot boxes, ballots, poll books, voting machines, supplies, and returns as are required by law for holding general elections)). The ballots at any recall election shall contain a full, true, and correct copy of the ballot synopsis of the charge(;) and the officer's response to the charge if ((such)) one has been filed((, and shall be so arranged that any voter can, by making one cross (X) express his desire to have the officer charged recalled from his office, or retained therein. Substantially the following form shall be a compliance with the provisions of this section:

RECALL BALLOT

(Here insert the ballot \_\_\_\_\_ (Here insert the officer's synopsis of the charge.) \_\_\_\_\_ response to the charge.)

FOR the recall of (here insert the name of the officer) .....   
AGAINST the recall (here insert the name of the officer) ..... ).

Sec. 72. Section 10, chapter 31, Laws of 1969 as last amended by section 36, chapter 3, Laws of 1983 and RCW 28A.57.435 are each amended to read as follows:

Within thirty days after March 25, 1969, the school boards of any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year



term and thereafter the term of their respective successors shall be for four years. The term of office of incumbent members of the board of such district shall not be affected by RCW 28A.57.312, 28A.57.336, 28A.57.425, 28A.57.435, 28A.57.313, and 29.21.180(~~(, and 29.21.210, each as now or hereafter amended)~~).

**\*Sec. 73. Section 3, chapter 110, Laws of 1987 and RCW 29.21.075 are each amended to read as follows:**

***The names of candidates for district court judge shall appear on primary and general election ballots in the following order:***

***(1) The names shall be rotated in each precinct in primaries in the manner specified by RCW 29.30.040(~~29.30.340, and 29.30.440~~). The order of the names on sample ballots and on absentee ballots in primaries shall be determined by lot as specified in RCW 29.18.022.***

***(2) On the general election ballot and on absentee and sample ballots for the general election, the name of the candidate who receives the greatest number of votes for the position at the primary shall be listed first followed by the name of the candidate who receives the next greatest number of votes.***

**\*Sec. 73 was vetoed, see message at end of chapter.**

**Sec. 74. Section 29.45.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 102, Laws of 1973 and RCW 29.45.060 are each amended to read as follows:**

The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two or more sets of precinct election officers are appointed as provided in RCW 29.45.050, the ballots shall be counted by the counting board or boards as provided in (~~(RCW 29.54.030, 29.54.043, and 29.54.045)~~) sections 53 and 54 of this 1990 act and RCW 29.54.035 as recodified by this 1990 act.

**Sec. 75. Section 29.51.020, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1984 and RCW 29.51.020 are each amended to read as follows:**

**(1) On the day of any primary, general or special election, no person may, within a polling place, or in any public area within three hundred feet of any entrance to such polling place:**

- (a) Do any electioneering;**
- (b) Circulate cards or handbills of any kind;**
- (c) Solicit signatures to any kind of petition;**
- (d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place; or**

**(e) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place; or**

**(e) Conduct any exit poll or public opinion poll with voters.**

**(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling**

place. Any sheriff, deputy sheriff, or municipal law enforcement officer shall prevent such obstruction, and may arrest any person creating such obstruction.

(3) No person may:

(a) Except as provided in RCW 29.34.157 as recodified by this 1990 act, remove any ballot from the polling place before the closing of the polls; or

(b) Solicit any voter to show his or her ballot.

(4) No person other than an inspector or judge of election may receive from any voter a voted ballot or deliver a blank ballot to such elector.

(5) Any violation of this section is a misdemeanor under RCW 9A.20.010, and shall be punished under RCW 9A.20.020(3), and the person convicted may be ordered to pay the costs of prosecution.

Sec. 76. Section 7, chapter 109, Laws of 1967 ex. sess. as amended by section 5, chapter 71, Laws of 1983 1st ex. sess. and RCW 29.36.130 are each amended to read as follows:

All mail ballots authorized by RCW 29.36.120 shall contain the same offices, names of candidates, and propositions to be voted upon, including precinct offices, as if the ballot had been voted in person at the polling place. Except as otherwise provided in RCW 29.36.120 and 29.36.122 through 29.36.126 and 29.36.139, such mail ballots shall be issued and canvassed in the same manner as absentee ballots issued pursuant to the request of the voter. The county canvassing board, at the request of the county auditor, may direct that mail ballots be counted on the day of the election. If such count is made, it must be done in secrecy in the presence of at least three election officials and the results not revealed to any unauthorized person until the polls have closed. If electronic vote tallying devices are used, political party observers shall be afforded the opportunity to be present, and a test of the equipment must be performed as required by RCW 29.34.163 prior to the count of ballots. Political party observers shall be allowed to count by hand ballots from up to ten precincts selected by the observers. Any violation of the secrecy of such count shall be subject to the same penalties as provided for in RCW 29.54.035 as recodified by this 1990 act.

NEW SECTION. Sec. 77. A new section is added to chapter 29.01 RCW to read as follows:

"Filing officer" means the county or state officer with whom declarations of candidacy for an office are required to be filed under this title.

Sec. 78. Section 29.18.010, chapter 9, Laws of 1965 and RCW 29.18.010 are each amended to read as follows:

~~((A))~~ Candidates for ~~((state, congressional, legislative, county, municipal, and precinct elective))~~ the following offices shall be nominated at ~~((a))~~ partisan ~~((primary election))~~ primaries held pursuant to the provisions

of this chapter: ~~((PROVIDED, That this chapter shall not apply to elections:~~

- ~~(1) To fill unexpired terms occasioned by vacancies;~~
- ~~(2) For nonpartisan elective offices;~~
- ~~(3) For presidential electors;~~
- ~~(4) In first class cities whose charters provide a nonpartisan method of nominating candidates;~~
- ~~(5) In fourth class cities or towns;~~
- ~~(6) In first, second and third class cities holding nonpartisan elections under RCW 29.21.010))~~

- (1) Congressional offices;
- (2) All state offices except (a) judicial offices and (b) the office of superintendent of public instruction;
- (3) All county offices except (a) judicial offices and (b) those offices where a county home rule charter provides otherwise.

