

**2006 CHARTER REVIEW COMMISSION  
BRIEFING PAPER  
MISCELLANEOUS ELECTION ISSUES**

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## **BACKGROUND**

This briefing paper provides background and suggested charter language changes related to a number of issues being considered by the Commission.

## **THE ISSUES**

*#17 Clarify Initiative/Referendum timelines*  
*#24 Minor Party*  
*#48 Housekeeping Election Issues*

County Auditor Bob Terwilliger recommended a number of technical changes to the Charter related to elections in response to ESB 6236 which was passed by the last legislature and signed into law by the governor.

The Auditor provided the proposed language changes in the attached documents. His comments related to these issues are also attached.

## **Discussion**

These proposed changes bring the Charter in compliance with state law.

## 2. Change election provisions of Charter to conform to state law.

A. Amend Section 4.10 as follows:

### Section 4.10 Election Procedures

Except as provided in this article, the ~~((nominating))~~ primaries and elections shall be conducted in accordance with general law governing the election of ~~((partisan))~~ county officials.

B. Repeal Section 4.20 as it conflicts with state law concerning minor parties:

### ~~Section 4.20 — Independent Candidates~~

~~On or before the last day for filing a declaration of candidacy as a candidate in a major political party primary, anyone qualified to assume office, if elected, may file a declaration of candidacy as an "Independent".~~

~~Any candidate who files a declaration of candidacy as an independent shall be placed on the primary ballot under the title "Independent".~~

~~Anyone who files a declaration of candidacy for a county office as an independent shall not be a candidate for any political party in that primary or in the succeeding general election and shall pay the filing fee required for a declaration of candidacy for a major political party primary.~~

~~The candidate who receives a plurality of the votes cast for independent candidates for an office shall be placed on the ballot at the ensuing general election under the heading "Independent"; provided, however, the candidate receives at least the percentage required by state law of the total vote cast for that office.~~

C. Amend Section 4.30 to clarify residency requirement as follows:

### Section 4.30 Qualifications — Limitations

Each county official holding an elective office shall be, at the time of appointment or election and at all times while holding office, a citizen of the United States over the age of twenty-one, ~~((and))~~ a ~~((three-year))~~ county resident for the three years immediately prior to filing for or appointment to office, and a registered voter of ~~((Snohomish County at the time of filing for office))~~ the county. No person shall be eligible to be elected to more than three consecutive full terms for any office. For the purposes of this section, different positions on the county council shall not be considered different offices.

D. Amend Charter provisions regarding redistricting to assure that the new districting plan is adopted in time to be in place prior to the filing period for general elections.

(i) Amend Section 4.60 as follows:

**Section 4.60 Districting Committee**

Within ~~((sixty))~~ thirty days after each federal decennial census data is received from the state redistricting commission or its successor, a five-member districting committee shall be appointed. The county council shall appoint four persons to the committee, two from each major political party from a list of five submitted by the party's central committee, the four to appoint the fifth who shall be chair. Members of the districting committee shall serve without salary but shall be compensated for reasonable-out-of-pocket expenses. The districting committee shall within thirty days of its appointment, meet and appoint a districting master who shall be qualified by education, training and experience to draw a redistricting plan. If the districting committee is unable to agree upon the appointment of a districting master within thirty days, the county council shall appoint a districting master.

(ii) Amend Section 4.70 as follows:

**Section 4.70 Districting Plan**

Within ~~((two months))~~ one month after appointment, the districting master shall draw a districting plan for the county which shall be submitted to the committee for adoption. Following public hearing at least one week in advance, the districting committee shall adopt the districting plan within thirty days as submitted or as amended by four affirmative votes of the committee members. ~~((The plan upon))~~ Upon adoption, the plan shall be filed with the county council by the districting committee. No later than the first day of June following the receipt of the census data from the state ~~((eight months after receipt of the census data))~~, the county council shall adopt by ordinance a districting plan.

E. Amend Section 4.80 to conform to state law changes regarding minor parties:

**Section 4.80 Vacancies**

An elective office shall become vacant on the death, resignation or recall of the official or if he ceases being resident of Snohomish county or is absent from the county for thirty consecutive days without being excused by the council. The council shall fill a vacancy from a list of three people submitted by the county central committee of the party which the official in office immediately prior to the vacancy represented. In the event that the official in office immediately prior to the vacancy was ~~((an independent or))~~ a non-partisan candidate, the vacancy shall be filled by the council.

