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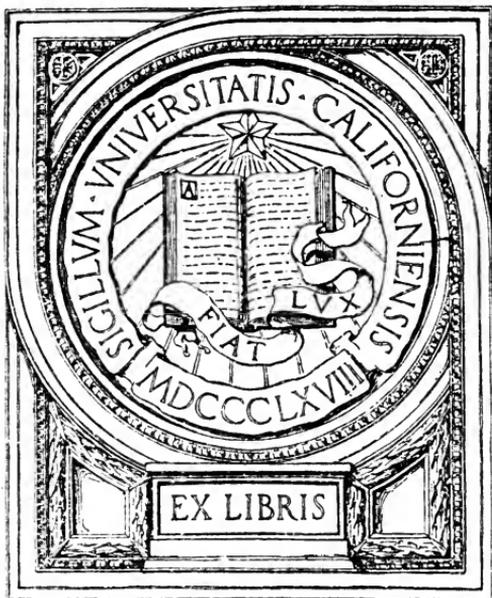
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# GENERAL ELECTION LAWS

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COMPILED BY

SAM H. NICHOLS,  
SECRETARY OF STATE.

1905

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PUBLISHED BY AUTHORITY.

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INDEXED.

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OLYMPIA, WASH.  
C. W. GORHAM, PUBLIC PRINTER.  
1905.

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STATE OF WASHINGTON.

*Laws, resolutions, etc.*

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# GENERAL ELECTION LAWS OF THE STATE OF WASHINGTON.

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## 1. Qualifications of Electors.

All male persons of the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections: All persons who at the time of the taking effect of this act are qualified electors of this state; all other male persons who are over the age of twenty-one years, citizens of the United States, who have lived in the state one year and in the county ninety days and in the city, town, ward or precinct thirty days immediately preceding the election at which they offer to vote, and who shall be able to read and speak the English language: *Provided*, That Indians not taxed shall never be allowed the elective franchise. (L. '01, Sec. 1, p. 284.)

## 2. Residents—Who Are.

For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this territory, or of the United States, or of the high seas; nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum, nor while confined in any public prison, excepting when serving out a sentence in the penitentiary for an infamous crime. (L. '66, Sec. 2, p. 25.)

## 3. Who Disqualified.

No idiot, or insane person, or persons convicted of an infamous crime, shall be entitled to the privilege of an elector. (L. '66, Sec. 3, p. 25.)

**4. Absence on Business.**

Absence from the territory, on business, shall not affect the question of residence of any person: *Provided*, The right to vote has not been claimed or exercised elsewhere. (L. '66, Sec. 4, p. 25.)

**5. Infamous Crime.**

A crime shall be deemed infamous which is punishable by death or imprisonment in the penitentiary. (L. '66, Sec. 5, p. 25.)

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**TIME AND MANNER OF HOLDING ELECTIONS.**

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**6. Election of Presidential Electors.**

On the Tuesday next after the first Monday of November, in the year eighteen hundred and ninety-two, and on the same day of every fourth year thereafter, there shall be elected by the qualified electors of the State of Washington, as many electors of president and vice-president of the United States as this state may be entitled to elect of senators and representatives in Congress. (L. '91, Sec. 1, p. 364.)

**7. Votes, How to Be Received, Returned, Canvassed, Etc.**

The votes for the electors shall be given, received, returned and canvassed as the same are given, returned and canvassed for members of congress. The Secretary of State shall prepare three lists of the names of the electors elected and affix the seal of the state to the same. Such lists shall be signed by the Governor and Secretary of State, and by the latter delivered to the college of electors at the hour of their meeting, prescribed in section three hundred and forty-nine of this volume of General Statutes. (L. '91, Sec. 2, p. 364.)

**8. Electors to Meet, When, Etc.**

The electors of president and vice-president shall convene at the seat of government on the first Wednesday of December

next after their election at the hour of twelve of the clock, at noon of that day, and if there shall be any vacancy in the office of an elector occasioned by death, refusal to act, neglect to attend, or otherwise, the electors present shall immediately proceed to fill, by *viva voce* and plurality of votes, such vacancy; and when all of the electors shall appear, or the vacancies, if any, shall have been filled as above provided, such shall constitute the college of electors of the State of Washington, and shall proceed to perform the duties required of them by the constitution and laws of the United States. (L. '91, Sec. 3, p. 365.)

[This conflicts with the act of congress on the same subject, which provides "That the electors of each state shall meet and give their votes on the second Monday in January next following their appointment, at such place in each state as the legislature of such state shall direct." Act of February 3, 1887, 24 Stat. L.]

**9. Compensation of Electors.**

Every such elector who shall attend at the time and place appointed, and give his vote for president and vice-president, shall be entitled to receive from this state five dollars for each day's attendance at such meeting of the college of electors, and ten cents per mile for travel in going to and returning from the place where the electors shall meet, on the usually traveled route. (L. '91, Sec. 4, p. 365.)

**10. Biennial Elections to Be Held—Day of Election.**

The election of legislative, district, county and precinct officers in this state shall be held on the Tuesday following the first Monday of November, *Anno Domini* eighteen hundred and eighty-two, and thereafter biennially on the Tuesday next following the first Monday in November; and all elective state, legislative, district, county and precinct officers shall hereafter be elected at the times herein specified. (L. '81, Sec. 13, p. 35.)

**11. Special Elections Defined.**

Special elections are such as are held to supply vacancies in any office, whether the same be filled by the qualified electors

of the state or any district, county, or township, and may be held at such time as may be designated by the proper officer. (L. '66, Sec. 2, p. 27.)

**12. Governor to Issue Proclamation.**

It shall be the duty of the Governor, at least sixty days before any general election, to issue his proclamation, designating the offices to be filled by the state at large at such election, and to transmit a copy thereof to the county auditor of each county. (L. '66, Sec. 4, p. 27.)

**13. Form of Election Notice.**

It shall be the duty of each county auditor to give at least thirty days' notice of any general election and at least fifteen days previous to any special election by posting or causing to be posted up, at each place of holding election in the county, a written or printed notice thereof; said notice to be as circumstances will admit, as follows: Notice is hereby given that on the—day of—next, at—, in the—district or precinct of —, in the county of—, an election will be held for state, county, town or district officers (naming the offices to be filled, as the case may be), which election will be opened at nine o'clock in the morning and will continue until seven o'clock in the afternoon of the same day. Dated this — day of —, A. D. 19—. A. B. county auditor. (L. '66, Sec. 6, p. 27.)

**14. Appointment of Election Officers.**

It shall be the duty of the county commissioners, at their regular session held previous to the day of holding the general election, to appoint for each precinct, from the qualified electors of said precinct, one inspector and two judges, who shall constitute a board of judges of election. In case said board be not appointed for any precinct by the board of county commissioners, as specified in this section, or those appointed in accordance with this section shall not be present at the place designated by the county commissioners in a precinct for

holding the polls at the hour to open the polls, the electors present may appoint a board of judges for such precinct. (L. '66, Sec. 2, p. 30.)

**15. Appointment of Clerks of Election.**

The inspector and judges for each precinct having more than one hundred voters shall, before the time of opening the polls, appoint two suitable persons to act as clerks, who shall be qualified electors: *Provided*, That in precincts having less than one hundred voters the said judges shall keep a tally of the voters voting at said election, and shall perform all of the duties pertaining to and required to be performed by the clerks of elections: *And provided further*, That each of the recognized political parties may have one challenger at the polls of each voting precinct. (L. '95, Sec. 1, p. 386.)

**16. Oath of Election Officers, How to Be Administered.**

The inspector, judges and clerks aforesaid shall, before entering upon the duties of their offices, severally take and subscribe the oath or affirmation hereinafter directed, which shall be administered to them by any person authorized to administer oaths, but if no such person be present, the inspector shall administer the same to the judges and clerks, and one of the judges shall administer the oath to the inspector. (L. '66, Sec. 4, p. 31.)

**17. Oath of Inspector.**

The following shall be the form of the oath, or affirmation, to be taken by each inspector: I, A B, do swear (or affirm) that I will duly attend the ensuing election during the continuance thereof as an inspector, and that I will not receive any ticket or vote from any person other than such as I shall firmly believe to be according to the provisions of the laws of this state entitled to vote at such election without requiring such evidence of the right to vote as is directed by law; nor will I vexatiously delay or refuse to receive any vote from any person whom I shall believe to be entitled to vote as aforesaid;

but that I will in all things truly, impartially and faithfully perform my duty therein to the best of my judgment and abilities; and that I am not directly or indirectly interested in any bet or wager on the result of this election. (L. '66, Sec. 5, p. 31.)

**18. Oath of Judges.**

The following shall be the oath or affirmation of each judge: We, A B, do —— that we will as judges duly attend the ensuing election during the continuance thereof and faithfully assist the inspector in carrying on the same; that we will not give our consent that any vote or ticket shall be received from any person other than such as we firmly believe to be according to the law of the state entitled to vote at such election; and that we will make a true and perfect return of the said election, and will in all things truly, impartially and faithfully perform our duty respecting the same to the best of our judgment and abilities; and that we are not directly or indirectly interested in any bet or wager on the result of this election. (L. '66, Sec. 6, p. 31.)

**19. Oath of Clerks.**

The following shall be the form of the oath to be taken by the clerks, viz.: We, and each of us, A B, do —— that we will impartially and truly write down the name of each elector who shall vote at the ensuing election, and also the name of the county and precinct wherein such elector resides; and carefully and truly write down the number of votes that shall be given for each candidate at the election as often as his name shall be read to us by the inspector thereof, and in all things truly and faithfully perform our duty respecting the same to the best of our judgment and abilities; and that we are not directly or indirectly interested in any bet or wager on the result of this election. (L. '66, Sec. 7, p. 32.)

**20. Oaths to Be Certified by Person Administering Same, and Returned.**

It shall be the duty of the county auditor to make out two copies of each of the said oaths or affirmations for each elec-

tion precinct, which shall be severally subscribed by the inspector and judges and clerks in the precincts where clerks are employed, and the said oaths or affirmations shall be certified under the hand of the person by whom they shall be administered, and one of the said oaths or affirmations shall be placed with the election returns to be returned to the county auditor. (L. '95, Sec. 2, p. 386.)

**21. Inspector to Be Chairman.**

The inspector shall be chairman of the board, and, after its organization, shall have power to administer all necessary oaths which may be required in the progress of the election. He shall also have power to fill any vacancy that may occur in the board of judges, or by absence or refusal to serve of either of the clerks, after the polls shall have been opened. (L. '66, Sec. 9, p. 32.)

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## BALLOTS AND NOMINATION OF CANDIDATES.

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**22. Ballots to Be Printed and Distributed at Public Expense.**

All ballots cast at elections for public officers within this state (except school and irrigation district officers and road overseers), shall be printed and distributed at public expense as hereinafter provided. The printing of ballots and cards of instruction for the electors in each county, and the delivery of the same to the election officers, as hereinafter provided, shall be a county charge, the payment of which shall be provided for in the same manner as the payment of other county expenses; but the expense of printing and delivering the ballots shall, in the case of municipal elections, be a charge upon the city or town in which such election shall be held. (L. '90, Sec. 1, p. 400.)

**23. Candidates for Office, How Nominated.**

Any convention, primary meeting, or primary election, as hereinafter defined, held for the purpose of making nom-

inations for public office, and also electors to the number hereinafter specified, may nominate candidates for public office, to be filled by election within the state. A convention, or primary meeting, within the meaning of this chapter, is an organized assemblage of electors or delegates, representing a political party or principle; and a primary election is a legally conducted election for the nomination of candidates for public office. (L. '90, Sec. 2, p. 400.)

**24. Nominations, How to Be Certified.**

All nominations made by such convention, primary meeting, or primary election, shall be certified as follows: The certificate of nomination, which shall be in writing, shall contain the name of each person nominated, his residence, his business, his address, and the office for which he is named, and shall designate in not more than five words the party or principle which such convention, primary meeting or primary election represents, and it shall be signed by the presiding officer and secretary of such convention, or primary meeting, or, in case of a primary election, by one of the judges and the clerk thereof, who shall add to their signatures their respective place of residence, their business, and addresses. Such certificate made out as herein required shall be delivered by the secretary or president of such convention or primary meeting, clerk or judge, of the primary election, to the Secretary of State, or the clerk of the board of county commissioners, as hereinafter required. (L. '90, Sec. 3, p. 400.)