Sec. 79. Section 1, chapter 52, Laws of 1965 and RCW 29.18.015 are each amended to read as follows:

Not less than ~~((ten))~~ thirty days before the ~~((time))~~ first day for filing declarations of candidacy under RCW 29.18.025 as recodified by this 1990 act for ~~((the office of state representative in representative districts embracing more than one county))~~ legislative, judicial, county, city, town, or district office, where more than one position with the same name, district number, or title will be voted upon at the succeeding election, the ~~((secretary of state))~~ filing officer shall ~~((in each case))~~ designate the positions to be filled by ~~((consecutive))~~ number ~~((commencing with the number, "No. 1".~~ The county auditor shall do likewise for state representative positions in counties wherein the representative districts are confined to the whole or part of a single county)).

The ~~((state representative))~~ positions so designated shall be dealt with as separate offices for all election purposes. ~~((The provisions of this section shall not apply to those representative districts assigned a single state representative position))~~ With the exception of the office of justice of the supreme court, the position numbers shall be assigned, whenever possible, to reflect the position numbers that were used to designate the same positions at the last full-term election for those offices.

NEW SECTION. Sec. 80. A new section is added to chapter 29.30 RCW to read as follows:

After the close of business on the last day for candidates to file for office, the filing officer shall, from among those filings made in person and by mail, determine by lot the order in which the names of those candidates will appear on all sample and absentee ballots. In the case of candidates for city, town, and district office, this procedure shall also determine the order for candidate names on the official primary ballot used at the polling place. The determination shall be done publicly and may be witnessed by the media

and by any candidate. If no primary is required for any nonpartisan office under RCW 29.13.075 as recodified by this act or 29.21.015, the names shall appear on the general election ballot in the order determined by lot.

Sec. 81. Section 2, chapter 142, Laws of 1984 as amended by section 8, chapter 167, Laws of 1986 and RCW 29.18.025 are each amended to read as follows:

Except where otherwise provided by ~~((state law))~~ this title, declarations of candidacy for the following offices shall be filed during regular business hours with the ~~((secretary of state or the county auditor))~~ filing officer no earlier than the fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

This section supersedes all other statutes that provide for a different filing period for these offices.

**NEW SECTION.** Sec. 82. A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice-president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration and affidavit of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

(1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;

(2) A place for the candidate to indicate the position for which he or she is filing;

(3) A place for the candidate to indicate a party designation, if applicable;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under RCW 29.18.050 as recodified by this act;

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

**NEW SECTION.** Sec. 83. When filing for office, a candidate may indicate the manner in which he or she desires his or her name to be printed on the ballot. For filing purposes, a candidate may use a nickname by which he or she is commonly known as his or her first name, but the last name shall be the name under which he or she is registered to vote.

No candidate may:

(1) Use a nickname that denotes present or past occupation, including military rank;

(2) Use a nickname that denotes the candidate's position on issues or political affiliation;

(3) Use a nickname designed intentionally to mislead voters.

The secretary of state shall adopt rules to resolve those instances when candidates have filed for the same office whose last names are so similar in sound or spelling as to be confusing to the voter.

Sec. 84. Section 29.18.040, chapter 9, Laws of 1965 as last amended by section 30, chapter 361, Laws of 1977 ex. sess. and RCW 29.18.040 are each amended to read as follows:

Declarations of candidacy shall be filed (~~as follows~~) with the following filing officers:

(1) The secretary of state for declarations of candidacy for state-wide offices, United States senate, and United States house of representatives(;~~and~~);

(2) The secretary of state for declarations of candidacy for the state legislature, the court of appeals, and the superior court when ((electors)) voters from a district comprising more than one county vote upon the candidates((, in the office of the secretary of state));

~~((2))~~ (3) The county auditor for all other offices((, when electors from only one county vote upon the candidates, in the office of the county auditor)). For any nonpartisan office, other than judicial offices, where voters from a district comprising more than one county vote upon the candidates, a declaration of candidacy shall be filed with the county auditor of the county in which a majority of the registered voters of the district reside.

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. 85. Section 29.18.050, chapter 9, Laws of 1965 as last amended by section 2, chapter 295, Laws of 1987 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 committee officer; a filing fee of ten dollars shall accompany the declaration of candidacy for any office with ~~((an))~~ a fixed annual salary of one thousand dollars or less; a filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with ~~((an))~~ a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for any office for which compensation is on a per diem or per meeting attended basis, nor for the filing of any declaration of candidacy by a write-in candidate.

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)))~~ (2) 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. 86. Section 7, chapter 142, Laws of 1984 and RCW 29.18.105 are each amended to read as follows:

A candidate may withdraw his or her declaration of candidacy at any time before the ~~((Friday))~~ close of business on the Thursday following the last day for candidates to file under RCW 29.18.025 as recodified by this 1990 act by filing, with the officer with whom the declaration of candidacy was filed, a ~~((written;))~~ signed request that his or her name not be printed on the ballot. There shall be no withdrawal period for declarations of candidacy filed during special filing periods held under ~~((RCW 29.18.032, 29.21.360, 29.21.370, or 29.68.080))~~ this title. The filing officer may permit the withdrawal of a filing for the office of precinct committee officer at the request of the candidate at any time if no absentee ballots have been issued for that office and the general election ballots for that precinct have not

been printed. No filing fee may be refunded to any candidate who withdraws under this section. Notice of the deadline for withdrawal of candidacy and that the filing fee is not refundable shall be given to each candidate at the time he or she files.