Vacancies in elective office shall be filled at the next November general election, unless the vacancy occurs after the last day for filing declarations of

candidacy, in which case the vacancy shall be filled at the next succeeding November general election. The person elected shall take office upon certification of the results of the election and shall serve the unexpired term of the vacated office. Until a successor has been elected and certified, a majority of the council shall fill the vacancy by appointment. All persons appointed to fill vacancies shall meet the qualifications for office set forth in this charter.

**3. Revise provisions of Charter relating to initiatives and referenda to accommodate possible ballot title appeals and to provide for consideration of initiatives and referenda at general elections.**

A. Amend Section 5.40 as follows:

**Section 5.40 Initiative — Procedure**

Any registered voter of Snohomish county may file an initiative proposal containing the full text of the measure, ordinance or amendment to an ordinance with the officer in charge of holding elections. The officer in charge of holding elections shall give the proposed initiative a number, which shall thereafter be the identifying number for the measure and ~~((who))~~ shall transmit a copy of the proposal to the Prosecuting Attorney, who within ten working days, of the filing date, shall formulate a concise statement, posed as a positive question, not to exceed fifty words, which shall express and give a true and impartial statement which shall be the ballot title. The prosecuting attorney shall file the ballot title ~~((register the initiative petition))~~ with the officer in charge of holding elections, who shall ~~((give the proposed initiative a number, which shall thereafter be the identifying number for the measure))~~ provide notice of the ballot title to the petitioner. The ballot title shall be subject to appeal in accordance with state law. Within ~~((five))~~ fifteen working days after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, within five working days after a final decision of the court on the appeal, the officer in charge of holding elections shall confer with the petitioner to review and establish the form and style of the initiative petition as required by such officer or ordinance.

The petitioner shall have ninety days from the day after such officer confers with the petitioner as to form and style of the initiative petition to collect the signatures of the registered voters of the county equal in number to not less than seven percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the warning clause prescribed by state law, the full text of the proposed measure, ordinance or amendment to an ordinance and the ballot title. If the initiative proposal is identical to a mini-initiative that was rejected by the council, the initiative petition may include signatures collected for the mini-initiative.

The officer in charge of holding elections shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general ~~((or special))~~ election ~~((date, as designated by state law, said date))~~ being not less ~~((that sixty))~~ than one hundred twenty days from the submission of the petition for signature verification, unless the county council

enacts the proposal without change or amendment not less than ~~((forty-five))~~ ninety days prior to said election. If the county council does not adopt the proposed measure and adopts a substitute measure concerning the same subject matter not more than fifteen days after the petition has been validated, the substitute measure shall be placed on the same ballot with the initiative proposal.

The voters shall be given the choice of accepting either or rejecting both and shall then be given the choice of accepting one and rejecting the other. If a majority of the voters voting on the first issue is for accepting either, then the measure receiving the majority of the votes cast on the second issue shall be deemed approved. If a majority of those voting on the first issue is for rejecting both, then neither measure shall be approved regardless of the vote on the second issue.

B. Amend Section 5.80 as follows:

**Section 5.80 Referendum — Procedure**

Within ten days after the ordinance is passed by the county council, any registered voter of Snohomish County may file a referendum petition signed by one hundred (100) registered voters of Snohomish County against the ordinance or portion thereof with the officer in charge of holding elections. Within 15 days of the filing of the petition, the officer in charge of holding elections shall verify the sufficiency of the signatures. After filing of the referendum petition, and verification of the signatures on the referendum petition, the ordinance or portion thereof so referred shall be suspended until the officer in charge of holding elections shall determine that petitions with sufficient numbers of signatures to place the referendum on the ballot have not been filed within the allocated time, or until the voters have ratified and approved the ordinance or portion thereof. The filing of a referendum petition against a portion of an ordinance shall not delay the remainder of the measure from taking effect.

Within five working days of filing the referendum petition, the officer in charge of holding elections shall confer with the petitioner to review the proposal as to form and style as required by such officer or ordinance. The officer in charge of holding elections shall give the referendum petition a number, which shall thereafter be the identifying number for the measure and shall then transmit a copy of the petition to the prosecuting attorney, who within ten working days after receipt thereof, shall formulate a concise statement, posed as a question, not to exceed fifty words, which shall express and give a true and impartial statement of the measure being referred. Such concise statement will be the ballot title. The prosecuting attorney shall then file the ballot title ~~((register the referendum petition))~~ with the officer in charge of holding elections, who shall provide notice of the ballot title to the petitioner. The ballot title shall be subject to appeal in accordance with state law.