**25. Filing of Certificates of Nomination.**

Certificates of nomination of candidates for offices to be filled by the electors of the entire state, or of any division or district greater than a county, shall be filed with the Secretary of State. Certificates of nomination for county and precinct officers shall be filed with the clerks of the boards of county commissioners of the respective counties wherein the officers are to be elected. Certificates of nomination for municipal offices shall be filed with the clerks of the respective

municipal corporations wherein the officers are to be elected. The certificate of a nomination for an office in a district composed of more than one county shall be filed in the offices of the clerks of the boards of county commissioners of all the counties to be represented by such joint officer or member. (L. '90, Sec. 4, p. 401.)

**26. Candidates, How Nominated Otherwise Than by Convention or Primaries.**

Candidates for public office may be nominated otherwise than by convention or primary meeting, or primary election, in the manner following: A certificate of nomination containing the name of the candidate for the office to be filled, with such information as is required to be given in certificates provided for in section 365 of volume I, Hill's Annotated Codes and Statutes of Washington, shall be signed by electors residing within the district or political division in and for which the officer or officers are to be elected, in the following numbers: The number of signatures shall not be less than one thousand, when the nomination is for an office to be filled by the electors of the entire state; and not less than three hundred when the election is for an office to be filled by the electors of a county, district or other division less than a state, and not less than twenty-five when the nomination is for an office to be filled by the electors of a township, precinct or ward: *Provided*, That the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature his place of residence, his business and his address. Such certificate may be filed as provided for in section 306 of volume I, Hill's Annotated Statutes and Codes of Washington, in the same manner and with the same effect as a certificate of nomination made by a party convention, primary meeting or primary convention. (L. '95, Sec. 3, p. 387.)

**27. Nominations Restricted; Certificates to Contain One Name.**

No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No per-

son shall join in the nomination of more than one person for each office to be filled, and no person shall accept a nomination to more than one office. (L. '90, Sec. 6, p. 402.)

**28. Duty of Secretary of State and Clerk of Commissioners—Election Precincts**

The Secretary of State and the clerks of boards of county commissioners of the several counties and of the several municipal corporations shall cause to be preserved in their respective offices for six months all certificates of nomination filed in their respective offices under the provisions of this chapter. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The board of county commissioners of each county in the state shall, at their first session after the taking effect of this chapter, divide their respective counties into election precincts, and establish the boundaries of the same. Such board of commissioners shall designate one voting place in each precinct, and each precinct shall contain two hundred and fifty electors, or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the board of county commissioners, who shall, at their next regular meeting, divide such precinct as nearly as possible so that the new precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable. (L. '90, Sec. 7, p. 402.)

**29. When to File Certificates of Nomination.**

Certificates of nomination to be filed with the Secretary of State shall be filed not more than sixty days and not less than thirty days before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the clerk of the board of county commissioners shall be filed not more than sixty days

and not less than twenty days before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the clerks of the respective municipal corporations not more than thirty days and not less than three days previous to the day of election: *Provided*, That the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise. (L. '90, Sec. 8, p. 403.)

**30. Secretary of State to Certify Names of Nominees.**

Not less than twenty nor more than thirty days before an election to fill any state or district office, the Secretary of State shall certify to the clerk of the board of county commissioners of each county within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State. (L. '90, Sec. 9, p. 403.)

**31. Publication of Nominations.**

At least ten days before an election to fill any public office other than a municipal office, the clerk of the board of county commissioners of each county shall cause to be published in one or more newspapers within the county the nominations to office certified to him under the provisions of this chapter. The clerk of the board of county commissioners shall make such publications daily, until the elections, in counties where daily newspapers are published; but if there be no daily newspaper published within the county, two publications in each newspaper will be sufficient; and if there be no newspaper published in any county, written or printed notices shall be posted in not less than three conspicuous places in such precinct. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In the case of municipal elections, such publications shall be made in one or more newspapers devoted to the dissemination of general news, and published

within the municipal corporation in which the election is to be held, at least three days before the election, the publication to be daily, until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper shall be sufficient, and if there be no newspaper, the notice shall be posted as above provided. (L. '90, Sec. 10, p. 403.)

**32. Nominations Void if Declined in Writing.**

Whenever any person nominated for public office, as in this chapter provided, shall, at least twenty days before election, except in the case of municipal elections, in a writing signed by him, notifying the officer with whom the certificate nominating him is by this chapter required to be filed, that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least two days before the election. (L. '90, Sec. 11, p. 404.)

**33. Filling of Vacancies, Nominations for.**

Should any person so nominated die before the printing of the tickets, or decline the nomination as in this chapter provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, or by primary election, the committee of the political party he represents may upon the occurring of such vacancy, proceed to fill the same. The chairman and secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an

original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the Secretary of State, he shall, in certifying the nominations to the various county clerks\* insert the name of the person who has thus been nominated to fill a vacancy in the place of that of the original nominee. And in the event that he has already sent forth his certificate, he shall forthwith certify to the clerks of the boards of county commissioners of the proper counties the name and place of residence of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted. (L. '90, Sec. 12, p. 404.)

#### 34. **Stickers to Be Used.**

When any vacancy occurs before election day and after the printing of the tickets and any person is nominated according to the provisions of this chapter to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed, shall thereupon have printed a requisite number of stickers and shall mail them by registered letter to the judges of election in the various precincts interested in such election, and the judges of election whose duty it is made by the provisions of this chapter to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector. (L. '90, Sec. 13, p. 405.)

#### 35. **Submission of Questions for Popular Vote.**

Whenever a proposed constitution or constitutional amendment, or other question, is to be submitted to the people of the state for popular vote, the Secretary of State shall duly, and not less than thirty days before election, certify the same to the clerk of the board of county commissioners of each county in the state, and the clerk of the board of county commission-

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\*Clerk of Board of County Commissioners.

ers of each county shall include the same in the publication provided for in section three hundred and seventy-two of this volume of General Statutes. Questions to be submitted to the people of a county or municipality shall be advertised as provided for nominees for offices by said section. (L. '90, Sec. 14, p. 405.)

**36. Commissioners to Provide Ballot Boxes, Etc.—None but Official Ballots to Be Used.**

Except as in this chapter otherwise provided, it shall be the duty of the clerk of the board of county commissioners of each county to provide ballot boxes, or pouches, printed ballots, and duplicate poll books for every election for public officers in which electors, or any of the electors within the county, participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the county auditor in the manner provided for in this chapter. Ballots other than those printed by the respective clerks of boards of county commissioners, according to the provisions of this chapter, shall not be cast or counted in any election. Nothing in this chapter contained shall prevent any voter from writing or pasting on his ballot the names of any person for whom he desires to vote for any office, and such vote shall be counted, the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in marking or preparing his ballot, except as hereinafter otherwise provided. (L. '05, Sec. 1, p. 64.)

**37. Exceptions as to Election of Certain Officers.**

Election for school and irrigation district officers and road overseers are excepted from the provisions of the preceding section, and in all municipal elections the duties specified in the preceding section as devolving on the clerk of the board of county commissioners shall devolve on the municipal clerk. (L. '90, Sec. 16, p. 406.)

**38. Ballots to Be Printed, and What to Contain.**

All ballots prepared under the provisions of this chapter shall conform to the following requirements:

*First.* Shall be of white and a good quality of paper, and the names shall be printed thereon in black ink.

*Second.* Every ballot shall contain the name of every candidate whose nomination for any office specified in the ballot has been filed according to the provisions of this act and no other names.

*Third.* All nominations of any party or group of petitioners shall be placed under the title of such party or petitioners as designated by them in their certificate of nomination or petition, and the name of each nominee shall be placed under the designation of the office for which he has been nominated.

*Fourth.* There shall be a ○ under the party designation and a □ at the right of the name of each of its nominees so that the voter may clearly indicate the party or the candidate or the candidates for whom he wishes to cast his ballot; the circle shall be one-half inch in diameter and the square one-fourth of an inch. The size of type for the designation of the office shall be nonpareil caps; that of the candidates not smaller than brevier or larger than small pica caps and shall be connected with squares by leaders.

*Fifth.* The list of candidates of the republican party shall be placed in the first column of the left-hand side of the ballot, the democratic party the second column and of other party [parties] in the order in which the certificates of nomination have been filed.

The line of demarcation between the party columns shall be inverted nonpareil rule.

If any of the above named parties shall fail to nominate a ticket, the name of such party shall not appear upon the ballot.

*Sixth.* No candidates' [candidate's] name shall appear

more than once upon the ballot: Provided, That any candidate who has been nominated by two or more political parties may, upon a written notice filed with the clerk of the board of county commissioners at least twenty days before the election is to be held, designate the political party under whose title he desires to have his name placed.

*Seventh.* Under the designation of the office if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

*Eighth.* Upon each official ballot a perforated line one-half inch from the left hand edge of said ballot shall extend from the top of said ballot towards the bottom of the same two inches thence to the left hand edge of the ballot and upon the space thus formed there shall be no printing except the number of such ballot, which shall be upon the back of such space in such position that it shall appear on the outside when the ballot is folded. The county auditor shall cause official ballots to be numbered consecutively beginning with number 1, for each separate voting precinct.

*Ninth.* Official ballots for a given precinct shall not contain the names of nominees for justices of the peace and constables of any other precinct except in cases of municipalities where a number of precincts vote for the same nominee for justices of the peace and constables, and in the latter case the ballots shall contain only the names to be voted for by the electors of such precinct. Each party column shall be two and five-eighths inches wide.

*Tenth.* On the top of each of said ballots and extending across the party groups, there shall be printed instructions directing the voters how to mark the ballot before the same shall be deposited with the judges of election. Next after the instructions and before the party group shall be placed the questions of adopting constitutional amendments or any other question authorized by law to be submitted to the voters of such election. The arrangement of the ballot shall in general conform as nearly as possible to the form hereinafter given. (L. '01, Sec. 1, p. 186.)

(BALLOT.)

INSTRUCTIONS.—Mark X in  under party name, for whose candidate you wish to vote.

If you desire to vote for any other candidate of any other party, place X in  at the right of the name of such candidate.

(Here place any state or local question to be voted on.)

REPUBLICAN TICKET.	DEMOCRATIC TICKET.	PROHIBITION TICKET.
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<p>PRESIDENTIAL ELECTORS.</p> <p>S. G. COSGROVE ..... <input type="checkbox"/></p> <p>F. W. HASTINGS ..... <input type="checkbox"/></p> <p>C. SWEENEY ..... <input type="checkbox"/></p> <p>J. BOYD ..... <input type="checkbox"/></p> <p>REPRESENTATIVES IN CONG.</p> <p>F. W. CUSHMAN ..... <input type="checkbox"/></p> <p>W. L. JONES ..... <input type="checkbox"/></p> <p>JUDGES SUPREME COURT.</p> <p>W. MOUNT ..... <input type="checkbox"/></p> <p>R. O. DUNBAR ..... <input type="checkbox"/></p> <p>GOVERNOR.</p> <p>J. M. FRINK ..... <input type="checkbox"/></p> <p>LIEUTENANT GOVERNOR.</p> <p>H. MCBRIDE ..... <input type="checkbox"/></p> <p>SECRETARY OF STATE.</p> <p>S. H. NICHOLS ..... <input type="checkbox"/></p> <p>STATE TREASURER.</p> <p>C. W. MAYNARD ..... <input type="checkbox"/></p> <p>STATE AUDITOR.</p> <p>J. D. ATKINSON ..... <input type="checkbox"/></p> <p>ATTORNEY GENERAL.</p> <p>W. B. STRATTON ..... <input type="checkbox"/></p> <p>SUPT. PUBLIC INSTRUCTION.</p> <p>R. B. BRYAN ..... <input type="checkbox"/></p> <p>COM. PUBLIC LANDS.</p> <p>S. A. CALLVERT ..... <input type="checkbox"/></p> <p>STATE SENATOR 18TH. DIST.</p> <p>A. S. RUTH ..... <input type="checkbox"/></p>		

**39. Duty of Clerk of Board of County Commissioners.**

Whenever the Secretary of State has duly certified to the clerk of the board of county commissioners any question to be submitted to the vote of the people, the clerk of the board of county commissioners shall have printed on the regular ballots, at the bottom thereof, the question in such form as will enable the electors to vote upon the questions so presented in the manner hereinafter provided. The clerk of the board of county commissioners shall also prepare the necessary ballots in the same manner whenever any question is by law to be submitted to the vote of the electors of any locality, and not of the state generally: *Provided, however,* That in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the city, or town clerk to provide the necessary ballots. (L. '95, Sec. 4, p. 387.)

**40. Number of Ballots for Each Precinct.**

The clerk of the board of county commissioners of each county shall provide for each election precinct in the county two ballots for each elector registered in the precinct, and two tallying books, that shall be printed in relation with the tickets. If there is no register in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of two for every elector who voted at the last preceding election in the precinct: *Provided, however,* That in municipal elections it shall be the duty of the city or town clerk to provide tickets as specified in this section. (L. '95, Sec. 5, p. 390.)