Sec. 87. Section 29.18.120, chapter 9, Laws of 1965 as amended by section 1, chapter 112, Laws of 1971 ex. sess. and RCW 29.18.120 are each amended to read as follows:

~~So far as applicable, the provisions ((in relation to the holding of elections, the solicitation of voters at the polls, the challenging of voters, the manner of conducting elections, of counting the ballots and making returns and canvass thereof, and all other kindred subjects shall apply to all primaries and the election officers shall have the same powers for primary elections as they have for))~~ of this title relating to conducting general elections shall govern the conduct of primaries.

Sec. 88. Section 29.18.200, chapter 9, Laws of 1965 and RCW 29.18.200 are each amended to read as follows:

Except as provided otherwise in chapter 29.19 RCW, all properly registered voters may vote for their choice at any primary ((election)) held under this title, for any candidate for each office, regardless of political affiliation and without a declaration of political faith or adherence on the part of the voter.

Sec. 89. Section 29.21.010, chapter 9, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 and RCW 29.21.010 are each amended to read as follows:

~~All ((cities and towns shall hold primary elections irrespective of type or form of government which))~~ city and town primaries shall be nonpartisan ((and held as provided in RCW 29.13.070, as now or hereafter amended: Att)). Primaries for special purpose districts, except those districts ((which)) that require ownership of property within ((said)) the district((s)) as a prerequisite to voting, shall ((hold primary elections which shall)) be nonpartisan ((and)). City, town, and district primaries shall be held as provided in RCW 29.13.070 ((as now or hereafter amended:

~~All names of candidates to be voted upon at city, town, and such district primary elections shall be printed upon the official primary ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes for each position, shall appear in that order on the city, town, or district general election ballot concerned under the designation for each respective office. In the event there are two or more offices to be filled for the same position, then names of candidates receiving the highest number of votes equal in number to twice the offices to be filled shall appear on the city, town, or district general election ballot so that the voter shall have~~

a choice of two candidates for each position: ~~PROVIDED, That no name of any candidate shall appear on the city, town, or district general election ballot unless said candidate shall receive at least five percent of the total votes cast for that office. The sequence of names of candidates printed on the city, town, or district general election ballot shall be in relation to the number of votes each candidate received at the primary. Names of candidates printed upon the city, town, or district primary and general election ballot need not be rotated~~)).

The purpose of this section is to establish the holding of a primary ((election)), subject to the exemptions ((as contained)) in RCW 29.21.015 ((as now or hereafter amended)), as a uniform procedural requirement to the holding of city, town, and district elections ((and such)). These provisions ((shall)) supersede any and all other statutes, whether general or special in nature, having different election requirements.

Sec. 90. Section 29.21.015, chapter 9, Laws of 1965 as amended by section 2, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.015 are each amended to read as follows:

No primary ((election shall)) may be held for any single position in any city, town, or district, as required by RCW 29.21.010, ((as now or hereafter amended,)) if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for the position ((to be filed: ~~PROVIDED, That whenever it shall be necessary to hold a primary election for any one such position because of the number of candidates remaining filed, no primary election shall be held for any other position for which no more than two candidates have remained as filed. Insofar as such positions not being subjected to a primary election are concerned~~)). The county auditor shall, as soon as possible, notify all the candidates so affected that the office for which they filed will not appear on the primary ballot. Names of candidates ((that would have been printed upon the primary ballot, but for the provisions of this section,)) so notified shall be printed upon the general election ballot ((alphabetically in groups under the designation of the respective titles of the offices for which they are candidates)) in the manner specified by section 80 of this 1990 act.

Sec. 91. Section 29.21.070, chapter 9, Laws of 1965 as last amended by section 193, chapter 202, Laws of 1987 and RCW 29.21.070 are each amended to read as follows:

The offices of superintendent of public instruction, justice of the supreme court, judge of the court of appeals, judge of the superior court, and judge of the district court shall be nonpartisan and the candidates therefor shall be nominated and elected as such. ((Not less than ten days before the time for filing declarations of candidacy, each county auditor shall designate how many district judges are to be elected in each district in the county.))

All city, town, and special purpose district elective offices shall be nonpartisan and the candidates therefor shall be nominated and elected as such.



Sec. 92. Section 29.21.140, chapter 9, Laws of 1965 as amended by section 4, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.140 are each amended to read as follows:

If at the same election there are short terms or full terms and unexpired terms of office to be filled, the ~~((town or city clerk, the secretary of state, or the county auditor, as the case may be,))~~ filing officer shall distinguish them and designate the short term, the full term, and the unexpired term, as such, or by use of the words "short term<sup>(1)</sup>," "unexpired two year term<sub>2</sub>" or "four year term<sub>2</sub>" as the case may be.

In filing ~~((his))~~ the declaration of candidacy in such cases the candidate shall specify that ~~((his))~~ the candidacy is for the short term, the full term<sub>2</sub> or the unexpired term ~~((as the case may be. PROVIDED, That))~~. When both a short term and a full term for the same position are scheduled to be voted upon, or when a short term is created after the close of the filing period, a single declaration of candidacy accompanied by a single filing fee shall be construed as a filing for both the short term and the full term and the name of such candidate shall appear upon the ballot for the position sought with the designation "short term and ~~((long))~~ full term<sup>(2)</sup>." The candidate elected to both such terms shall be sworn into and assume office for the short term as soon as the election returns have been certified and shall again be sworn into office on the second Monday in January following the election to assume office for the full term.