The petitioner shall have forty-five days ~~((from registration))~~ after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, forty-five days after a final decision of the court on the appeal to collect the signatures of registered voters of the county equal in number to not less

than five percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the full text of the measure being referred and the ballot title.

The officer in charge of holding elections shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the measure to the people at the next general ~~((or special))~~ election ~~((date, as designated by state law, said date))~~ being not less than ~~((sixty))~~ one hundred twenty days from the submission of the petition for signature verification.

#### **4. Revise provisions of Charter relating to the Process of Proposing Charter Amendments by the Public to Include Procedure for Preparation of Ballot Title and Verification of Signatures.**

Amend Section 8.70 as follows:

##### **Section 8.70 Amendments by the Public**

The public may propose amendments to the charter by registering with the officer in charge of holding elections an initiative petition bearing the signatures of registered voters of the county equal to ~~((but))~~ not less than twenty percent of the number of votes cast in the county in the last governor's election. ~~((Signatures shall be registered not more than one hundred twenty days following filing of the petition with the such officer.))~~ The petitioner shall first file the full text of the proposed amendment with the officer in charge of holding elections who shall give the proposed amendment a number, which shall thereafter be the identifying number for the amendment, and shall transmit a copy of the proposal to the Prosecuting Attorney, who within ten working days of the filing date, shall formulate a concise statement, posed as a positive question, not to exceed fifty words, which shall express and give a true and impartial statement which shall be the ballot title. The prosecuting attorney shall file the ballot title with the officer in charge of holding elections, who shall provide notice of the ballot title to the petitioners. The ballot title shall be subject to appeal in accordance with state law. Within fifteen working days after the ballot title is filed with the officer in charge of holding elections or, if the ballot title is appealed, within five working days after a final decision of the court on the appeal, the officer in charge of holding elections shall confer with the petitioner to review and establish the form and style of the amendment petition as required by such officer.

The petitioner shall have one hundred twenty days from the day after such officer confers with the petitioner as to form and style of the amendment petition to collect the signatures of the registered voters of the county equal in number to not less than twenty percent of the number of votes cast in the county in the last governor's election. Each petition shall contain the warning clause prescribed by state law, the full text of the proposed amendment and the ballot title.

The officer in charge of holding elections shall verify the sufficiency of the signatures on the petition and, if it is validated, submit the proposal to the people at the next general election being not less than ninety days from the submission of the petition for signature verification.

2007 election cycle, the redistricting process would have to be completed by and submitted to the County Auditor's office April 1<sup>st</sup> 2007. Any proposal to increase the size of the County Council should also deal with the creation of a Redistricting Committee to accomplish this task. Article 4, Sections 4.60 and 4.70 speak to a redistricting process that applies after the decennial census. Some of that process could be used for a redistricting process for creating new county council districts but the timelines would need to be different.

As noted in state law and the Charter, no elected official loses his/her position by virtue of any redistricting process that occurs in the middle of his/her term. Two County Council positions are up for election in 2007 and the assumption is that those two positions along with the two new positions would be on the ballot with eligibility to run being determined by the new County Council district lines.

The reason for the April 1<sup>st</sup> deadline for submission of the results to the of the redistricting committee to the County Auditor's office is because the expectation is that the day of the primary election will be moved from the 3<sup>rd</sup> Tuesday in September to the 3<sup>rd</sup> Tuesday in August effective January 2007. Changing the date of the state Primary will change the filing period for elective office from the last week beginning with the 4<sup>th</sup> Monday in July to the first week in June beginning with a Monday. In addition, state election law prohibits any changes in jurisdiction boundaries and precinct lines within 30 days of filing period through the General Election. Therefore, for the County Auditor's records to be updated and accurate resulting from any redistricting actions, the office needs the approved information by April 1, 2007.

Since the current legislative session will end March 9, 2006 the Charter Review Commission will know whether or not ESSB 6236 Moving the Day of the State Primary passed the legislature before the final recommendations of the Charter Review Commission are submitted to the County Council for placement on the November 2006 General Election ballot.

#### **INITIATIVE, REFERENDUM AND RECALL PROCESS:**

The following recommendations regarding the initiative and referendum process are being suggested to bring the process more in line with the state procedures and also to reflect timelines that will be created with the new Primary law.

Currently, the initiative and referendum process is described in Article 5, Section 5.40 – Section 5.80. In order to clarify the process and timelines I would like the Charter Review Commission to consider the following changes:

#### **Initiatives:**

1. Any registered voter of the county can file an initiative petition with the officer in charge of holding elections and that petition should include the full text of the proposed ordinance or amendments to any existing ordinance that is to be submitted to the people for a vote. Right now it is not clear that the initiative petition must include the full text upon submission of the petition.