**41. Surplus Ballots to Be Destroyed by Judges Before Counting Ballots Cast.**

It is hereby made the duty of the judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, to destroy all unused ballots furnished for use at such precinct. (L. '93, Sec. 2, p. 222.)

**42. Error or Omission of Name From Ballot, How Cured.**

Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names of the

candidates nominated for office, or in the printing of the ballots, the superior court of the county may, upon application of any elector, by order, require the clerk of the board of county commissioners or municipal clerk to correct such error or to show cause why such error should not be corrected. (L. '90, Sec. 19, p. 407.)

#### 43. Clerks to Furnish Ballots Before Polls Open.

Before the opening of the polls, the clerk of the board of county commissioners (or the municipal clerk in the case of municipal election) shall cause to be delivered to the judges of election of each election precinct which is within the county (or within the municipality in case of municipal elections), and in which the election is to be held, at the polling place of the precinct, the proper number of ballots provided for in section five of this act. The ballots shall be given to the inspector of each election precinct; but in case it may be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the judges of election of any such precinct, and in making the appointment of judges of election under this chapter and other election laws of this state, not more than a majority of such judges of election shall be appointed from any one political party for each precinct. (L. '95, Sec. 6, p. 390.)

#### 44. Inspectors to Provide Polling Places—Division of Precincts.

The inspectors of election shall provide in their respective polling places a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting and in which electors may mark their ballots screened from observation, and a guard rail so constructed that only persons within such rail can approach within fifty feet of the ballot boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments shall not be less than one for every fifty electors or fraction thereof registered 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 under the provisions of this chapter without the preparation of such booths or compartments as required in this section. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted within said rail, and in case of small precincts where places, booths or compartments are not required, no person or persons engaged in preparing his or their ballots shall in any way be interfered with by any person, unless it be some one authorized by the provisions of this chapter to assist him or them in preparing his or their ballot. The expense of providing such places or compartments and guard rails shall be a public charge and shall be provided for in the same manner as the other election expenses. On or before the first day of September of each year in which an election is to be held, the officers now charged by law with the division or alteration of election precincts shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than three hundred voters. (L. '90, Sec. 21, p. 408.)

**45. Delivery of Ballot to Elector.**

At any election it shall be the duty of the inspector, or one of the judges of election, to deliver ballots to the qualified electors. Any elector desiring to vote shall give his name to the inspector or one of the judges, who shall then, in an audible tone of voice, announce the same, whereupon a challenge may be interposed or if the challenge be overruled, the inspector or one of the judges shall give him a ballot, at the same time calling to the clerks of election the number of such ballot. In precincts where there is a registration of voters, it shall be the duty of such clerks to write the number of the ballot against the name of such elector as the same appears upon the certified

copy of poll books of registration in their possession. In precincts where there are no registration of voters, it shall be the duty of the clerks to transcribe the name of the elector in the poll books, and against such name the number of the ballot delivered to the elector. Each qualified elector shall be entitled to receive from the said judges one ballot. (L. '95, Sec. 7, p. 391.)

#### 46. Details of Preparation of Ballot by Voter.

On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or apartments provided to prepare his ballot. If he desires to vote for all of the candidates of any political party he may mark a cross "X" after the name, against the political designation of such party, and shall then be deemed to have voted for all the persons named as the candidates of such party. If he desires to vote for any particular candidate of any other political party he may do so by placing after the name of such candidate a mark "X": *Provided*, That if one or more candidates for such office are to be elected, then such voter shall place his mark "X" after the name of each of the candidates for whom he wishes to vote for that particular office, and in that case such voter shall then be deemed to have voted for all the persons named as the candidates of the political party after which he shall have made his mark "X," except those who are otherwise designated as herein provided. Each elector may prepare his ballot by marking a cross "X" after the name of each person or candidate for whom he 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, or paste over any other name, the name of any person for whom he may wish to vote. Before leaving the booth or compartment the elector shall fold his 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 he shall keep it folded until he has voted. Having folded the ballot, the elector shall deliver it folded to the inspector, who shall, in an audible tone of voice, repeat the name of the elector and the number of the ballot. The election clerks having certified copies of the poll books of registration or poll books in charge, shall, if they find the number marked opposite the elector's name on the registration or poll books to correspond with the number of the ballot handed to the inspector, mark opposite the name of such elector the word "Voted," and one of the clerks shall call back, in an audible tone, the name of the elector and the number of his ballot. The inspector shall separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. The numbers removed from ballots shall be immediately destroyed. (L. '95, Sec. 8, p. 391.)

**47. One Person to Occupy Booth.**

Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than five minutes: Provided, That the other booths or compartments are occupied. (L. '90, Sec. 24, p. 410.)

**48. In Case of Spoiled Ballot, Voter to Receive Another.**

Any voter who shall by accident or mistake spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof. (L. '90, Sec. 25, p. 410.)

**49. Assistance to Illiterate or Disabled Voter.**

Any voter who declares to the judges of election, or when it shall appear to the judges of election that he can not read, and was at the time of the taking effect of this act a qualified voter, or that by blindness or other physical disability he is unable to mark his ballot, shall upon request receive the assistance of one or two of the election officers in the marking

thereof, and such officer or officers shall certify on the outside thereof that it has been so marked with his or their assistance, and shall thereafter give no information regarding the same. The judges may in their discretion require from such other person so offering to vote a declaration of such disability, that he was at the time of the taking effect of this act a qualified elector and of his disability to read and speak the English language, to be made by the voter under oath before them and they are hereby qualified to administer the same. No elector, other than the voter, who may, because of his inability to read, or physical disability, be unable to mark his ballot, shall divulge to any person within the polling place the name of any candidate for whom he intends to vote or ask or receive the assistance of any one within the polling place in the preparation of his ballot. (L. '90, Sec. 26, p. 410.)

**50. Instructions to Electors to Be Printed and Posted.**

The clerk of the board of county commissioners of each county shall cause to be printed in large type on cards, in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election of each election precinct, and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards in each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places, upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz:

1. To obtain ballots for voting.
2. To prepare the ballots for deposit in the ballot boxes.
3. To obtain a new ballot in the place of one spoiled by accident or mistake. (L. '95, Sec. 9, p. 392.)

**51. What Ballots Are Void and Shall Not Be Counted.**

In the canvass of the votes, any ballot or parts of a ballot found which it is impossible to determine the elector's choice shall be void and shall not be counted: *Provided*, That when a ballot is sufficiently plain to gather therefrom a part of the voter's intention, it shall be the duty of the judges of election to count such part. (L. '95, Sec. 10, p. 393.)

**52. Fraud as to Certificates of Nominations or Ballots Is Felony.**

Any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof, or file or receive for filing any certificate of nomination, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or forge or falsely make the official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years. (L. '90, Sec. 30, p. 411.)

**53. Defacing or Destroying Supplies, Etc., How Punished.**

Any person who shall during the election wilfully remove or destroy any of the supplies or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to or on the day of election wilfully deface or destroy any list of candidates posted in accordance with the provisions of this chapter, or who shall during an election tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars. (L. '90, Sec. 31, p. 412.)

**54. Duty of Public Officers at Elections, Punishment for Violation of.**

Any public officers upon whom any duty is imposed by this chapter, who shall wilfully do or perform any act or

thing herein prohibited, or wilfully neglect or omit to perform any duty as imposed upon him by the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office and shall be punished by imprisonment in the county jail for a term of not less than one month nor more than six months, or by a fine of not less than fifty dollars and not more than five hundred dollars, or by both such fine and imprisonment. (L. '90, Sec. 32, p. 412.)

**55. Electioneering Prohibited Within Polling Place.**

No officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place or any building in which an election is being held, or within fifty feet thereof, nor obstruct the doors or entries thereto, or prevent free ingress or egress from said building. Any election officers, sheriff, constable, or other peace officer, is hereby authorized and empowered, and it is hereby made his duty to clear the passageway and prevent such obstruction, and to arrest any person creating such obstruction. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of any candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall any person, except a judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such inspector or judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote a ballot

delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judges. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars and adjudged to pay the costs of prosecution. (L. '90, Sec. 33, p. 412.)

**56. Distribution of Election Laws by Secretary of State.**

It shall be the duty of the Secretary of State to cause to be published in pamphlet form, and distributed through the clerks of the boards of county commissioners of the respective counties, a sufficient number of copies of this law, together with the registration law of the state, and such other laws as bear upon the subject of election as will place a copy thereof in the hands of all officers of election. (L. '90, Sec. 34, p. 413.)

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**OPENING THE POLLS—VOTING AND CHALLENGES.**

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**57. Time of Opening and Closing Polls.**

At all elections held under the provisions of this act, the polls shall be opened at nine o'clock A. M., and closed at seven o'clock P. M. (L. '90, Sec. 35, p. 413.)

**58. If Electors Are Not Present, Polls May Be Opened When They Do Appear.**

At all elections the polls shall be opened at nine o'clock in the morning, and shall continue open without recess until seven o'clock in the evening, at which time the judges shall close the polls: *Provided*, That in sparsely settled precincts, whenever a sufficient number of qualified electors to constitute a board of election are not present at nine o'clock on the morning of the day of the election, it shall be lawful to open

the polls as soon thereafter as a sufficient number are present. (Code '81, Sec. 3076.)

**59. Proclaiming Polls to Be Open.**

The board of judges, before they commence receiving ballots, shall cause it to be proclaimed aloud at the place of voting, that the polls are now open. (L. '66, Sec. 2, p. 34.)

**60. Poll Books to Be Furnished.**

It shall be the duty of the auditors of the several counties to furnish the inspectors of each election precinct with two poll books at least five days before the time of holding the election. (L. '66, Sec. 31, p. 34.)

**61. Manner of Voting.**

The voting shall be by ballot. No ballot shall bear any impression, devise, color or thing designated to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. The ballot shall be eight inches in width and of such length as shall be necessary to print the names of all the candidates, who shall be duly nominated according to law, and whose nomination shall be duly certified to the clerk of the board of county commissioners, such length to be determined by the said clerk of said board of county commissioners. All of the official ballots, after the same shall be so prepared by the said clerk, shall be of the same size for each and every precinct, and shall not vary one-eighth of an inch in breadth from the above specifications. (L. '95, Sec. 11, p. 393.)

**62. Poll List, How Kept—Preservation of Rejected Ballots.**

The name of each elector whose ballot has been thus received shall be immediately entered by each clerk in the column of his poll list headed "Names of Voters," numbering each name in the additional column as it is taken down, so that it may be seen at any time whether the two lists agree. Whenever the board of election rejects a ballot it must at the time

of such rejection cause to be made thereon and signed by a majority of the board an indorsement of such rejection, and of the cause thereof. All rejected ballots must be preserved and returned in the same manner as other ballots. Whenever a question arises in the board as to the legality of a ballot or any part thereof and the board decide in favor of the legality, such action, together with a concise statement of the facts that gave rise to the objection, must be indorsed on the ballot, and signed by a majority of the board. (L. '66, Sec. 5, p. 34.)

#### 63. Challenging Votes.

Any person offering to vote may be challenged as unqualified by the inspector or either of the judges or by any legal voter, and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote whom they shall know or suspect not to be duly qualified as an elector. (L. '66, Sec. 6, p. 34.)

#### 64. Duty of Election Officers in Case of Challenge.

When any person offering to vote is challenged, it shall be the duty of the judges to declare to him the qualifications of an elector, and the inspector or one of the judges shall tender him the following oath: "You do swear (or affirm) that you will truly and fully answer all questions as shall be put to you touching your place of residence and qualifications as an elector." The inspector or one of the judges shall then proceed to question the person challenged in relation to his name, place of residence, how long he has resided in the precinct and county, where his last place of residence was, also as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, and in what county or before what officer he was naturalized; whether he can read and speak the English language, and may submit to him for reading extracts of English prose, and all such other questions as shall tend to test his qualifications as to citizenship and the right to vote. (L. '66, Sec. 7, p. 34.)

**65. When Vote Is to Be Rejected.**

If any person shall refuse to take the aforesaid oath, when so tendered, or to answer any and all pertinent questions as to qualifications, his vote shall be rejected; and if the board of judges are satisfied, from his answers as aforesaid, that such person is not a legal voter, they shall reject his vote. (L. '66, Sec. 8, p. 34.)

**66. Challenged Person to Be Sworn.**

If such person shall insist that he is entitled to vote, and the board of judges find no cause to reject his vote, under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he takes the following oath, to be administered by the inspector or one of the judges, viz: "You do swear (or affirm, as the case may be), that you have resided in this state *one year* preceding this election, in this county *ninety* days, and in this precinct thirty days, and have not voted this day, and that you are otherwise qualified to vote at this election," and in case the person offering a vote is a naturalized citizen he shall produce evidence of his citizenship. (L. '86, Sec. 1, p. 128.)