NEW SECTION. Sec. 93. A new section is added to chapter 29.30 RCW to read as follows:

Except for the candidates for the positions of president and vice-president or for a partisan or nonpartisan office for which no primary is required, the names of all candidates who have filed for nomination under chapter 29.18 RCW and those independent candidates and candidates of minor political parties who have been nominated under chapter 29.24 RCW shall appear on the appropriate ballot at the primary throughout the jurisdiction in which they are to be nominated.

Sec. 94. Section 29.30.040, chapter 9, Laws of 1965 as amended by section 54, chapter 361, Laws of 1977 ex. sess. 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))~~ At primaries, the names of candidates for federal, state, and county partisan offices, for the office of superintendent of public instruction, and for judicial offices shall, for each office or position ~~((shall be first)),~~ be arranged initially in the order ~~((in which their declarations of candidacy were filed))~~ determined under section 80 of this 1990 act. Additional sets of ~~((official))~~ ballots shall be ~~((printed))~~ prepared 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. As nearly as possible an equal number of ballots shall be ~~((printed))~~ prepared after each change. In making the changes of position 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.))~~ The effect of this rotation of the order of the names shall be that the name of each candidate for an office or position shall appear first, second, and so forth for that office or position on the ballots of a nearly equal number of registered voters in that jurisdiction. In a precinct using voting devices, the names of the candidates for each office shall appear in only one sequence in that precinct. The names of candidates for city, town, and district office on the ballot at the primary shall not be rotated.

NEW SECTION. Sec. 95. A new section is added to chapter 29.30 RCW to read as follows:

(1) Except as provided under subsection (2) of this section, on the ballot at the general election for a nonpartisan office for which a primary was held, only the names of the candidate who received the greatest number of votes and the candidate who received the next greatest number of votes for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted, no candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary. On the ballot at the general election for any other nonpartisan office for which no primary was held, the names of the candidates shall be listed in the order determined under section 80 of this act.

(2) On the ballot at the general election for the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed under the title of the office for that position.

NEW SECTION. Sec. 96. A new section is added to chapter 29.30 RCW to read as follows:

The name of a candidate for a partisan office for which a primary was conducted shall not be printed on the ballot for that office at the subsequent general election unless the candidate receives a number of votes equal to at least one percent of the total number cast for all candidates for that position sought and a plurality of the votes cast for the candidates of his or her party for that office at the preceding primary.

NEW SECTION. Sec. 97. The secretary of state shall adopt rules consistent with the provisions of this chapter to facilitate its implementation. The secretary shall publish proposed rules implementing this section not later than December 15, 1991.

Sec. 98. Section 28A.57.314, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.314 are each amended to read as follows:

Candidates for the position of school director shall file their declarations of candidacy as provided in ~~((RCW 29.21.060, as it now exists or may hereafter be amended))~~ Title 29 RCW.

~~((Not less than ten days before the time of filing such declarations of candidacy, the officer charged with the conduct of the election shall designate by lot the positions to be filled by consecutive number, commencing with one.))~~ The positions ~~((so designated for))~~ of school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated: PROVIDED, That in school districts containing director districts, candidates shall file for such director districts.

Sec. 99. Section 9, chapter 131, Laws of 1969 as last amended by section 6, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.425 are each amended to read as follows:

Notwithstanding any other provision of law, any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon, in ~~((the))~~ any primary ((election)) required to be held for the position under Title 29 RCW, by the registered voters of that particular director district~~((: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of~~

~~votes at the primary for each director district position shall appear on the general election ballot under such position and~~). In the general election, each position shall be voted upon by all the registered voters in the school district. The order of the names of candidates shall appear on the primary and general election ballots as required for nonpartisan positions under Title 29 RCW. Except as provided in RCW 28A.57.435, as now or hereafter amended, every such director so elected in school districts divided into seven director districts shall serve for a term of four years as otherwise provided in RCW 28A.57.313.

Sec. 100. Section 1, chapter 181, Laws of 1988 and RCW 29.04.180 are each amended 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))~~ section 82 of this 1990 act. No write-in candidate filing under RCW 29.04.180 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.

Sec. 101. Section 29.13.025, chapter 9, Laws of 1965 as amended by section 13, chapter 126, Laws of 1979 ex. sess. and RCW 29.13.025 are each amended to read as follows:

For the purposes of RCW 29.13.020, 29.13.040, (~~29.21.060, 29.24.110, 29.27.040~~) and 29.27.080, "class A county" shall include counties of higher classification whenever such class or classes shall be established.

Sec. 102. Section 29.18.150, chapter 9, Laws of 1965 as amended by section 12, chapter 329, Laws of 1977 ex. sess. and RCW 29.18.150 are each amended to read as follows:

Should a place on the ticket of a major political party be vacant because no person has filed for nomination as the candidate of that major political party, after the last day allowed for candidates to withdraw as provided by RCW (~~29.18.030~~) 29.18.105 as recodified by this 1990 act, and if the vacancy is for a state or county office to be voted on solely by the electors of a single county, the county central committee of the major political party may select and certify a candidate to fill the vacancy; if the vacancy is for any other office the state central committee of the major political party may select and certify a candidate to fill the vacancy; the certificate must set forth the cause of the vacancy, the name of the person nominated, the office for which he is nominated and other pertinent information required in an ordinary certificate of nomination and be filed in the proper office no later than the first Friday after the last day allowed for candidates to withdraw, together with the candidate's fee applicable to that office and a declaration of candidacy.

Sec. 103. Section 29.24.070, chapter 9, Laws of 1965 as last amended by section 8, chapter 215, Laws of 1989 and RCW 29.24.070 are each amended to read as follows:

Not later than the Friday immediately preceding the first day for candidates to file, the secretary of state shall notify the county auditors of the names and designations of all minor party and independent candidates who have filed valid convention certificates and nominating petitions with that office. Except for the offices of president and vice-president, persons nominated under this chapter shall file declarations of candidacy as provided by (~~RCW 29.18.030~~) section 82 of this 1990 act and RCW 29.18.040. The name of a candidate nominated at a convention shall not be printed upon the primary ballot unless he pays the fee required by law to be paid by candidates for the same office to be nominated at a primary.