2. Language needs to be inserted to indicate that if the initiative petitioner does not agree with the ballot title as drafted by the Prosecutor then the petitioner needs to proceed under RCW 29A.36.080 and RCW 29A.36.090 or under a process delineated in the Charter which does not now exist.
3. The language needs to clarify that the officer in charge of holding elections will meet with the petitioner within five working days of the initiative being registered with the officer responsible for holding elections or within five working days of a final decision of the superior court if the ballot title is challenged by any person.
4. The time line for acquiring the petition signatures should start run the day after the petitioner and the officer responsible for holding elections confer on the form and style of the initiative petition.
5. I would propose that the timeline for gathering signatures be kept at 90 days but that the petition in no case can be submitted later than 120 days before the next General Election. This would allow for an appropriate amount of time to verify the signatures, have the County Council consider approving the initiative, reject the initiative or propose and alternative so that the initiative and any alternative would be place on the next General Election occurring 120 days after the submission of the initiative petition to the officer responsible for holding elections. This time line would be consistent with the new timelines in the soon to be enacted Primary law, which requires ballot propositions to be submitted 84 days before the General Election and would also result in all local initiatives being placed on a General Election ballot. In that way the maximum number of voters would be involved with approving or rejecting initiative proposals.

**Referendum:**

1. The referendum procedures should also reflect the reference to RCW 29A.36.080 and RCW 29A.36.090 on challenging ballot titles or reflect the same local process as developed for initiatives.
2. The petitioner shall have 45 days to collect the signatures from the day the ballot title is final and must be submitted to the officer responsible for holding elections no later than 120 days before the next General Election. In this way the process will comply with the new Primary law and be consistent with the state process applicable to referendums and result in the vote on a referendum always occurring at a General Election when the most people vote.

**Recall:**

The Recall process currently is subject to state law and there is no need to change that process.

**SALARY COMMISSION FOR ELECTED OFFICIALS SALARY:**

I would urge the Charter Review Commission to create a Salary Commission by including it in the Charter and establishing it using the format, policies and procedure as established by the State Salary Commission. The important pieces would be the permanence of the Salary

Commission, that it meet every two years and that its recommendations be subject to acceptance or rejection by the County Council by not subject to change.

**MISCELLANEOUS ELECTION PROVISIONS:**

The current Charter provision in Article 4, Section 4.10 should be changed to reflect that the nominating and election process, except as provided in the Charter, shall be governed by election law as it applies to nonpartisan and partisan county officials.

The current Charter has a provision in Article 4, Section 4.20 for Independent Candidates. I would ask that the Charter Review Commission consider renaming this process as Minor Party Candidates and set up a procedure similar to that set forth in state election law for minor party candidates. (See RCW 29A.20.110 – RCW 29A.20.171) Under the current partisan primary process in place in Washington minor party candidates go directly to the General Election ballot as long as they meet the nomination requirements. Right now our Charter lumps all candidates that are not filing as Democrats or Republicans into the category of Independent Candidate and that may not be the desire of the particular candidate. This issue does not apply to nonpartisan offices as filing for those offices does not require a party indication.

The Charter Review Commission might want to consider changing the requirements to hold county elected office as set forth in Article 4, Section 4.30 which currently requires that all candidates for county elected positions be a citizen of the United States (ok), over the age of 21 (many offices including state legislative offices and state wide offices only require being over 18), and a three year resident of Snohomish County at the time of filing for office (many offices only require that you be a resident of the jurisdiction at the time of filing for office and non-charter code cities have a one year residency requirement to run for office).

If the proposal to change Article 4, Section 4.30 is submitted to the voters then Article 4, Section 4.80 Vacancies would have to reflect the term Minor Party candidate rather than Independent candidate.

**PERFORMANCE AUDITING:**

The 1996 Charter Review Commission submitted a proposal for consideration by the voters at the November 1996 General Election for the creation of a Performance Audit function to be located in the County Auditor's office. This provision was adopted and now exists in Article 3, Section 3.130. However, there is a similar provision providing for this same authority by the County Council which is set forth in Article 2, Section 2.90. The Charter Review Commission may want to consider whether these two provisions are in conflict and if so how to clarify the two provisions so it is clear as to differences between the two provisions.

I am available for any follow up questions or information.

