

CHAPTER 101.

[H. B. 459.]

ELECTIONS.

AN ACT relating to elections; amending sections 29.13.020, 29-.13.030, 29.13.040, 29.21.060, 29.24.110, 29.27.040 and 29.27-.080, R.C.W., and repealing sections 29.09.09 and 29.09.11 [old numbers], R.C.W.

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

Amendment. SECTION 1. Section 29.13.020, R.C.W., as derived from section 1, chapter 161, Laws of 1949, is amended to read as follows:

City and district elections in Class A counties.

All city, town, school district, park district, diking district, drainage district, drainage improvement district, diking improvement district, river improvement district, commercial waterway district, water district, fire district, hospital district, ferry district, sewer district and all other municipal and district elections, except as hereinafter provided, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in Class A counties on the second Tuesday in March in the year in which they may be called.

Held, when.

Certain elections excluded.

This section shall not apply to (1) elections for the recall of city, town, or district officers, or (2) elections in irrigation districts, port districts, and public utility districts, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

Special election.

The county auditor, as *ex officio* supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in

such city, town, or district and for the purpose of such special election he may combine, unite, or divide precincts. Such special election shall be noticed and conducted in the manner provided by law.

[Am. Rem. Supp. 1949, § 5144.]

SEC. 2. Section 29.13.030, R.C.W., as derived from section 2, chapter 161, Laws of 1949, is amended to read as follows:

All city and town elections, other than in Class A counties, whether general or special, and whether for the election of officers, or for the submission to the voters of such city or town, of any question for their adoption and approval, or rejection, shall be held on the second Tuesday of March in the year in which they may be called. All school district elections, other than in Class A whether general or special, and whether for the election of officers, or for the submission to the voters of such district, of any question for their adoption and approval, or rejection, shall be held on the second Tuesday of March in the year in which they may be called: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city, town or district officers or primary election or special bond election or any election held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter. Whenever in the judgment of the governing board of any such city, town or school district an emergency exists, such board may, by resolution, call a special election at any time in such municipality or district, and at any such special election said governing board may combine, unite or divide precincts for the purpose of holding such special election and every such special election so called shall be conducted and notice thereof given in the manner provided by law. This and sections

Amendment.

City and town elections in other than Class A counties, when held.

School district elections, when held.

Certain elections not affected.

Special election pursuant to emergency.

29.13.010 and 29.13.020 are referred to as the consolidated election laws.

Amendment.

[This sec. (R.C.W. 29.13.030) was also amended by sec. 3, ch. 257, L. 1951.]

[Am. Rem. Supp. 1949, § 5150.]

[R.C.W. 29.13.010 was derived from R.R.S. §§ 5143 and 5145; R.C.W. 29.13.020 was derived from Rem. Supp. 1949, § 5144.]

Fourth class municipalities.

SEC. 3. Section 29.24.110, R.C.W., as derived from section 4, chapter 161, Laws of 1949, is amended to read as follows:

Fourth class municipalities shall not hold primaries and the election of town officers shall be non-partisan. Not less than ninety days prior to the holding of a town election, the town council shall by ordinance prescribe as the method for nominating candidates, either the holding of a caucus or caucuses, in which case it shall further prescribe regulations therefor, or the filing of declarations of candidacy.

Alternative methods for nominating candidates.

Caucuses.

If caucuses are provided for, the town clerk shall publish once in a newspaper having general circulation within the county at least ten days prior to the date thereof, a notice of any caucus. If there be no such newspaper, notice shall be posted ten days prior to date of the caucus, at the three most prominent places in town.

Declarations of candidacy.

If declarations of candidacy are provided for, they shall be filed with the town clerk not more than sixty nor less than forty-five days prior to the election, and shall be accompanied by a filing fee equal to one per cent of the annual salary of the office: *Provided, however,* That no filing fee shall be charged in the event that the office sought is without compensation. Declarations of candidacy shall substantially conform to the form set forth in section 29.18.030, R.C.W.

Filing fee.

Form of declaration.

List of candidates to county auditor.

If, by law, the county auditor, as *ex officio* supervisor of elections, has jurisdiction over such town election, the town clerk shall at least thirty-five days

prior thereto, submit to him a certified list of candidates.

[Am. Rem. Supp. 1949, § 5179-2.]
[R.C.W. 29.18.030 is Rem. Supp. 1947, § 5180.]

SEC. 4. Section 29.13.040, R.C.W., as derived from section 5, chapter 161, Laws of 1949, is amended to read as follows: Amendment.