Sec. 104. Section 29.42.040, chapter 9, Laws of 1965 as last amended by section 3, chapter 133, Laws of 1987 and by section 13, chapter 295, Laws of 1987 and RCW 29.42.040 are each reenacted and 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 as prescribed (~~by RCW 29.18.031~~) under section 82 of this 1990 act with the county auditor for the office of precinct committee officer of his or her party in that precinct. When elected the precinct committee officer shall serve so long as the committee officer remains an eligible voter in that precinct and until a successor has been elected at the next ensuing state general election in the even-numbered year.

Sec. 105. Section 29.68.080, chapter 9, Laws of 1965 as last amended by section 4, chapter 45, Laws of 1985 and RCW 29.68.080 are amended to read as follows:

(1) Whenever a vacancy occurs in the office of United States representative or United States senator from this state or any congressional district of this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall issue a writ of election fixing a date for the special vacancy election not less than ninety days after the issuance of the writ, fixing a date for the primary for nominating candidates for the special vacancy election not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs less than six months before a state general election and before the second Friday following the close of the filing period for that general election, the special primary and special vacancy elections shall be held in concert with the state primary and state general election in that year.

(4) If the vacancy occurs on or after the first day for filing under RCW (~~29.18.030~~) 29.18.025 as recodified by this 1990 act and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the governor and notice thereof given to all media, including press, radio, and television within the area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period. The last day of the filing period shall not be later than the third Tuesday before the primary at which candidates are to be nominated. The names of candidates who have filed valid declarations of candidacy during this three-day period shall appear on the approaching primary ballot.

(5) If the vacancy occurs later than the second Friday following the close of the filing period, a special primary and special vacancy election to fill the position shall be held after the next state general election but, in any event, no later than the ninetieth day following the November election.

(6) As used in this chapter, "county" means, in the case of a vacancy in the office of United States senator, any or all of the counties in the state and, in the case of a vacancy in the office of United States representative,

only those counties wholly or partly within the congressional district in which the vacancy has occurred.

Sec. 106. Section 35A.29.105, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.105 are each amended to read as follows:

Positions to be filled on the council of code cities operating under the mayor-council or council-manager plan of government shall be numbered consecutively and treated as separate offices for all election purposes as provided in RCW (~~(29-21-017)~~) 29.18.015 as recodified by this 1990 act.

Sec. 107. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as last amended by section 21, chapter 167, Laws of 1986 and RCW 35A.29-.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form (~~(set forth in RCW 29-18-030)~~) provided under section 82 of this 1990 act insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held. However, if the first election of all officers upon reorganization as a noncharter code city under a plan of government newly adopted in the manner provided in RCW 35A-.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 is an election as provided in RCW 35A.02.050, such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050. Any candidate may withdraw his declaration at any time before the Friday following the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions.

Sec. 108. Section 9, chapter 175, Laws of 1959 as amended by section 3, chapter 51, Laws of 1965 and RCW 53.12.035 are each amended to read as follows:

All candidates for district offices in port districts of class AA and class A counties shall file their declarations of candidacy with the county auditor of the county as set forth in Title 29 RCW ((29-21-060)), as now or hereafter amended and in the same manner as candidates for county offices. In port districts located in a class AA county the declaration may be for any numbered port commissioner position to be open in the next port district election. In port districts with five commissioners in existence on July 1, 1965, the respective numbered positions shall correspond to the numbers of

the county commissioner districts from which the three original commissioners in the port districts were elected, with the central district being numbered one, and with positions four and five being assigned to the original at large commissioner positions for which the first incumbents received, respectively, the greater and lesser number of votes cast.

In all port districts in a class AA county, with three port commissioners there shall be three positions denominated positions one, two and three, and declarations of candidacy shall be for a specific position. Where a proposition for an increased number of port commissioners is on the ballot under RCW 53.12.120 and RCW 53.12.130, the two additional positions shall be denominated positions four and five, and candidates for the positions thus proposed to be created shall file declarations of candidacy for a specific position.

Sec. 109. Section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 292, Laws of 1987 and RCW 54.12.010 are each amended to read as follows:

Within ten days after such election, the county canvassing board shall canvass the returns, and if at such election a majority of the voters voting upon such proposition shall vote in favor of the formation of such district, the canvassing board shall so declare in its canvass of the returns of such election, and such public utility district shall then be and become a municipal corporation of the state of Washington, and the name of such public utility district shall be Public Utility District No. . . . . of . . . . . County. The powers of the public utility district shall be exercised through a commission consisting of three members in three commissioner districts, and five members in five commissioner districts. When the public utility district is coextensive with the limits of such county, then, at the first election of commissioners and until any change shall have been made in the boundaries of public utility district commissioner districts, one public utility district commissioner shall be chosen from each of the three county commissioner districts of the county in which the public utility district is located if the county is not operating under a "Home Rule" charter. When the public utility district comprises only a portion of the county, with boundaries established in accordance with chapter 54.08 RCW, or when the public utility district is located in a county operating under a "Home Rule" charter, three public utility district commissioner districts, numbered consecutively, having approximately equal population and boundaries, following ward and precinct lines, as far as practicable, shall be described in the petition for the formation of the public utility district, which shall be subject to appropriate change by the county legislative authority if and when they change the boundaries of the proposed public utility district, and one commissioner shall be elected from each of said public utility district commissioner districts. In all five commissioner districts an additional commissioner at large shall be chosen from each of the two at large districts. No person shall be



eligible to be elected to the office of public utility district commissioner for a particular district commissioner district unless he is a registered voter of the public utility district commissioner district or at large district from which he is elected.