The oath above given is made to correspond to the provisions of the constitution, the changes being in italic.

**67. When Persons Challenged May Vote—Identification.**

If any person shall take the oath as tendered to him by the inspector or judges and no evidence is offered to traverse the same, by the officer or party challenging, and shall otherwise comply with the requirements of law regulating the balloting, he shall be admitted to vote; but before the ballot of the voter shall be deposited he shall be required to sign the registration book in the column headed "Identification," provided for that purpose, and on the same line as, and opposite to the original signature of the voter offering to vote, which original signature shall be so concealed as not to be seen by the voter offering to vote; and in case such voter is incapable

of writing his name, he shall, at the left hand of the column, make a cross or other mark usually employed by such voter for indicating his signature, and some person who is personally known to the inspector and who personally knows the voter, shall sign the registration book in his behalf as identifying witness. If such voter offering to vote shall refuse to take the oath or affirmation so tendered him or to write his signature as required, his vote shall be rejected. (L. '05, Sec. 2, p. 65.)

**68. Challenge on Ground of Conviction of Infamous Crime.**

If the vote of any person be challenged on the ground that he has been convicted of an infamous crime, and shall remain unpardoned or disfranchised by any court of a competent jurisdiction, he shall not be required to answer any questions respecting such alleged conviction, and in the absence of any authenticated record of such act, it may be competent for two disinterested witnesses, upon oath, to prove the same. (L. '66, Sec. 11, p. 36.)

**69. Closing of Polls to Be Proclaimed.**

When the polls are closed, proclamation thereof shall be made at the place of voting, and no votes shall be afterwards received. (L. '66, Sec 12, p. 36.)

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## COUNTING VOTES—DECLARING THE RESULT AND CERTIFICATES.

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**70. Counting Votes.**

As soon as the polls are closed on the afternoon of the day of election, the judges shall open the ballot box and commence counting the votes, and in no case shall the box be removed from the room in which any election may be held until all the ballots are counted. (L. '66, Sec. 1, p. 37.)

**71. Details as to Counting of Ballots.**

The counting of ballots shall in all cases be public. The ballots shall be taken out carefully, one by one, by the in-

pector or one of the judges, who shall open them and read aloud the name of each person contained therein, and the office for which every such person is voted for. (L. '66, Sec. 1, p. 38.)

**72. Clerks Shall Keep Tally, Etc.**

Each clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by the inspector or judge. The counting of the votes shall be continued without adjournment until all are counted. (L. '66, Sec. 1, p. 38.)

**73. When Tickets Shall Be Rejected.**

If two tickets are found folded together they shall both be rejected, and if more persons are designated on any ticket for any office than are to be elected to such office, such part of the ticket shall not be counted for any of them; but no ticket shall be lost for want of form, or mistake in initials of names, if the board of judges can determine to their satisfaction the person voted for and the office intended. (L.'66, Sec. 2, p. 38.)

**74. Disposition of Ballots.**

It shall be the duty of the inspector, or one of the judges, to string the ballots at the time of counting, and after the ballots have been counted and strung it shall be the duty of the inspector to place them in a sealed envelope and write thereon "Ballots of —— precinct, —— county, State of Washington, of election held this —— day of ——, 19—," and send said envelope to the auditor of the county where said election is held, who shall keep said sealed envelope containing said ballots unopened for the period of six months, to be used only as evidence in case or cases of contest when called for, at the end of which time it shall be the duty of said county auditor to burn said ballots in the presence of two other county officers. (L. '68, Sec. 2, p. 19.)

**75. How to Make Out Election Returns.**

As soon as all the votes are read off and counted a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the clerks, the judges and inspector; one of said certificates with ballots, poll lists and tally paper, oath of inspector, judges and clerks shall be sealed up by the inspector and endorsed "Election returns," and be directed or sent by the inspector to the county auditor of the county in which the election is to be held. (L. '66, Sec. 3, p. 38.)

**76. Delivery of Returns to County Auditor, Etc.**

The said package shall be delivered to the county auditor by one of the judges or clerks of the election in person, or may be sent by registered mail; and when the voting precinct is more than fifteen (15) miles from the county seat the said package shall be forthwith transmitted to the county auditor by registered mail. When sent by mail, it shall be mailed by one of the judges. The other of said certificates, with poll list and tally papers, oaths of judges, inspector and clerks shall be retained by the inspector and preserved by him at least six months. Tally papers, poll list or certificate returned from any election shall not be set aside, nor rejected for want of form, nor on account of not being strictly in accordance with the directions of this chapter, if the same be satisfactorily understood: *Provided*, That if any judge or inspector of election shall neglect or fail to seal and return the ballots, tally list and poll books in the manner provided by law, such judge or inspector shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifteen dollars. (L. '03, Sec. 1, p. 124.)

**77. Canvass of Votes.**

On the tenth day after the day of each election, or as soon as he shall have received the returns from each precinct of

the county, if he receive them within that time, it shall be the duty of the county auditor to notify two county officers,\* one of whom shall be a judge of probate, to be present at the office of said county auditor, on a day named by said county auditor, for the purpose of canvassing the votes cast at election in the different precincts of the county, and it shall be the duty of the judge of probate present, as one of the canvassers of said votes, to administer the following oath or affirmation to the county auditor having in his possession the election returns of said county: "I do solemnly swear (or affirm) that the returns purporting to be the election returns of the several precincts in this county have been in no wise altered by additions or erasures, and that they are the same as when I received them. So help me God." The said oath or affirmation to be in writing and signed by the county auditor and certified to by the aforesaid judge of probate and placed on file in said auditor's office, among the papers appertaining to said election. And then the said auditor, with the assistance of two county officers aforesaid, shall proceed to count the votes of said county or precincts, a statement of which shall be drawn up and signed by them. And it shall be deemed a misdemeanor in the county auditor, if he shall neglect or refuse to return the total number of votes as counted, if such votes can be with reasonable certainty ascertained. (L. '68, Sec. 1, p. 20.)

**78. Board to Canvass Election Returns.**

The county auditor, chairman of the board of county commissioners and prosecuting attorney shall be the county canvassing board of election returns for all special and general county and state elections in each county. (L. '93, Sec. 1, p. 271.)

**79. Vacancy in Board of Canvassers.**

If for any reason there is a vacancy or vacancies in the canvassing board provided for in the [this] act, the remain-

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\*This section is amended by the one immediately following so far as the canvassing board is concerned.

ing member or members of the board shall have the power and it is hereby made his or their duty to choose the county officer or officers to fill such vacancy or vacancies. (L. '93, Sec. 2, p. 271.)

**80. Auditor to Issue Certificate of Election.**

The person having the highest number of votes given for each office to be filled by the voters of a single county, or of a precinct, shall be declared duly elected, and the county auditor shall immediately notify him of his election, and it shall be the duty of said auditor to make out and deliver to any person so notified a certificate of election, upon his making application to the auditor. (L. '67, Sec. 3, p. 7.)

**81. Tie Vote, How Decided.**

If the requisite number of county or precinct officers shall not be elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the county auditor shall give notice to the several persons so having the highest and an equal number of votes to attend at the office of the auditor at the time to be appointed by said auditor, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said auditor shall make out and deliver to the person thus declared duly elected a certificate of his election, as hereinbefore provided. (L. '67, Sec. 3, p. 7.)

**82. Proceedings When Canvassing Officer Is a Candidate.**

When a county auditor is to be elected, the probate judge shall examine the returns as soon as they are filed, and issue to the person chosen a certificate of election in the form prescribed in the preceding section. (L. '66, Sec. 8, p. 39.)

**83. Returns Affecting District Officer.**

When there are officers voted for who are to be chosen by the electors of a district composed of two or more counties it

shall be the duty of each of the county auditors of the counties composing such district, immediately after making out the statement specified in section four hundred and seventeen, to extract therefrom so much as relates to the election of such officers, and to certify under his hand and the seal of the county that such extract contains a full statement of all the votes given for district officer as returned to him, and without delay transmit the same to the auditor of the senior of the counties composing such district. The said county auditor shall compare the returns, make up a statement of the vote of the district for such officers, and file the same, together with the returns from the other counties, in like manner as is prescribed in section four hundred and seventeen of this volume of General Statutes. He shall also make out and transmit to the Secretary of State such statement of the votes of the district, signed by him officially and authenticated with the seal of the county, and shall furnish the person elected a certificate of election. (H. C., Sec. 421.)

**84. Duties of County Auditors and Secretary of State as to Election Returns.**

When there are other officers voted for who are chosen by the qualified voters of this state,\* it shall be the duty of each county auditor so soon as the statement of the vote of his county is made out as required in section four hundred and seventeen of this volume of General Statutes, to copy therefrom so much as relates to the vote given for such officer, certify to the correctness thereof under his hand and the seal of the county, and transmit the same to the Secretary of State, indorsing on the package the words "Election returns." On the thirtieth day after the day of election, or as soon as the re-

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\*The election returns for the offices of Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Superintendent of Public Instruction and Commissioner of Public Lands **must** be returned to the Secretary of State in the manner provided in article III, section 4, constitution. They must be indorsed as follows: "Election returns for state officers," and transmitted separate from other election returns, by registered mail.

turns shall have been received from all the counties of the state, if received within that time, the Secretary of State shall compare and estimate the vote and make out and file in his office a statement thereof, a copy of which shall be transmitted to the Governor. Upon this statement the commission or certificate shall issue. (H. C., Sec. 422.)

**85. Auditor Must Transmit Certified Copy of Abstract of Vote.**

It shall be and is hereby made the duty of the county auditor in each county of this state, immediately after making abstracts of the vote given in his county, at the general or special election, for members of the Legislature, county, state or district officers, or members of congress, to transmit by mail a certified copy of said abstract to the Secretary of State, at the seat of government. It shall be the duty of the Secretary of State to furnish uniform and proper blanks to each and every county auditor in the state, on which said county auditor shall make returns to the secretary's office. The county auditor shall make returns of all persons voted for for state, county and district officers. (L. '95, Sec. 12, p. 394.)

**86. Informality Shall Not Deter Issuance of Certificate.**

No certificate shall be withheld on account of any defect or informality in the returns of any election if it can with reasonable certainty be ascertained from such return what office is intended and who is entitled to such certificate, nor shall any commission be withheld by the Governor on account of any defect or informality of any return made to the office of the Secretary of State. (L. '66, Sec. 13, p. 41.)

**87. Returns to Be Transmitted by Registered Mail.**

Whenever returns are required to be transmitted by the county auditor to the Secretary of State, it shall be the duty of the county auditor to deliver the same to some postmaster of the county at the postoffice, to be transmitted by registered mail. (L. '66, Sec. 14, p. 41.)

**88. When Special Election Is Necessary to Decide Tie Vote.**

If at any election to fill any district or legislative office, two or more persons receive the highest and equal number of votes, it shall be declared that there is no choice, and a special election to fill such office shall be ordered by the proper officer. (L. '66, Sec. 15, p. 41.)

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**CONTESTING ELECTIONS.**

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**89. Causes for Contesting Elections.**

Any elector of the proper county may contest the right of any person declared duly elected to an office to be exercised in and for such county; and also any elector of a precinct may contest the right of any person declared duly elected to any office in and for such precinct, for any of the following causes:

1. For malconduct on the part of the board of judges or any member thereof.

2. When the person whose right to office is contested was not, at the time of election, eligible to such office.

3. When the person whose right is contested shall have been, previous to such election, convicted of an infamous crime by any court of competent jurisdiction, such conviction not having been reversed nor such person relieved from the legal infamy of such conviction.

4. When the person whose right is contested has given to any elector or inspector, judge or clerk of election, any bribe or reward, or shall have offered any such bribe or reward for the purpose of procuring his election.

5. On account of illegal votes. (L. '66, Sec. 1, p. 42.)

**90. Malconduct of Judges, When Sufficient to Annul Election.**

No irregularity or improper conduct in the proceedings of the board of judges, or any one of them, shall be construed to

amount to such malconduct as to annul or set aside any election, unless the irregularity or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he had not received the highest number of legal votes. (L. '66, Sec. 2, p. 43.)

**91. County Election to Be Annulled Only Upon One Condition.**

When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the board of judges of any precinct election, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such precinct or precincts shall change the result as to such office in the remaining vote of the county. (L. '66, Sec. 3, p. 43.)

