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HOUSE BILL 1026

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State of Washington

64th Legislature

2015 Regular Session

By Representative Appleton

Prefiled 12/08/14.

1 AN ACT Relating to write-in voting; and amending RCW 29A.24.311  
2 and 29A.60.021.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 29A.24.311 and 2013 c 11 s 91 are each amended to  
5 read as follows:

6 (1) Any person who desires to be a write-in candidate and have  
7 such votes counted at a primary or election (~~may~~) must file a  
8 declaration of candidacy with the officer designated in RCW  
9 29A.24.070 not later than (~~the~~) eighteen days (~~ballots must be~~  
10 ~~mailed according to RCW 29A.40.070~~) before the primary or election.  
11 Declarations of candidacy for write-in candidates must be accompanied  
12 by a filing fee in the same manner as required of other candidates  
13 filing for the office as provided in RCW 29A.24.091.

14 (2) Votes cast for write-in candidates who have filed such  
15 declarations of candidacy need only specify the name of the candidate  
16 in the appropriate location on the ballot in order to be counted.  
17 (~~Write-in votes cast for any other candidate, in order to be~~  
18 ~~counted, must designate the office sought and position number, if the~~  
19 ~~manner in which the write-in is done does not make the office or~~  
20 ~~position clear.~~)

21 (3) No person may file as a write-in candidate where:

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

5 (b) The person attempting to file as a write-in candidate has  
6 already filed a valid write-in declaration for that primary or  
7 election;

8 (c) The name of the person attempting to file already appears on  
9 the ballot as a candidate for another office, unless the other office  
10 is precinct committee officer or a temporary elected position, such  
11 as charter review board member or freeholder;

12 (d) The office filed for is committee precinct officer.

13 (4) The declaration of candidacy shall be similar to that  
14 required by RCW 29A.24.031. No write-in candidate filing under this  
15 section may be included in any voter's pamphlet produced under  
16 chapter 29A.32 RCW unless that candidate qualifies to have his or her  
17 name printed on the general election ballot. The legislative  
18 authority of any jurisdiction producing a local voter's pamphlet  
19 under chapter 29A.32 RCW may provide, by ordinance, for the inclusion  
20 of write-in candidates in such pamphlets.

21 **Sec. 2.** RCW 29A.60.021 and 2012 c 89 s 4 are each amended to  
22 read as follows:

23 (1) For any office, except precinct committee officer, at any  
24 election or primary, any voter may write in on the ballot the name of  
25 any person for an office who has filed as a write-in candidate for  
26 the office in the manner provided by RCW 29A.24.311 and such vote  
27 shall be counted the same as if the name had been printed on the  
28 ballot and marked by the voter. ~~((No))~~ Write-in votes ~~((made))~~ for  
29 any person who has not filed a declaration of candidacy pursuant to  
30 RCW 29A.24.311 ~~((is))~~ are not valid ~~((if that person filed for the~~  
31 ~~same office, either as a regular candidate or a write-in candidate,~~  
32 ~~at the preceding primary))~~. Any abbreviation used to designate office  
33 or position will be accepted if the canvassing board can determine,  
34 to its satisfaction, the voter's intent.

35 (2) The number of write-in votes cast for each office must be  
36 recorded and reported with the canvass for the election.

37 (3) A write-in vote for an individual candidate for an office  
38 whose name appears on the ballot for that same office is a valid vote  
39 for that candidate as long as the candidate's name is clearly

1 discernible, even if other requirements of RCW 29A.24.311 are not  
2 satisfied and even if the voter also marked a vote for that candidate  
3 such as to register an overvote. These votes need not be tabulated  
4 unless: (a) The difference between the number of votes cast for the  
5 candidate apparently qualified to appear on the general election  
6 ballot or elected and the candidate receiving the next highest number  
7 of votes is less than the sum of the total number of write-in votes  
8 cast for the office plus the overvotes and undervotes recorded by the  
9 vote tabulating system; or (b) a manual recount is conducted for that  
10 office.

11 (4) Write-in votes cast for an individual candidate for an office  
12 whose name does not appear on the ballot need not be tallied unless  
13 the total number of write-in votes and undervotes recorded by the  
14 vote tabulation system for the office is greater than the number of  
15 votes cast for the candidate apparently qualified to appear on the  
16 general election ballot or elected.

17 (5) In the case of write-in votes for a statewide office or any  
18 office whose jurisdiction encompasses more than one county, write-in  
19 votes for an individual candidate must be tallied when the county  
20 auditor is notified by either the secretary of state or another  
21 county auditor in the multicounty jurisdiction that it appears that  
22 the write-in votes must be tabulated under the terms of this section.  
23 In all other cases, the county auditor determines when write-in votes  
24 must be tabulated. Any abstract of votes must be modified to reflect  
25 the tabulation and certified by the canvassing board. Tabulation of  
26 write-in votes may be performed simultaneously with a recount.

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