Except as otherwise provided, the term of office of each public utility district commissioner other than the commissioners at large shall be six years, and the term of each commissioner at large shall be four years. Each term shall be computed in accordance with RCW 29.04.170 following the commissioner's election. One commissioner at large and one commissioner from a commissioner district shall be elected at each general election held in an even-numbered year for the term of four years and six years respectively. All candidates shall be voted upon by the entire public utility district.

When a public utility district is formed, three public utility district commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether such public utility district shall be formed. If the general election adopting the proposition to create the public utility district was held in an even-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of six years; the commissioner residing in commissioner district number two shall hold office for the term of four years; and the commissioner residing in commissioner district number three shall hold office for the term of two years. If the general election adopting the proposition to create the public utility district was held in an odd-numbered year, the commissioner residing in commissioner district number one shall hold office for the term of five years, the commissioner in district two shall hold office for the term of three years, and the commissioner in district three shall hold office for the term of one year. The commissioners first to be elected as above provided shall hold office from the first day of the month following the commissioners' election and their respective terms of office shall be computed from the first day of January next following the election.

All public utility district commissioners shall hold office until their successors shall have been elected and have qualified and assume office in accordance with RCW 29.04.170. A filing for nomination for public utility district commissioner shall be accompanied by a petition signed by one hundred registered voters of the public utility district which shall be certified by the county auditor to contain the required number of registered voters, and shall otherwise be filed in accord with the requirements of Title 29 RCW ((29.21.060)). At the time of filing such nominating petition, the person so nominated shall execute and file a declaration of candidacy subject to the provisions of Title 29 RCW ((29.21.060)), as now or hereafter amended. The petition and each page of the petition shall state whether the nomination is for a commissioner from a particular commissioner district or for a commissioner at large and shall state the districts; otherwise it shall be

void. A vacancy in the office of public utility district commissioner shall occur by death, resignation, removal, conviction of a felony, nonattendance at meetings of the public utility district commission for a period of sixty days unless excused by the public utility district commission, by any statutory disqualification, or by any permanent disability preventing the proper discharge of his duty. In the event of a vacancy in said office, such vacancy shall be filled at the next general election held in an even-numbered year, the vacancy in the interim to be filled by appointment by the remaining commissioners. If more than one vacancy exists at the same time in a three commissioner district, or more than two in a five commissioner district, a special election shall be called by the county canvassing board upon the request of the remainder, or, that failing, by the county election board, such election to be held not more than forty days after the occurring of such vacancies.

A majority of the persons holding the office of public utility district commissioner at any time shall constitute a quorum of the commission for the transaction of business, and the concurrence of a majority of the persons holding such office at the time shall be necessary and shall be sufficient for the passage of any resolution, but no business shall be transacted, except in usual and ordinary course, unless there are in office at least a majority of the full number of commissioners fixed by law.

The boundaries of the public utility district commissioners' district may be changed only by the public utility district commission, and shall be examined every ten years to determine substantial equality of population, but said boundaries shall not be changed oftener than once in four years, and only when all members of the commission are present. Whenever territory is added to a public utility district under RCW 54.04.035, the boundaries of the public utility commissioners' districts shall be changed to include such additional territory. The proposed change of the boundaries of the public utility district commissioners' district must be made by resolution and after public hearing. Notice of the time of a public hearing thereon shall be published for two weeks prior thereto. Upon a referendum petition signed by ten percent of the qualified voters of the public utility district being filed with the county auditor, the county legislative authority shall submit such proposed change of boundaries to the voters of the public utility district for their approval or rejection. Such petition must be filed within ninety days after the adoption of resolution of the proposed action. The validity of said petition shall be governed by the provisions of chapter 54.08 RCW.

**NEW SECTION.** Sec. 110. (1) The following sections as amended by this act are recodified as follows:

(a) RCW 29.34.080, 29.34.085, 29.34.090, 29.34.143, 29.34.163, and 29.34.170 are each recodified in chapter 29.33 RCW;

(b) RCW 29.33.230, 29.34.153, 29.34.157, and 29.34.167 are each recodified in chapter 29.54 RCW; and

(c) RCW 29.54.035 is recodified in chapter 29.85 RCW.

(2) Sections 82, 83, and 97 of this act and RCW 29.13.075, 29.18.015, 29.18.025, 29.18.032, 29.18.040, 29.18.045, 29.18.050, 29.18.053, 29.18.055, 29.18.057, 29.18.070, 29.18.080, 29.18.105, 29.21.140, 29.21.350, 29.21.360, 29.21.370, 29.21.380, 29.21.385, 29.21.390, and 29.21.400 shall be recodified to constitute a new chapter in Title 29 RCW.

**NEW SECTION.** Sec. 111. The code reviser shall correct all references in the Revised Code of Washington to the sections of the code that are recodified by section 110 of this act.