**92. Election May Be Set Aside on Account of Illegal Votes.**

Nothing in the fifth ground of contest, specified in section four hundred and twenty-seven of this volume of General Statutes, shall be so construed as to authorize an election to be set aside on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested, which if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office after deducting therefrom the illegal votes which may be shown to have been given to such other person. (L. '66, Sec. 4, p. 43.)

**93. Person Cannot Contest Election Unless He Is a Qualified Elector.**

No person shall be competent to contest an election unless he is a qualified elector of the district, county or precinct, as the case may be, in which the office is to be exercised. (L. '66, Sec. 5, p. 43.)

**94. Statement of Contestant.**

When any such elector shall choose to contest the right of any person declared duly elected to such office, he shall,

within ten days after such person shall have been declared elected to such office, file with the clerk of the Superior Court of the county a written statement setting forth specifically—

1. The name of the party contesting such election, and that he is a qualified elector of the district, county or precinct, as the case may be, in which such election was held.

2. The name of the person whose right to the office is contested.

3. The office.

4. The particular cause or causes of such contest, which statement shall be verified by the affidavit of the contesting party that the matters and things therein contained are true, as he verily believes. (L. '66, Sec. 6, p. 43.)

#### **95. Sufficiency of Testimony.**

When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were cast, which, if given to the person whose election is contested in the specified precinct or precincts will, if taken from him, reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes and by whom given, which he intends to prove on such trial, and no testimony shall be received of any illegal votes except such as are specified in such list. (L. '66, Sec. 7, p. 43.)

#### **96. Statement of Cause of Contest Not to Be Rejected for Want of Form.**

No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed by any court before which such contest may be brought for trial, for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or cause for which such election is contested. (L. '66, Sec. 8, p. 44.)

**97. Trial of Contest.**

Upon such statement being filed, it shall be the duty of the clerk to inform the judge of the superior court, who may give notice and order a session of said court to be held at the usual place of holding said court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election: *Provided*, If no session be called for the purpose, such contest shall be determined at the first regular session of said court after such statement is filed. (L. '66, Sec. 9, p. 44.)

**98. Citation and Service Upon Party Whose Right to Office Is Contested.**

The clerk of said court shall also at the time issue a citation for the person whose right to the office is contested, to appear at the time and place specified in said notice, which citation shall be delivered to the sheriff or constable, and be served upon the party in person; or, if he can not be found, by leaving a copy thereof at the house where he last resided. (L. '66, Sec. 10, p. 45.)

**99. Witnesses May Be Summoned and Compelled to Attend.**

The said clerk shall issue subpoenas for witnesses in such contested election at the request of either part, which shall be served by the sheriff or constable as other subpoenas, and the superior court shall have full power to issue attachments to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so. (L. '66, Sec. 11, p. 45.)

**100. Hearing of Election Contest.**

Said court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing

the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case. (L. '66, Sec. 12, p. 45.)

**101. Other Person Than One Returned May Be Declared Elected.**

If in any case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected. (L. '66, Sec. 13, p. 45.)

**102. Costs, How to Be Awarded Where Election Is Confirmed.**

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party whose election was contested. (L. '66, Sec. 15, p. 45.)

**103. Costs, How to Be Awarded Where Election Is Annulled.**

If such election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested, in favor of the party contesting the same. (L. '66, Sec. 16, p. 45.)

**104. Appeal May Be Taken to Supreme Court.**

Either party feeling himself aggrieved by the judgment of said court may appeal therefrom to the Supreme Court as in other cases of appeal thereto. (L. '66, Sec. 18, p. 46.)

**105. Certificate of Election Becomes Void, When.**

Whenever an election shall be annulled and set aside by the judgment of the Superior Court, when no appeal has been taken therefrom within ten days, such certificate or commission, if any have been issued, shall be thereby rendered void. (L. '66, Sec. 19, p. 46.)

## CONTESTING ELECTION OF MEMBERS OF LEGISLATURE.

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### 106. Who May Contest Election of Members of the Legislature.

The right of any person declared duly elected to a seat in the council [senate] or house of representatives, may be contested by any qualified voter of the county or district to be represented by such councilman [senator] or representative. (Sec 3125, Code 1881.)

### 107. Contestant to File Statement With Clerk of Court.

The person contesting such election shall, within thirty days after election, file with the clerk of the district court of the district in which the alleged cause or causes of the contest originated, a concise statement of the grounds on which he intends to rely, verified by affidavits. (Sec. 3126, Code 1881.)

### 108. Clerk to Issue Commission to Take Depositions.

Immediately on the filing of such statement in the clerk's office, the said clerk shall issue a commission directed to two justices of the peace in the contestant's district, to meet at such time and place as shall be specified in such commission, not less than twenty nor more than thirty days from the time of issuing the same, for the purpose of taking depositions of such witnesses as the parties to such contest may wish to examine. (Sec. 3127, Code 1881.)

### 109. Requisites of Notice, How Served.

Written notice of such contest, specifying the time and place of taking depositions, and before whom to be taken, and a copy of the statement certified by the clerk of the said court, shall be delivered to the person whose election is contested, or, if he cannot be found, it shall be left at the house where he last resided by the sheriff of the county in which such person

claims his residence, within ten days after such statement shall have been filed in the clerk's office. (Sec. 3128, Code 1881.)

**110. Sheriff to Return Notice to Clerk.**

The sheriff into whose hands such notice and certified copy may come shall make due service thereof, and shall return to the proper clerk a certified copy of such notice, with the manner and time of service indorsed thereon, for which he shall be entitled to receive from the party contesting such election the same fees for service and mileage as are allowed in the district court for the service of original writs. (Sec. 3129, Code 1881.)

**111. Witnesses Must Attend.**

Either of said justices of the peace shall have power, at at any time, to issue subpoenas for witnesses, at the request of either party, to be served by the sheriff as other subpoenas, and such justices, when met at the time and place appointed to take such depositions, shall have the same power to issue attachments and assess fines against witnesses as given to justices of the peace in the trial suits instituted before them. (Sec. 3130, Code 1881.)

**112. Depositions of Witnesses.**

Said justices of the peace shall meet at the time and place appointed to take the depositions of witnesses produced by the parties, which shall be reduced to writing by said justices, and sworn to and subscribed by said witnesses, respectively, and duly certified by said justices as depositions are in other cases, noting in the caption of each deposition by which party the witness was called. (Sec. 3131, Code 1881.)

**113. Examination to Continue From Day to Day.**

Said justices may continue said examination from day to day, if the business shall require it, and when the same is closed they shall deliver the depositions taken before them, together with their said commissions, to the clerk of the dis-

trict court by whom the same was issued. (Sec. 3132, Code 1881.)

**114. Clerk to Appoint Justice in Case of Failure to Serve.**

If, at any time, either of the said justices shall become unable to proceed in such examination, said clerk may supply the vacancy by designating any other justice of the peace of the district in the place of such justice. (Sec. 3133, Code 1881.)

**115. Fees to Be Allowed Sheriff and Justices.**

The sheriff, for the service of such subpoenas, and the justice for issuing the same and taking the deposition, shall receive from the party at whose instance such service was performed, the same fees as are allowed them for similar service in other cases. (Sec. 3134, Code 1881.)

**116. Clerk to Transmit Proceedings to Secretary.**

It shall be the duty of said clerk to seal up such depositions, together with the original statement of the grounds of such contest, and the copy of notice served upon the party whose right is contested, and the commission issued to the justices of the peace, and transmit the same by mail to the Secretary of State, indorsing thereon the names of the contesting parties, and the branch of the legislature before which such contest is to be tried. (Sec. 3135, Code 1881.)

**117. Duty of Secretary of State.**

It shall be the duty of the Secretary of State to deliver the same unopened to the presiding officer of the House in which such contest is to be tried, on or before the second day of the session of the Legislature next after taking such depositions, and such presiding officer shall immediately give notice to said House that said papers are in his possession. (Sec. 3136, Code 1881.)

**118. Respective Houses to Try Contested Election.**

Each House of the Legislature is the judge of the qualifications and election of its members, and shall try all con-

tested elections of its members in such manner as it may direct. (Sec. 3137, Code 1881.)

**119. Depositions May Be Taken After Notice of Contest, Etc.**

At any time after notice of any contest shall be given and before the trial of such contested election before the proper branch of the Legislature, it may be lawful for either party to such contest to make depositions to be read on the trial thereof, in like manner and under the same rules as are allowed and required in the cases of depositions to be read on any trial pending in the district court, and such deposition when thus taken shall be sealed up by the officer taking the same and directed to the Secretary of State, who shall keep the same unopened and deliver them to the presiding officer of the House in which such contest is to be tried, to be disposed of by such officer as the depositions specified in section 3135. (Sec. 3138, Code 1881.)

**120. Legislature May Authorize Taking of Depositions.**

Nothing contained in this chapter shall be so construed as to abridge the right of either branch of the Legislature trying any contested election, from granting commissions to take testimony, or from sending for and examining before such branch any witnesses it may desire to hear on such trial. (Sec. 3139, Code 1881.)

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**ELECTION TO FILL VACANCIES IN LEGISLATURE.**

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**121. Vacancy in Legislature, How to Be Filled—Writ of Election.**

Whenever a vacancy occurs in the Legislature of the State of Washington during or prior to any session of the Legislature which occurs before any general election of the State of Washington, it shall be the duty of the Governor of the state to forthwith issue a writ of election providing for the filling

of such vacancy by an election; said writ shall, in substance, be as follows:

The State of Washington to the electors of ..... (senatorial or representative) district, county or counties, of the State of Washington, greeting:

You are hereby commanded to hold an election to fill the vacancy in the ..... (here state whether in the house or senate) caused by the ..... (here state cause of vacancy), which said election shall be held upon the ..... day of ....., A. D. 190

In witness whereof, I have hereunto set my hand, and caused the seal of the State of Washington to be affixed thereto.

....., Governor.

Attest: ....., Secretary of State.

Which said writ shall be at once transmitted to the auditor or auditors of the county or counties wherein said district is situated. (L. '91, Sec. 1, p. 2.)

#### 122. Election, How to Be Held.

Such election shall be held in every way as provided by law for general elections in the State of Washington, except as herein otherwise provided. (L. '91, Sec. 2, p. 3.)

#### 123. Notice of Election, by Whom and How to Be Given.

It shall be the duty of the auditor or auditors of the county or counties wherein the district is situated, wherein said election is to be held, to give notice of such election by posting notices of the same in at least four public places within said district, or if said district be composed of more than one county, then in four public places in either county, and by posting one notice at the front door of the court house of the county or counties wherein said district is situated, in substance following:

To the electors of ..... (senatorial or representative district, as the case may be), in the county of ....., in State of Washington:

Notice is hereby given that by virtue of a writ of election issued by his excellency the Governor of the State of Washington, an election will be held for the purpose of electing a ..... (representative or senator, as the case may be), from the ..... district, in the county, or counties, of ....., in the State of Washington, to fill the vacancy caused by the ..... (state cause of vacancy), upon the ..... day of .....

190., at the various voting places within said district, where the last general election was held, within the usual hours provided by law for holding general elections.

In witness whereof, I have hereunto set my hand, this ..... day of ....., 190..

County Auditor of ..... County.

Which said notice shall also be published once in some newspaper published within the county or counties in which said district is situated, if there be a newspaper in said county or counties, and if not then in some newspaper of general circulation within said district. (L. '91, Sec. 3, p. 3.)

**124. Further Requirements as to Notice.**

Said notice shall be posted at least ten days prior to the day when said election is to be held; and be published in said newspaper at least five days before the day of holding said election. It shall also be the duty of the county auditor or auditors, in addition to posting and giving said notice, as hereinbefore provided for, to give a copy of said notice to the chairman or any member of the county central committee of all the political organizations existing within the county or counties in which said district is situated, at least ten days before the day when said election shall be held. (L. '91, Sec. 4, p. 4.)

**125. Registration of Voters—Who Entitled to Vote.**

The registration of voters for the general election, or, where the district is within an incorporated city, for the municipal election next preceding the holding of the special election, shall be deemed to be a registration of voters for the purposes of such special election, and shall be used at such election as the registration of such special election: *Provided*, That any voter not registered who has become entitled to vote since last registration shall be entitled to vote upon proving to the satisfaction of the judges and inspector of the said election that such voter is entitled to vote, and that such voter has become entitled to vote since the last registration was closed. (L. '91, Sec. 5, p. 4.)

**126. Nomination of Candidate.**

All nominations of candidates for the office to be filled by the writ of election hereinbefore provided for shall be filed with the auditor of the county or counties wherein said district is situated at least five days before the day appointed for said election. (L. '95, Sec. 6, p. 4.)