Respectfully submitted,

Bob Terwilliger

[RCWs](#) > [Title 29A](#) > [Chapter 29A.04](#) > [Section 29A.04.086](#)

[29A.04.079](#) << [29A.04.086](#) >> [29A.04.091](#)

**RCW 29A.04.086**  
**Major political party.**

"Major political party" means a political party of which at least one nominee for president, vice president, United States senator, or a statewide office received at least five percent of the total vote cast in the preceding state general election in an even-numbered year. A political party qualifying as a major political party under this section retains such status until the next even-year election at which a candidate for one of these offices does not achieve at least five percent of the vote for one of the previously specified offices. If these offices appear on the ballot in an even-year general election, the major party retains its status as a major political party through that election. However, a political party of which no nominee received at least five percent of the total vote cast may forgo its status as a major political party by filing with the secretary of state an appropriate party rule within sixty days of attaining major party status under this section, or sixty days of June 10, 2004, whichever is later.

[2004 c 271 § 103.]

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**RCW 29A.04.097**  
**Minor political party.**

"Minor political party" means a political organization other than a major political party.

[2003 c 111 § 116. Prior: 1965 c 9 §29.01.100 ; prior: 1955 c 102 § 8; prior: 1907 c 209 § 26, part; RRS § 5203, part. Formerly RCW 29.01.100.]

**Notes:**

Minor party convention: RCW 29A.20.110 through 29A.20.200.

Political parties: Chapter 29A.80 RCW.

1 the last day to certify the returns of the general election other than  
2 as provided in subsection (2)(e) and (f) of this section. Such special  
3 election shall be conducted and notice thereof given in the manner  
4 provided by law.

5 ~~((+5))~~ (6) This section shall supersede the provisions of any and  
6 all other statutes, whether general or special in nature, having  
7 different dates for such city, town, and district elections, the  
8 purpose of this section being to establish mandatory dates for holding  
9 elections.

10 **Sec. 4.** RCW 29A.20.121 and 2004 c 271 s 110 are each amended to  
11 read as follows:

12 (1) Any nomination of a candidate for partisan public office by  
13 other than a major political party may be made only: (a) In a  
14 convention held not earlier than the ~~((last Saturday in June))~~ first  
15 Saturday in May and not later than the ~~((first))~~ second Saturday in  
16 ~~((July))~~ May or during any of the seven days immediately preceding the  
17 first day for filing declarations of candidacy as fixed in accordance  
18 with RCW 29A.28.041; (b) as provided by RCW 29A.60.021; or (c) as  
19 otherwise provided in this section. Minor political party and  
20 independent candidates may appear only on the general election ballot.

21 (2) Nominations of candidates for president and vice president of  
22 the United States other than by a major political party may be made  
23 either at a convention conducted under subsection (1) of this section,  
24 or at a similar convention taking place not earlier than the first  
25 ~~((Sunday in July))~~ Saturday in June and not later than ~~((seventy days~~  
26 ~~before))~~ the ~~((general election))~~ fourth Saturday in July. Conventions  
27 held during this time period may not nominate candidates for any public  
28 office other than president and vice president of the United States,  
29 except as provided in subsection (3) of this section.

30 (3) If a special filing period for a partisan office is opened  
31 under RCW 29A.24.211, candidates of minor political parties and  
32 independent candidates may file for office during that special filing  
33 period. The names of those candidates may not appear on the general  
34 election ballot unless they are nominated by convention held no later  
35 than five days after the close of the special filing period and a  
36 certificate of nomination is filed with the filing officer no later

1 than three days after the convention. The requirements of RCW  
2 29A.20.131 do not apply to such a convention.

3 (4) A minor political party may hold more than one convention but  
4 in no case shall any such party nominate more than one candidate for  
5 any one partisan public office or position. For the purpose of  
6 nominating candidates for the offices of president and vice president,  
7 United States senator, United States representative, or a statewide  
8 office, a minor party or independent candidate holding multiple  
9 conventions may add together the number of signatures of different  
10 individuals from each convention obtained in support of the candidate  
11 or candidates in order to obtain the number required by RCW 29A.20.141.  
12 For all other offices for which nominations are made, signatures of the  
13 requisite number of registered voters must be obtained at a single  
14 convention.

15 **Sec. 5.** RCW 29A.24.040 and 2003 c 111 s. 604 are each amended to  
16 read as follows:

17 A candidate may file his or her declaration of candidacy for an  
18 office by electronic means on a system specifically designed and  
19 authorized by a filing officer to accept filings.