**NEW SECTION.** Sec. 112. The following acts or parts of acts are each repealed:

(1) Section 29.18.020, chapter 9, Laws of 1965, section 10, chapter 329, Laws of 1977 ex. sess. and RCW 29.18.020;

(2) Section 1, chapter 120, Laws of 1986, section 1, chapter 110, Laws of 1987 and RCW 29.18.022;

(3) Section 29.18.030, chapter 9, Laws of 1965, section 1, chapter 103, Laws of 1965 ex. sess., section 3, chapter 142, Laws of 1984, section 1, chapter 133, Laws of 1987 and RCW 29.18.030;

(4) Section 2, chapter 133, Laws of 1987 and RCW 29.18.031;

(5) Section 29.18.035, chapter 9, Laws of 1965 and RCW 29.18.035;

(6) Section 29.18.060, chapter 9, Laws of 1965 and RCW 29.18.060;

(7) Section 29.18.090, chapter 9, Laws of 1965 and RCW 29.18.090;

(8) Section 29.18.100, chapter 9, Laws of 1965 and RCW 29.18.100;

(9) Section 29.18.110, chapter 9, Laws of 1965, section 5, chapter 127, Laws of 1974 ex. sess., section 11, chapter 329, Laws of 1977 ex. sess. and RCW 29.18.110;

(10) Section 29.21.017, chapter 9, Laws of 1965, section 5, chapter 213, Laws of 1981 and RCW 29.21.017;

(11) Section 29.21.020, chapter 9, Laws of 1965 and RCW 29.21.020;

(12) Section 29.21.040, chapter 9, Laws of 1965 and RCW 29.21.040;

(13) Section 29.21.060, chapter 9, Laws of 1965, section 2, chapter 103, Laws of 1965 ex. sess., section 56, chapter 283, Laws of 1969 ex. sess., section 3, chapter 120, Laws of 1975-'76 2nd ex. sess., section 31, chapter 361, Laws of 1977 ex. sess., section 9, chapter 167, Laws of 1986 and RCW 29.21.060;

(14) Section 3, chapter 110, Laws of 1987 and RCW 29.21.075;

(15) Section 29.21.080, chapter 9, Laws of 1965, section 87, chapter 176, Laws of 1969 ex. sess. and RCW 29.21.080;

(16) Section 29.21.085, chapter 9, Laws of 1965, section 88, chapter 176, Laws of 1969 ex. sess., section 44, chapter 3, Laws of 1983 and RCW 29.21.085;

(17) Section 29.21.090, chapter 9, Laws of 1965 and RCW 29.21.090;

(18) Section 29.21.110, chapter 9, Laws of 1965, section 1, chapter 19, Laws of 1970 ex. sess. and RCW 29.21.110;

- (19) Section 29.21.120, chapter 9, Laws of 1965, section 194, chapter 202, Laws of 1987 and RCW 29.21.120;
- (20) Section 29.21.130, chapter 9, Laws of 1965 and RCW 29.21.130;
- (21) Section 1, chapter 10, Laws of 1970 ex. sess., section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150;
- (22) Section 29.21.160, chapter 9, Laws of 1965, section 6, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.160;
- (23) Section 2, chapter 10, Laws of 1970 ex. sess., section 7, chapter 21, Laws of 1973 2nd ex. sess., section 8, chapter 183, Laws of 1979 ex. sess., and RCW 29.21.180;
- (24) Section 29.21.190, chapter 9, Laws of 1965 and RCW 29.21.190;
- (25) Section 29.21.200, chapter 9, Laws of 1965 and RCW 29.21.200;
- (26) Section 29.21.210, chapter 9, Laws of 1965, section 2, chapter 131, Laws of 1969, section 8, chapter 21, Laws of 1973 2nd ex. sess., section 9, chapter 183, Laws of 1979 ex. sess. and RCW 29.21.210;
- (27) Section 29.21.220, chapter 7, Laws of 1965 and RCW 29.21.220;
- (28) Section 1, chapter 130, Laws of 1967 ex. sess, section 32, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.330;
- (29) Section 29.27.010, chapter 9, Laws of 1965, section 45, chapter 3, Laws of 1983 and RCW 29.27.010;
- (30) Section 29.27.040, chapter 9, Laws of 1965 and RCW 29.27.040;
- (31) Section 29.27.045, chapter 9, Laws of 1965 and RCW 29.27.045;
- (32) Section 29.30.030, chapter 9, Laws of 1965, section 53, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.030;
- (33) Section 57, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.061;
- (34) Section 61, chapter 361, Laws of 1977 ex. sess., section 2, chapter 121, Laws of 1982 and RCW 29.30.091;
- (35) Section 33, chapter 361, Laws of 1977 ex. sess., section 12, chapter 167, Laws of 1986 and RCW 29.30.310;
- (36) Section 34, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.320;
- (37) Section 35, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.330;
- (38) Section 36, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.340;
- (39) Section 37, chapter 361, Laws of 1977 ex. sess., section 4, chapter 120, Laws of 1986, section 5, chapter 295, Laws of 1987 and RCW 29.30-.350;
- (40) Section 39, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.370;
- (41) Section 40, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.380;

- (42) Section 41, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.390;
- (43) Section 42, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.410;
- (44) Section 43, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.420;
- (45) Section 44, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.430;
- (46) Section 45, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.440;
- (47) Section 46, chapter 361, Laws of 1977 ex. sess., section 5, chapter 120, Laws of 1986, section 6, chapter 295, Laws of 1987 and RCW 29.30-.450;
- (48) Section 47, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.460;
- (49) Section 49, chapter 361, Laws of 1977 ex. sess., section 3, chapter 121, Laws of 1982 and RCW 29.30.480;
- (50) Section 50, chapter 361, Laws of 1977 ex. sess. and RCW 29.30-.490;
- (51) Section 29.33.010, chapter 9, Laws of 1965 and RCW 29.33.010;
- (52) Section 29.33.015, chapter 9, Laws of 1965 and RCW 29.33.015;
- (53) Section 29.33.090, chapter 9, Laws of 1965, section 5, chapter 40, Laws of 1982 and RCW 29.33.090;
- (54) Section 29.33.110, chapter 9, Laws of 1965, section 21, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.110;
- (55) Section 29.33.120, chapter 9, Laws of 1965, section 22, chapter 109, Laws of 1967 ex. sess. and RCW 29.33.120;
- (56) Section 29.33.140, chapter 9, Laws of 1965 and RCW 29.33.140;
- (57) Section 29.33.150, chapter 9, Laws of 1965 and RCW 29.33.150;
- (58) Section 29.33.160, chapter 9, Laws of 1965 and RCW 29.33.160;
- (59) Section 29.33.170, chapter 9, Laws of 1965 and RCW 29.33.170;
- (60) Section 29.33.180, chapter 9, Laws of 1965, section 62, chapter 361, Laws of 1977 ex. sess., section 7, chapter 295, Laws of 1987 and RCW 29.33.180;
- (61) Section 29.33.190, chapter 9, Laws of 1965 and RCW 29.33.190;
- (62) Section 29.33.200, chapter 9, Laws of 1965 and RCW 29.33.200;
- (63) Section 29.33.210, chapter 9, Laws of 1965, section 63, chapter 361, Laws of 1977 ex. sess. and RCW 29.33.210;
- (64) Section 29.33.220, chapter 9, Laws of 1965, section 1, chapter 124, Laws of 1971 ex. sess., section 1, chapter 102, Laws of 1973, section 4, chapter 46, Laws of 1975-'76 2nd ex. sess., section 64, chapter 361, Laws of 1977 ex. sess. and RCW 29.33.220;
- (65) Section 11, chapter 109, Laws of 1967 ex. sess., section 65, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.010;