**127. How Candidate May Be Appointed.**

In addition to the manner in which candidates may be nominated by law for such special election, the candidates for the office named in such writ of election may be nominated by the chief committee of any political organization within the county or counties wherein said district is situated. (L. '91, Sec. 7, p. 4.)

**128. Officers of Special Election.**

At such special election the judges and inspectors of election appointed by the county commissioners of the county or counties wherein said district is situated for the last general election preceding such special election shall be deemed to be the officers of such special election, and the county auditor shall, immediately upon receiving the writ of election from the Governor, proceed to notify said officers of the holding of said election. (L. '91, Sec. 8, p. 4.)

**129. Intimidation or Bribing of Voters.**

If any person shall use any menaces, force, threats, or any corrupt means **at** or previous to any election held pursuant to the laws of this state, towards any elector to hinder or deter such elector from voting at said election, or shall directly or indirectly offer any bribe or reward of any kind to induce any elector to vote contrary to his inclinations, or shall on the day of election give any public treat or authorize any person to do so to obtain votes for any person, such person so offending shall be fined in any sum not less than one hundred nor more than one thousand dollars, or shall be imprisoned in the peni-

tentiary not less than one year nor more than five years, or by both such fine and imprisonment. (L. '01, Sec. 1, p. 298.)

**130. Violations to Be Submitted to Jury.**

It shall be the duty of the prosecuting attorney of each county to present all violations of the election laws which may come to his knowledge to the special consideration of the proper jury. (L. '66, Sec. 10, p. 52.)

**131. Fees of Election Officers.**

The fees of officers of election shall be as follows: To the inspectors, judges and clerks of an election, three dollars (\$3.00) per day; the person carrying the returns to the county auditor shall be entitled to ten cents (\$0.10) per mile for each mile traveled. (L. '95, Sec. 1, p. 26.)

**132. Number of Ballots for Each Precinct.**

The clerk of the board of county commissioners of each county shall provide, for each election precinct in the county, two ballots for every elector registered in the precinct. If there is no register in the precinct, the clerk of the board of county commissioners shall provide ballots to the number of two for each elector who voted at the last preceding election in the precinct: *Provided*, That if he has reason to believe that there has been an increase in the number of electors in any precinct where there is no register, he shall provide for such precinct the number of ballots double the estimated number of electors in such precinct: *And provided further*, That in municipal elections it shall be the duty of the municipal clerk to provide ballots as specified in this section. (L. '95, Sec. 1, p. 35.)

## REGISTRATION OF VOTERS.

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### 133. Registration of Voters.

In all cities and towns, and all voting precincts having a voting population of two hundred and fifty or more, who are entitled to the right of suffrage, as shown by the number of votes cast at the preceding general election, there shall be a registration of voters, prior to all general or municipal elections, as herein provided. (L. '90, Sec. 1, p. 414.)

### 134. Registration of Voters in Precincts Overlapping Corporate Boundary Lines.

In precincts where an incorporated city or town forms a part of voting precinct, and where any portion of a city or town forms a part of a precinct extending beyond the corporate limits, there shall be a registration of voters: *Provided*, The board of county commissioners may appoint the clerk of a city or town in such a precinct the officer of registration for that portion of such a precinct without the city or town, but the voters within the city or town, and those without, shall be registered in separate poll books of registration. (L. '91, Sec. 1, p. 198.)

### 135. Voters of Such Precincts, by Whom to Be Registered.

The voters of any such precinct resident within the corporate limits of an incorporated city or town, shall be registered by the clerk of said city or town, and those voters resident within the precinct, but without the corporate limits of a city or town, shall be registered by an officer of registration to be appointed by the board of county commissioners. (L. '91, Sec. 2, p. 198.)

### 136. Time and Manner of Registration.

The time and manner of registration under this act shall be the same as that prescribed by law. (L. '91, Sec. 3, p. 198.)

**137. Expense of Registration, How to Be Paid.**

The expense of registration in all cities and towns shall be paid by such cities or towns, and the expense of registration in precincts outside of cities and towns shall be paid by the county in which such precincts are situated. (L. '91, Sec. 4, p. 198.)

**138. Duplicate Poll Books to Be Opened.**

It shall be the duty of the mayor or chief executive officer of such city or town immediately upon the taking effect of this act, to procure and open for the registration of voters duplicate poll books for each ward or voting precinct of such city or town, and on the first Monday of January of each year to procure and open like books of registration for each of said wards and voting precincts; and for all precincts having a voting population of two hundred and fifty (250) or more, outside of any city or town, the board of county commissioners for the county in which any such precinct exists shall, in like manner, procure and open duplicate poll books for the registration of voters in such precinct or precincts, and shall designate a legal voter in each of said precincts, who shall be the officer of registration in such precinct, whose duties shall be the same as those devolving upon the city or town clerk under the provisions of this act: and the board of county commissioners shall fix the compensation of such officer of registration, which shall be paid the same as other election expenses. (L. '05, Sec. 1, p. 346.)

**139. Poll Books, Where to Be Kept.**

Such poll books shall at all time except as herein otherwise provided, be kept at the office of such city or town clerk or officer of registration of such city, town or precinct: and the city or town clerk, or the person designated by the board of county commissioners as herein provided, shall be the officer of registration of such city, town or precinct; and it shall be his duty to register all citizens of such city, town or voting

precinct, on such poll books, as hereinafter provided: *Provided*, That in all cities of the first class the registration poll books for each precinct in such city shall be opened in such precinct for a period of not less than two nor more than six consecutive week days at a time to be designated by notice, at least thirty days prior to any general or municipal election, and the registration books in the several precincts, shall be kept opened between the hours of nine A. M. and nine P. M. of each of such days for the registration of voters qualified to register: and the city clerk shall designate a legal voter in each of such precincts who shall be the officer of registration in such precinct and whose duties shall be the same as those devolving upon the city clerk in matters of registration of voters; *And provided further*, That the city clerk of such city of the first class shall cause to be set forth in the notice required to be published by section 1453 of Ballinger's Annotated Codes and Statutes of the State of Washington, the time when and place where the registration poll books for each precinct in such city will be opened in such precinct for the registration of voters of such precinct qualified to register: *Provided, however*, That said precinct registration shall not be held in any city or the precincts thereof more than once in any one calender year. (L. '05, Sec. 2, p. 347.)

140. Effect of Registration as Evidence of Right to Vote.

It shall be the duty of all citizens of such city, town or voting precinct, after the opening of the books as herein provided, to apply to the city or town clerk, or officer of registration, and be registered therein, at such time or times as said books shall be open for that purpose, as provided in this act; and such registration, when made as in this chapter provided, shall entitle such citizens to vote in their respective wards and precincts. If such citizens are otherwise legally qualified voters at such election, and have so caused themselves to be registered, such registration shall be *prima facie* evidence of the right of such citizens to vote at any election held in such

city, town or precinct subsequent to such registration, and preceding the first Monday of January next thereafter. (L. '90, Sec. 4, p. 415.)

**141. Officer of Registration Must Publish Notice.**

It shall be the duty of the city or town clerk, or officer of registration, upon receipt of the poll books in this chapter provided for, to cause to be published a notice in a newspaper of general circulation in such city, town or precinct, for ten days, notifying the citizens of said city, town or precinct, that they can register at his office, *and if in the city of the first class, in each precinct, at the place and during the time designated in such notice, as provided in section 1451*, according to the provisions of this chapter; and a like notice shall be published each year, within twenty days after the first Monday in January of each year. (L. '03, Sec. 2, p. 81.)

**142. Poll Books, When Closed.**

The poll books in this chapter provided for shall be open at all times during the year for the registration of voters, except that they shall be closed on any day in which a primary election shall be held in such city or town under the laws governing primary elections in cities and towns, and excepting that they shall be closed in all general, special and municipal elections for the purpose of organization, twenty days preceding any election to be held in said city, town or precinct. The city or town clerk or officers of registration shall give notice of the closing of said books by notice to be published at least ten days in a newspaper of general circulation in such city, town or precinct, and by posting written or printed notices in three of the most public places in such city, town or precinct, at least ten days preceding the day of such closing, and such notice of publication shall have at least two insertions in such newspaper; in all special city, town or precinct elections such notice shall be given by the posting aforesaid only at least five days before such closing, and the poll books

shall be closed ten days preceding all such special or local elections. (L. '01, Sec. 6, p. 284.)

#### 143. Form and Method of Registration.

The poll books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads as follows: Date of registration; names; ages; occupation; place of residence; place of birth; time of residence in the state, county, ward and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with column headed "Signature" for signature of the voter at the time of registering, and another and similar column immediately following, headed "Identification," for the signature of the voter in case he be challenged when he offers to vote, and a column for remarks, and one column for checking the name of voter at the time of voting. If the voter registering is of foreign birth, he shall at the time of registering produce satisfactory evidence to the registration officer that he was at the time of the adoption of the constitution of the State of Washington a qualified elector of this state, or that he is a naturalized citizen of the United States. Under the head of place of residence shall be noted the number of lot and block or number and street where the applicant resides or some other definite description sufficient to locate the residence; and the voter so registered as provided in this section shall sign his name in each of the duplicate poll books on the registry opposite the entries above required, in the column headed "Signature," unless he is a qualified elector at the time of the taking effect of this act, and shall not be capable of writing his name, or in case of physical infirmity he be unable to write his name, in either of which cases he shall on the left hand margin of said column make his mark or cross and such other mark as is usual in indicating his signature, and some person who personally knows said voter, and who is personally

known to the registering officer and who is capable of writing his name shall sign in said column immediately opposite said mark, as an identifying witness thereto. (L. '05, Sec. 3, p. 347.)

144. Voter Must Register in Person.

No person shall be registered unless he appears in person before the city or town clerk or officer of registration at his office during office hours and apply to be registered and give his name, age, occupation, number of place or residence, place of birth, time of residence in the state, county, ward or precinct, and if naturalized, furnish satisfactory evidence to such registration officer that he is capable of reading and speaking the English language so as to comprehend the meaning of ordinary English prose, unless he is incapacitated through physical infirmities, in which case he shall furnish satisfactory evidence that he was before such infirmity capable of reading and speaking the English language, unless such person so offering was a qualified elector at the time of the taking effect of this act, in which case the provisions with reference to reading and speaking the English language shall not apply; and such applicant shall make and subscribe to the following oath or affirmation:

STATE OF WASHINGTON }  
County of ..... } ss.

I, ....., do solemnly swear or affirm that I am a male person over twenty years, eleven months and ten days of age, that I am a native born or naturalized citizen of the United States, or was a legal elector of the Territory of Washington at the time of the adoption of the constitution of the State of Washington; that I have been an actual permanent resident of the State of Washington for eleven months and ten days last past, of the county of ..... for seventy days last past and of the ..... precinct ten days last past, and I have not lost my civil rights by being convicted of an infamous crime; that I was either a qualified elector on the first day of July, 1901, or that I can read and speak the English language.

Subscribed and sworn to before me this ..... day of .....  
.....  
.....

Said affidavit shall be bound in book form and preserved with the other records of the city, town or precinct. (L. '01, Sec. 8, p. 284.)

**145. No One Can Vote Unless Registered.**

No person shall be entitled to vote at any election in any such city, town or precinct who is not registered according to the provisions of this act. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner as may be required by law. (L. '90, Sec. 9, p. 416.)

**146. Registration Officer Shall Administer Necessary Oaths.**

The city or town clerk, or officer of registration, is hereby empowered to administer all necessary oaths in examining an applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered under the provisions of this act; and the said clerk or registration officer shall closely examine any applicant for registration whose right to registration he may doubt, or who may be challenged, and shall explain to him the necessary qualifications of a voter, and if the applicant for registration be entitled to vote at the next election he shall be registered, otherwise he shall not. (L. '93, Sec. 4, p. 74.)

**147. Change of Residence Must Be Noted on Poll Books.**

If a citizen of any city, town or voting precinct shall during the year for which he has been registered, change his residence from one ward or voting precinct in said city or town, to another ward or voting precinct in said city or town, or from any precinct outside a city or town in which registration is required to another voting precinct, in the same county, in which such registration is required under the provisions of this act, he shall apply to the city or town clerk or officer of registration to have said removal noted on said poll books, when the same are open. The clerk or officer of registration shall

register said person in the ward or voting precinct to which he has removed, and run a red ink line across his name in the ward or precinct book of his former residence, and likewise note the transfer in the column "remarks," in said poll book. (L. '90, Sec. 12, p. 417.)