20 (1) Filings that are received electronically must capture all  
21 information specified in RCW (~~(29A.24.030)~~) 29A.24.031 (1) through (4).

22 (2) Electronic filing may begin at 9:00 a.m. the (~~(fourth)~~) first  
23 Monday in (~~(July)~~) June and continue through 4:00 p.m. the following  
24 Friday.

25 (3) In case of special filing periods established in this chapter,  
26 electronic filings may be accepted beginning at 9:00 a.m. on the first  
27 day of the special filing period through 4:00 p.m. the last day of the  
28 special filing period.

29 **Sec. 6.** RCW 29A.24.050 and 2003 c 111 s 605 are each amended to  
30 read as follows:

31 Except where otherwise provided by this title, declarations of  
32 candidacy for the following offices shall be filed during regular  
33 business hours with the filing officer no earlier than the (~~(fourth)~~)  
34 first Monday in (~~(July)~~) June and no later than the following Friday in  
35 the year in which the office is scheduled to be voted upon:

1 part, then the votes cast or recorded for the person who has died or  
2 become disqualified shall be counted for the person who has been named  
3 to fill such vacancy.

4 When the secretary of state is the person with whom the appointment  
5 by the major or minor political party is filed, the secretary shall, in  
6 certifying candidates or nominations to the various county officers  
7 insert the name of the person appointed to fill a vacancy.

8 If the secretary of state has already sent forth the certificate  
9 when the appointment to fill a vacancy is filed, the secretary shall  
10 forthwith certify to the county auditors of the proper counties the  
11 name and place of residence of the person appointed to fill a vacancy,  
12 the office for which the person is a candidate or nominee, the party  
13 the person represents, and all other pertinent facts pertaining to the  
14 vacancy.

15 **Sec. 12.** RCW 29A.28.041 and 2004 c 271 s 118 are each amended to  
16 read as follows:

17 (1) Whenever a vacancy occurs in the United States house of  
18 representatives or the United States senate from this state, the  
19 governor shall order a special election to fill the vacancy. Minor  
20 political party candidates and independent candidates may be nominated  
21 through the convention procedures provided in chapter 29A.20 RCW.

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

32 (3) If the vacancy occurs less than six months before a state  
33 general election and before the second Friday following the close of  
34 the filing period for that general election, the special primary,  
35 special vacancy election, and minor party and independent candidate  
36 nominating conventions must be held in concert with the state primary  
37 and state general election in that year.

1 (4) If the vacancy occurs on or after the first day for filing  
2 under RCW 29A.24.050 and on or before the second Friday following the  
3 close of the filing period, a special filing period of three normal  
4 business days shall be fixed by the governor and notice thereof given  
5 to all media, including press, radio, and television within the area in  
6 which the vacancy election is to be held, to the end that, insofar as  
7 possible, all interested persons will be aware of such filing period.  
8 The last day of the filing period shall not be later than the (~~third~~)  
9 sixth Tuesday before the primary at which major political party  
10 candidates are to be nominated. The names of major political party  
11 candidates who have filed valid declarations of candidacy during this  
12 three-day period shall appear on the approaching primary ballot. The  
13 requirements of RCW 29A.20.131 do not apply to a minor political party  
14 or independent candidate convention held under this subsection.

15 (5) If the vacancy occurs later than the second Friday following  
16 the close of the filing period, a special primary, special vacancy  
17 election, and the minor party and independent candidate conventions to  
18 fill the position shall be held after the next state general election  
19 but, in any event, no later than the ninetieth day following the  
20 November election.

21 **Sec. 13.** RCW 29A.40.070 and 2004 c 266 § 13 are each amended to  
22 read as follows:

23 (1) Except where a recount or litigation under RCW (~~29A.68.010~~)  
24 29A.68.011 is pending, the county auditor shall have sufficient  
25 absentee ballots available for absentee voters of that county, other  
26 than overseas voters and service voters, at least twenty days before  
27 any primary, general election, or special election. The county auditor  
28 must mail absentee ballots to each voter for whom the county auditor  
29 has received a request nineteen days before the primary or election at  
30 least eighteen days before the primary or election. For a request for  
31 an absentee ballot received after the nineteenth day before the primary  
32 or election, the county auditor shall make every effort to mail ballots  
33 within one business day, and shall mail the ballots within two business  
34 days.

35 (2) (~~The county auditor shall make every effort to mail ballots to~~  
36 ~~overseas and service voters earlier than eighteen days before a primary~~  
37 ~~or election~~) At least thirty days before any primary, general