- (66) Section 67, chapter 361, Laws of 1977 ex. sess., section 13, chapter 167, Laws of 1986 and RCW 29.34.125;
- (67) Section 23, chapter 109, Laws of 1967 ex. sess., section 68, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.130;
- (68) Section 24, chapter 109, Laws of 1967 ex. sess. and RCW 29.34.140;
- (69) Section 70, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.145;
- (70) Section 2, chapter 130, Laws of 1967 ex. sess., section 2, chapter 6, Laws of 1971 ex. sess. and RCW 29.34.180;
- (71) Section 29.51.080, chapter 9, Laws of 1965 and RCW 29.51.080;
- (72) Section 29.51.110, chapter 9, Laws of 1965, section 43, chapter 202, Laws of 1971 ex. sess., section 15, chapter 167, Laws of 1986 and RCW 29.51.110;
- (73) Section 29.51.120, chapter 9, Laws of 1965 and RCW 29.51.120;
- (74) Section 29.51.130, chapter 9, Laws of 1965 and RCW 29.51.130;
- (75) Section 29.51.160, chapter 9, Laws of 1965 and RCW 29.51.160;
- (76) Section 29.51.220, chapter 9, Laws of 1965 and RCW 29.51.220;
- (77) Section 29.51.260, chapter 9, Laws of 1965 and RCW 29.51.260;
- (78) Section 29.54.020, chapter 9, Laws of 1965, section 7, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.020;
- (79) Section 29.54.030, chapter 9, Laws of 1965, section 8, chapter 101, Laws of 1965 ex. sess. and RCW 29.54.030;
- (80) Section 29.54.040, chapter 9, Laws of 1965, section 9, chapter 101, Laws of 1965 ex. sess., section 86, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.040;
- (81) Section 12, chapter 101, Laws of 1965 ex. sess., section 2, chapter 109, Laws of 1967 ex. sess. and RCW 29.54.043;
- (82) Section 29.54.045, chapter 9, Laws of 1965, section 10, chapter 101, Laws of 1965 ex. sess., section 4, chapter 102, Laws of 1973, section 87, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.045;
- (83) Section 29.54.070, chapter 9, Laws of 1965, section 10, chapter 109, Laws of 1967 ex. sess., section 90, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.070;
- (84) Section 29.54.080, chapter 9, Laws of 1965, section 91, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.080;
- (85) Section 29.54.090, chapter 9, Laws of 1965 and RCW 29.54.090;
- (86) Section 29.54.100, chapter 9, Laws of 1965 and RCW 29.54.100;
- (87) Section 29.54.110, chapter 9, Laws of 1965 and RCW 29.54.110;
- (88) Section 29.54.120, chapter 9, Laws of 1965 and RCW 29.54.120;
- (89) Section 29.54.130, chapter 9, Laws of 1965, section 92, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.130; and
- (90) Section 29.54.140, chapter 9, Laws of 1965, section 93, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.140.

**NEW SECTION.** Sec. 113. Sections 1 through 6, 8 through 96, and 98 through 112 of this act shall take effect July 1, 1992.

Passed the House February 6, 1990.

Passed the Senate March 2, 1990.

Approved by the Governor March 15, 1990, with the exception of certain items which were vetoed.

Filed in Office of Secretary of State March 15, 1990.

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

"I am returning herewith, without my approval as to section 73, House Bill No. 2797 entitled:

"AN ACT Relating to elections."

Section 73 amends RCW 29.21.075. Later, in section 112(14), that statute is repealed.

The provisions of section 73, outlining election procedures for District Court judges, are repeated in sections 80, 94, and 95 of this bill and, therefore, section 73 is redundant. To correct this technical error I have vetoed section 73.

With the exception of section 73, House Bill No. 2797 is approved."

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CHAPTER 60

[House Bill No. 2567]

STATE EMPLOYEES—RECRUITMENT, RETENTION, AND DEVELOPMENT

AN ACT Relating to the improvement of state employee recruitment, retention, and development; amending RCW 41.06.070, 41.06.430, and 28B.16.040; reenacting and amending RCW 41.06.150 and 28B.16.100; adding new sections to chapter 41.04 RCW; creating a new section; and decodifying RCW 41.06.300, 41.06.320, and 41.06.330.

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

PART I

STATE AGENCY PERSONNEL

Sec. 101. Section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 8, chapter 96, Laws of 1989 and RCW 41.06.070 are each amended to read as follows:

The provisions of this chapter do not apply to:

- (1) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature;
- (2) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;
- (3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;
- (4) The officers of the Washington state patrol;