**148. Registration Officer Must Prepare Certified Copies of Poll Books for Voting Precincts.**

It shall be the duty of the clerk or officers of registration, immediately upon the close of the poll books preceding any election, to be held in said city, town or voting precinct, to certify to the authenticity of said duplicate poll books and, in time for the opening of polls as provided by law, to have one of said duplicate poll books at each of the voting precincts, and deliver the same to the inspector or one of the judges of said election, and take his receipt therefor. The other of said duplicate poll books shall remain in the custody of the said clerk or officer of registration. (L. '05, Sec. 4, p. 348.)

**149. Judge Must Mark Names and Return Poll List After Election.**

At every election one of the judges of election shall, as each person registered votes, enter on the said poll book in the check line opposite the name of such person the word "voted," said poll book to be returned to the city or town clerk or officer of registration after said election, and by him preserved. (L. '05, Sec. 5, p. 349.)

**150. Neglect or Refusal of Election Officer to Perform Duty; Penalty.**

If any officer shall neglect or refuse to perform any duty required by this act, or in the manner required by this act, or shall neglect or refuse to enter upon the performance of any such duty, or shall enter, or cause or permit to be entered, on the registry books the name of any person in any other manner or at any other time than as prescribed by this act, or shall enter or cause or permit to be entered, on such lists the name of any person not entitled to be registered thereon according to the provisions of this act, or shall destroy, secrete,

mutilate, alter or change any such registry books, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year, and shall forfeit any office he may then hold. (L. '90, Sec. 15, p. 418.)

**151. Punishment for False and Fraudulent Registration.**

If any person shall falsely swear or affirm in taking the oath or making the affirmation prescribed in section 8 (Sec. 458, Code) hereof, or shall falsely personate another, and procure the person so personated to be registered, or if any person shall represent his name to the city or town clerk, or officer of registration, to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry list otherwise than in the manner provided in this act, he shall be deemed guilty of a felony, and upon conviction be punished by confinement and hard labor in the penitentiary not more than five years nor less than one year. (L. '93, Sec. 5, p. 74.)

**152. Registration of Voters.**

The provisions of this act shall apply to all elections for national, state, congressional, district, county or municipal officers, and all general or special elections held within any such cities, towns or precincts, except road elections and the wards or voting precincts, established by the authorities of any county, city or town shall be the same for all county, district, state, congressional, national or other elections. (L. '95, Sec. 1, p. 340.)

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## PRIMARY ELECTIONS IN CITIES AND TOWNS.

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### 153. Act to Govern Primary Elections in Cities and Towns.

All primary elections hereafter to be held by any voluntary political associations or party for delegates to any nominating convention of such party for candidates for public office shall be held under the provisions of this act in the incorporated cities and towns of this state. (L. '95, Sec. 1, p. 361.)

### 154. How Called.

Whenever such primary elections are called by any managing committee authorized under the rules or customs of such voluntary political association or party to call such primary elections, such call shall be made by resolution duly passed by such managing committee and attested by the chairman and secretary of such committee. (L. '95, Sec. 2, p. 361.)

### 155. Notice Published.

This resolution shall be published in some newspaper of general circulation in the city or town where such primary election is to be held, at least ten days previous to the time set for such election, and if there be no newspaper published therein, then written copies of such resolution shall be posted in two of the most public places in each precinct in said city or town. (L. '95, Sec. 3, p. 361.)

### 156. Contents of Resolutions.

The resolutions shall declare—*First*, The time and places of holding such primary elections and the hours between which the polls are to be kept open; *second*, the object of the election; *third*, the qualifications required of voters in addition to those prescribed by law; *fourth*, the number of persons to be elected as such delegates in each polling precinct, and such other mat-

ters as such managing committee, in accordance with the custom of such voluntary political association or party, usually submit in an official call for such primary elections. (L. '95, Sec. 4, p. 362.)

**157. Qualifications of Voters.**

The qualifications of voters at such primary elections, in addition to those prescribed by such resolution, shall be the same as those at a general election held under the general election law of this state. (L. '95, Sec. 5, p. 362.)

**158. Qualifications of Delegates.**

Persons to be voted for as such delegates at such primary election shall possess all the qualifications required of a voter at such primary election in the respective voting precincts. (L. '95, Sec. 6, p. 362.)

**159. Number of Delegates Voted for.**

The persons to be voted for as such delegates shall be selected in excess by at least twice the number to be elected in each polling precinct, and such selection shall be made at least one day previous to such primary election by a caucus of the qualified voters in each precinct, under such call or resolution, and such caucus shall also select three reputable citizens, two to act as judges and one as clerk of such primary election. Such selection shall be certified to such managing committee by the officers of such caucus. (L. '95, Sec. 7, p. 362.)

**160. Qualifications of Judges and Clerks.**

The qualifications and duties of the judges and clerks selected by such caucus, and their organization into an election board for their respective precincts, shall be similar to those in the general election law, and such election board shall have the right to question the voter as to his previous party affiliation, and shall have the same powers in administering oaths, questioning voters as to their qualification, rejecting ballots, etc., as the election board has under the general election law of this state. (L. '95, Sec. 8, p. 362.)

**161. Ballot.**

The managing committee shall cause a list of the names of such delegates so selected to be printed on one ballot of convenient form for each polling precinct, which ballot shall be the only ballot voted at such primary election and shall be obtained only by the voters from the primary election officers immediately before voting. (L. '95, Sec. 9, p. 362.)

**162. List of Registered Voters.**

It shall be the duty of the registration officers under the general election law of this state to permit the judges or managing committee of such primary elections to make a list of the registered voters in the respective precincts. (L. '95, Sec. 11, p. 363.)

**163. Tally List Kept—Return.**

It shall be the duty of the clerk of each primary election board to keep a tally list of the names and residences of all persons voting, numbered in the order of the voting, and upon canvassing the vote such clerk shall make a return of all persons voted for, with the number of ballots cast for each person. (L. '95, Sec. 12, p. 363.)

**164. Ballot Boxes Exhibited.**

Before receiving any ballots, the judges, in the presence of the persons assembled at the polling places, shall open and exhibit and then close the ballot box, and thereafter it must not be removed from the polling place nor from the view of the bystanders until all the ballots are counted, nor must it be opened until the polls are finally closed. (L. '95, Sec. 13, p. 363.)

**165. Opening and Closing of Polls.**

Before the judges receive any ballots they must cause it to be proclaimed aloud at the places of election that polls are open, and fifteen minutes before the time of closing that fact must be proclaimed in like manner, and after the final closing

of the polls no ballots must be received. (L. '95, Sec. 14, p. 363.)

**166. Canvass of Votes.**

On closing the polls the judges must immediately proceed to canvass the votes in the presence of the bystanders, and must continue the canvass without adjournment at the polling place until complete and the results thereof declared. (L. '95, Sec. 16, p. 363.)

**167. Tally Lists and Ballots Filed.**

After counting the votes, proclaiming the result and signing the return, the judges shall cause the tally list and ballots to be filed with the clerk of the county wherein such election is held, which tally list and ballots shall be kept by him as part of the public records until after the adjournment of the convention for which such primary election was held, and they shall cause the return to be filed with the managing committee under whose authority such primary election was called, whereupon such managing committee shall issue certificates of election in accordance with the result therein declared. Such certificate shall be *prima facie* evidence of the person's election. (L. '95, Sec. 16, p. 364.)

**168. Falsifying Returns of Primary Elections.**

Any judge or clerk who shall falsify any primary election return, or in any manner violate the provisions of this act, or make it possible to secure a return of such primary election other than the true one by fraudulently canvassing the votes of such primary election, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than three hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both fine and imprisonment, in the discretion of the court. (L. '95, Sec. 17, p. 364.)

**169. Fraudulent Voting at Primary Elections.**

*First*, Whoever fraudulently votes at any primary election; or *second*, offers to vote after having voted at such election;

or *third*, knowing that he is not a qualified voter under the resolution or call of such managing committee at such primary election willfully votes or offers to vote at such primary election; or *fourth*, aids or abets any one not a qualified voter at such primary election in voting; or *fifth*, by offering a reward or bribe, either directly or indirectly, to influence or attempt to influence any elector at such primary election to give or withhold his vote at such primary election; or *sixth*, furnish a voter, or himself votes, a ballot other than the lawful ballot obtained from the officers of such primary election; or *seventh*, fraudulently or deceitfully changes the ballot of a voter; or *eighth*, prevents the voting of any qualified voter; or *ninth*, exercises an unlawful influence over a qualified voter at such primary election by means of violence or threats of violence, or any other injury, or by bribery or by corrupt means prevents or attempts to prevent any qualified voter from attending or voting at such primary election; or *tenth*, gives, or offers to give, any valuable thing or bribe to any judge or clerk of such primary election as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such primary election; or *eleventh*, shall in any manner interfere with or disturb any primary election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail for not less than one nor more than six months, or by both fine and imprisonment, in the discretion of the court. (L. '95, Sec. 18, p. 364.)

170. **Penalty.**

Any person who shall violate any section of this act for which no punishment is herein especially provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than two hundred

dollars, or by imprisonment in the county jail for not less than one or more than three months, or by both fine and imprisonment, in the discretion of the court. (L. '95, Sec. 19, p. 365.)

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## PRIMARY ELECTIONS GENERALLY.

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### 171. Regulation of Primary Elections.

All elections hereafter to be held by any voluntary political association or party, for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this chapter, whenever any committee, or body, authorized by the rules or customs of such political association shall elect to accept and act under such provisions. (L. '90, Sec. 1, p. 419.)

### 172. Decide by Resolution.

Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this chapter, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body. (L. '90, Sec. 2, p. 419.)

### 173. Form of Resolution.

The resolution must declare—

1. The time and place of holding the election and the hours between which the polls are to be kept open; and the polls shall, in all cases, be kept open from twelve o'clock noon to seven o'clock p. m. of the day on which the election is held.

2. The names of three reputable persons to act as judges.

3. The object of the election.

4. That such election will be held under the provisions of the primary election law.

5. The qualifications required for voters, in addition to those prescribed by law. (L. '90, Sec. 3, p. 419.)

**174. Publication of Notice of Election.**

At least five days prior to any such election, a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county, in and for which the election is called, and shall be posted in at least three public places, in each polling precinct or district for which such election is to be held. Such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, manner and conditions, together with the place or places of holding such election; also, the authority by which the call or notice is published; and the three persons shall be named therein who are appointed for each polling place to act as judges of said election, and who shall supervise or preside at such election in the polling precinct or district for which they are respectively appointed, and such judges shall be legal voters of and householders in the township, precinct, ward or election district for which they are named. And said notice shall likewise declare the qualifications of the persons to vote at such election: *Provided*, That such prescribed qualifications shall not be inconsistent with those expressed in this chapter. Such notice will also declare that such election therein called will be held in pursuance of and subject to the provisions of this chapter, under the title of "Primary election law"; and any election held in pursuance of any notice calling for an election under the "primary election law" shall be taken and deemed to be a primary election within the meaning of this chapter. (L. '90, Sec. 4, p. 420.)

**175. Judges of Election to Take Oath, Etc.**

The persons named as judges of election in the notice required by section 471 of this volume of General Statutes, or any persons assuming or chosen to be such judges in the absence, refusal or failure to act of any of the judges named in such notice, shall first make oath or affirmation that they are legal voters of and householders in the precinct, ward or elec-

tion district for which they are appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this chapter and of the notice or call for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of this state to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or refuse or fail to serve at the hour appointed for the election to begin, then the electors present, to the number of not less than five, possessing the qualifications of persons entitled to vote at said election, shall choose a person or persons to fill any vacancy or vacancies that may exist. The judges, before proceeding with the election, shall appoint two clerks to assist them in receiving and counting the votes cast, to each of whom shall be administered by one of the judges, an oath similar to that taken by the judges of election, omitting the statement that affiant is a householder. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender on conviction to punishment by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment, in the discretion of the court. (L. '90, Sec. 5, p. 520.)

#### 176. Duty of Judges—Rejection of Vote.

It shall be the duty of the judges of said election to entertain objections made by any qualified elector under said published call or notice to any vote which may be offered, on the ground that the person offering it is not entitled to vote under the terms of said call for said election, or that he is not a citizen of the United States or a legal resident and voter under the general election laws of the state in the election precinct, ward, township or district for which the election is held, or that he has received or been promised, directly or indirectly,

any money, fee or reward for his vote for any candidate, or that he has voted before at that place, or some other place, on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications, under said published call or notice, and under the general election laws of the state. It shall then be the duty of the judges to interrogate the person so objected to as to all matters in particular upon which said objection was made, and generally as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote; and they shall also reject such vote unless such person shall file with them a written or printed, or partly written and partly printed statement, by him signed, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. If such statement shall be filed, and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll list, to be kept as hereinafter provided. Any violation of the provisions of this section by the judges or clerks of the election, or either of them, shall be deemed a misdemeanor, and upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars nor more than three hundred dollars, or by im-

prisonment in the county jail for not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court; and any person who shall, upon taking such oath or affirmation, and under the examination herein authorized, wilfully make a false statement as to a matter pertinent and material in such examination, shall be deemed guilty of perjury, and upon conviction thereof, be punished as prescribed by law for such offense. (L. '90, Sec. 6, p. 421.)