All elections held under section 29.13.020 shall be conducted by the county auditor as *ex officio* county supervisor of elections and shall be canvassed by the county canvassing board. In all elections held under section 29.13.030, the duties enjoined upon the county auditor by section 29.04.020, as derived from section 1, chapter 182, Laws of 1947, shall be performed by the city, town, or school district clerk. Such elections shall be canvassed by the city, town, or school district canvassing authority: *Provided*, That if the laws governing any such city, town, or school district do not designate a canvassing authority, the canvass shall be made by the legislative body thereof. Supervisory and canvassing powers, where vested.

[This sec. (R.C.W. 29.13.040) also amended by sec. 4, ch. 257, L. 1951.]

[Am. Rem. Supp. 1949, § 5153-1.]
[R.C.W. 29.13.020 is sec. 1, *supra*, this chapter.]
[R.C.W. 29.13.030 is sec. 2, *supra*, this chapter.]
[R.C.W. 29.04.020 is Rem. Supp. 1947, § 5166-10.]

SEC. 5. Section 29.21.060, R.C.W., as derived from section 6, chapter 161, Laws of 1949, is amended to read as follows: Amendment.

All candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the day of the primary with the clerk thereof. Declarations of candidacy; 1st, 2nd and 3rd class cities.

All candidates for district offices, other than in irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-five days prior to the date of the election with the officer or board charged with the conduct of the election: *Provided*, That in the case of port districts and public Same; district elections.

Port or public utility district.

utility districts, and in no others, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district. Any candidate may withdraw his declaration at any time within five days after the last day allowed for filing declarations of candidacy.

Withdrawal of candidacy.

Certified list of candidates; cities in Class A counties.

The city clerk in Class A counties shall transmit to the county auditor at least thirty-five days before the date fixed for the primary, a certified list of the candidates to be voted on thereat as represented by the declarations of candidacy filed in his office.

Filing fees.

All candidates required to file declaration of candidacy shall pay the same fees and be governed by the same rules as obtain with respect to candidates for nomination at the September primary elections: *Provided*, That no filing fee shall be charged in the event that the office sought is without compensation.

[Am. Rem. Supp. 1949, § 5166-4.]

Amendment.

SEC. 6. Section 29.27.040, R.C.W., as derived from section 7, chapter 161, Laws of 1949, is amended to read as follows:

Certified list of candidates; towns in Class A counties.

Clerks of fourth class towns, in Class A counties, shall certify and file a list of nominees with the county auditor not less than thirty-five days before the election.

[Am. Rem. Supp. 1949, § 5172.]

Amendment.

SEC. 7. Section 29.27.080, R.C.W., as derived from section 11, chapter 161, Laws of 1949, is amended to read as follows:

Notices of election.

Notice for any state, county, district, or municipal election, whether special or general, shall be given by publication not more than ten nor less than three days prior to the election by the county auditor or the officer conducting the election as the case may be, in one or more newspapers of general circulation

Publication.

within the county. Said legal notice shall contain the title of each office under the proper party designation, the names and addresses of all officers who have been nominated for an office to be voted upon at that election, together with the ballot titles of all measures, the hours during which the polls will be open, and that the election will be held in the regular polling places in each precinct, giving the address of each polling place: *Provided*, That the names of all candidates for nonpartisan offices shall be published separately with designation of the offices for which they are candidates but without party designation. This shall be the only notice required for a state, county, district or municipal general or special election.

Contents.

Constitutes only notice required.

[Am. Rem. Supp. 1949, § 5148-3a.]

SEC. 8. For the purposes of this act, "Class A county" shall include counties of higher classification whenever such class or classes shall be established.

Rule of construction.

SEC. 9. Section 29.09.09, R.C.W. [old number], as derived from section 12, chapter 163, Laws of 1919, and section 29.09.11, R.C.W. [old number], as derived from section 7, chapter 53, Laws of 1923, are repealed.

Repealing clause.

[R.C.W. 29.09.09 was derived from R.R.S. § 5157; R.C.W. 29.09.11 was derived from R.R.S. § 5148-3.]

[Section 12, ch. 163, Laws of 1919, and section 7, ch. 53, Laws of 1923, were not assigned new numbers in R.C.W. hence are here referred to by the old R.C.W. numbers.]

Passed the House March 1, 1951.

Passed the Senate March 5, 1951.

Approved by the Governor March 13, 1951.