**177. Illegal Voting, Bribery, Fraud. Etc.; How Punished.**

Whoever fraudulently votes at any primary election, or offers to vote after having once voted at such election, or knowing that he is not a qualified voter at such election, willfully votes or offers to vote at such election; or willfully aids or abets any one not qualified to vote at such primary election in attempting to vote at such election; or by offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly influences or attempts to influence any voter in giving or withholding his vote at such election; or furnishes a voter with a ticket or ballot, informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intention; or fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended; or endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at such election, for himself or against any person, by means of violence or threats of violence, or threats of withdrawing custom or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or by bribery, or by corrupt or unlawful means, prevents or attempts to prevent any voter from attending or voting at such election; or gives or offers to give any valuable thing or bribe to any judge

or clerk of such election, as a consideration for some act to be done, or omitted to be done, contrary to his duty in relation to such election, or shall interfere with or disturb in any manner, any election held under the provisions of this chapter shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or by both such fine and imprisonment, in the discretion of the court. (L. '90, Sec. 7, p. 422.)

**178. Clerk of Election Must Keep Poll List.**

Each clerk must keep a list of persons voting, and the names and residence of each person who votes must be entered thereon and numbered in the order of voting. (L. '90, Sec. 8, p. 423.)

**179. Each Clerk of Election Must Keep Record of Challenges.**

The judges must cause one of the clerks to keep a list showing—

1. The names and residences of all persons challenged.
2. The grounds of such challenge.
3. The determination of the board upon the challenge.

(L. '90, Sec. 9, p. 423.)

**180. Form of Poll Lists and Tally Lists to Be Kept by Clerk.**

The following is substantially the form of the poll lists and tally lists to be kept by the clerks of election:

Of the primary elections held in the ..... precinct of the ..... ward of ....., in the county of ....., on the ..... day of ....., in the year of ..... A B, C D and E F, judges, and G H and J K, clerks of said ..... election, were respectively sworn (or affirmed) as the law directs, previous to their entering on the duties of their respective offices.

Numbers and names of electors voting:

NO.	NAME AND RESIDENCE.		NO.	NAME AND RESIDENCE.	
1	A.	B.	3	E.	F.
2	C.	D.	4	G.	H.

We hereby certify that the number of electors voting at this election is.....

Attest: G H, } Clerks.  
J K, }

A B, }  
C D, } Judges of Election.  
E F, }

Names of persons voted for and for what position, and number of votes given for each candidate.

We hereby certify that A B had ..... votes for .....; and that C D had ..... votes for .....; that E F had ..... votes for ....., etc.

Attest: G, H, } Clerks.  
J, K, }

A, B, }  
C, D, } Judges of Election.  
E, F, }

(L. '90, Sec. 10, p. 424.)

#### 181. Any Judge or Clerk May Administer or Certify Oaths.

Any one of the judges or either clerk may administer and certify oaths required to be administered during the progress of an election held under this chapter. (L. '90. Sec. 11, p. 424.)

#### 182. Duty of Judges as to Ballot Box.

Before receiving any ballots, the judges must, in the presence of the persons assembled at the polling place, open and exhibit 'and then close the ballot box; and thereafter it must not be removed from the polling place nor the view of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed. (L. '90, Sec. 12, p. 424.)

#### 183. Polls, How to Be Opened—Ballots Cast to Contain What.

Before the judges receive any ballots, they must cause it to be proclaimed aloud, at the place of the election, that the polls are open. All ballots cast shall contain the full name or initial of the candidate voted for. (L. '90, Sec. 13, p. 424.)

**184. Proclamation as to Closing Polls.**

Fifteen minutes before the time when the polls are to be closed, that fact must be proclaimed aloud at the place of election; and after the polls are closed no ballots must be received. (L. '90, Sec. 14, p. 425.)

**185. Ballots, How Canvassed—Proclamation of Result.**

As soon as the polls are finally closed the judges must immediately proceed to canvass the votes given at such election. The canvass must be public, in the presence of the bystanders, and must be continued without adjournment until completed and the result thereof is declared; and must also be conducted at the polling place where the election is held; where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass publicly proclaimed by one of the judges, in a loud voice, and such proclamation shall be *prima facie* evidence of the result. (L. '90, Sec. 15, p. 425.)

**186. Equalizing Number of Ballots With Number of Names on Poll Lists.**

In conducting the canvass the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling list they shall reject so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists. (L. '90, Sec. 16, p. 425.)

**187. Poll Lists Must Be Signed by Judges and Attested by Clerks.**

The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges of election and attested by the clerks, and the number of names thereon must be set down in words and figures at the foot of each list, and over the signatures of the judges and the attestation of the clerks, substantially in the

form prescribed in section four hundred and seventy-seven of this volume of General Statutes. (L. '90, Sec. 17, p. 425.)

**188. Counting Ballots, How to Be Conducted.**

After the lists are thus signed, the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud, and inspected by the other two judges. (L. '90, Sec. 18, p. 425.)

**189. Each Clerk Must Keep Tally.**

Each clerk must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies, as they are read aloud. (L. '90, Sec. 19, p. 425.)

**190. Lists to Be Signed by Judges and Attested by Clerks.**

As soon as all the votes are counted there must be attached to the tally lists, lists containing the names of persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and attested by the clerks substantially in the form in section four hundred and seventy-seven of this volume of General Statutes given. (L. '90, Sec. 20, p. 426.)

**191. Duty of Officers as to Ballots.**

After counting the votes, proclaiming the result and signing the lists as above provided, the judges must cause the statements provided for in section four hundred and seventy-three of this volume of General Statutes, the ballots and one copy of the lists, to be delivered to the clerk signing the notice of election, and one of the judges must retain the other lists for twenty days after the election, and such statements, ballots and lists returned to the said clerk shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by

that officer kept with the books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been instituted in which such lists, ballots or statements may be useful as evidence, said county clerk may then destroy the same. (L. '90, Sec. 21, p. 426.)

**192. Certificates of Election to Be Issued.**

The board of election must issue certificates of election to all persons who are chosen to fill any position by the vote of their election district. (L. '90, Sec. 22, p. 426.)

**193. No One Shall Vote Unless He Is a Qualified Elector.**

It shall be unlawful for any person to vote at any primary election, or at any election to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting, or offering to vote, has the qualification of any elector in the district embraced within the call of said primary election, at a general or special election held under and in conformity with the general election laws of this state. (L. '90, Sec. 23, p. 426.)

**194. Penalty for Violation of Preceding Section.**

Any person violating the provisions of the foregoing section shall, on conviction thereof, be fined in any sum not less than one hundred nor more than five hundred dollars, or imprisoned in the county jail not less than two nor more than six months, or both, in the discretion of the court. (L. '90, Sec. 24, p. 427.)

**195. Violation of Primary Election Law Is Misdemeanor; Penalty.**

Any person who shall be convicted of the violation of any of the provisions of this chapter, for which no punishment is herein especially provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars, or im-

prisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court. (L. '90, Sec. 25, p. 427.)

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## CRIMES AND MISCONDUCT AT ELECTIONS.

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### 196. Intimidation of Voters

No person shall in any way directly or indirectly, by menace or other corrupt means or device, (directly or indirectly), attempt to influence any person in giving or refusing to give his vote in any such election, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten or intimidate any person from giving his vote therein, nor shall any person at any such election, knowingly and willfully make any false assertion or propogate any false report concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto, and if any person shall be guilty of any act forbidden or declared to be unlawful by this section, he shall be deemed and taken to be guilty of a misdemeanor and, on conviction thereof, shall be punished by fine or imprisonment, or both at the discretion of the court, before which such conviction shall be had: *Provided*, That in no case shall such fine exceed the sum of two hundred and fifty dollars, or such imprisonment the term of six months. (Cd. '81, Sec. 3140.)

### 197. Fraud on Illiterate Voter.

If any person shall furnish any elector wishing to vote at any election held pursuant to law who cannot read, with a ticket, such person informing or giving such elector to understand that it contains a name or names written or printed thereon, different from the name or names which are written or printed thereon, such person shall upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars. (Cd. '81, Sec. 3141.)

**198. Vote for Wrong Person by Deceit.**

If any person shall defraud any elector at any such election, by deceiving and causing him to vote for a different person for any office than such elector desired or intended to vote for, or shall fraudulently attempt to deceive and cause such elector thus to vote for a different person for any office than he intended and desired to vote for, such person upon conviction thereof shall be fined in any sum not less than fifty nor more than five hundred dollars. (Cd. '81, Sec. 3142.)

**199. Fraudulent Voting.**

Any person who shall fraudulently vote at any election to be held under the present or future law of this territory, who shall not be duly qualified to vote at the place where, and time when his vote is given or offered, knowing that he is not duly qualified, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment not exceeding one year, or both at the discretion of the court before which such conviction is had. (Cd. '81, Sec. 3143.)

**200. Double Voting.**

If any person who shall have voted in any such election shall offer himself a second time as a voter in such election, he shall be deemed and taken to be guilty of a misdemeanor and on conviction thereof shall be punished by fine or imprisonment at hard labor, or both at the discretion of the court, before which such conviction shall be had: *Provided*, That in no case shall such fine exceed the sum of five hundred dollars, or such imprisonment the term of one year. (Cd. '81, Sec. 3144.)

**201. Election Officer Electioneering.**

If any inspector, judge or clerk of election while acting as such, shall induce or attempt to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector shall intend or desire to vote, such

person so offending shall, upon conviction thereof, be fined in any sum not less than fifty nor more than five hundred dollars. (Cd. '81, Sec. 3145.)

**202. Election Officer Prying Into Ballots.**

If any inspector, judge or clerk of any election shall, previous to putting the ballot of any elector in the ballot box, attempt to pry into, or find out, any name or names on such ballot, which shall have been handed in by said elector in a folded form, or if any inspector, judge or clerk of any election shall open, or suffer the folded ballot of any elector which has been handed in to the board of judges, by any elector, with a view to ascertain the name of any person, or persons for whom such elector shall have voted at any such election, or if any inspector, judge or clerk of an election, without the consent of the elector, shall disclose the name of any person or persons which such inspector, judge or clerk shall have fraudulently or illegally discovered to have been voted for by such elector at any election, every such inspector, judge or clerk of an election so offending, upon conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars. (Cd. '81, Sec. 3146.)

**203. Any Violation of Law a Misdemeanor.**

If the secretary of the territory, or any inspector, judge, board of judges, board of county commisisoners, judge of probate, clerk of the district court, county auditor, clerk of probate court or clerk of election on whom any duty is enjoined by this act, shall be guilty of any willful neglect of such duty, or of any fraudulent or corrupt conduct in the execution of any such duty, he or they so offending shall, on conviction thereof, be fined in any sum not exceeding two thousand dollars, to which may be added imprisonment in the county jail not exceeding one year. (Cd. '81, Sec. 3147.)

**204. Bribery or Influencing Voter**

If any candidate for office, in any election as hereafter mentioned, under the laws of this territory, or any other per-

son, shall, directly or indirectly offer, promise, procure, confer or give any money, property, thing in action, victuals, drink, preferment, or other consideration or valuable thing, by way of fee, reward, gift or gratuity, for giving or refusing to give any vote in any election of any public officer, territory, county, or municipal whatever, or any person who shall carry voters to any polling place, by wagon, steamboat or otherwise, for the purpose of influencing their votes, such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, be punished by fine or imprisonment or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment to exceed six months, and further, such person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election, and further, if any person shall directly or indirectly ask for, accept, receive or take any such bribe, or the promise thereof, by giving or refusing to give his vote in any such election, he shall be deemed guilty of a misdemeanor and punished with the like penalties as hereinbefore prescribed. (Cd. '81, Sec. 3148.)

**205. Unlawful Printing or Distributing of Official Ballots.**

Any printer, business manager or publisher employed by any officer authorized by the laws of this state to procure the printing of any official ballot, or any person engaged in printing the same who shall appropriate to himself or give or deliver or knowingly permit to be taken any of said ballots by any other person than such officer authorized by law to receive the same, or shall willfully print or cause to be printed any official ballot in any other form than that prescribed by law or as directed by the officer so authorized to procure the said printing, or with any other names thereon or with the names spelled otherwise than as directed by such officer, or the names or printing thereon arranged in any other way than that authorized and directed by law, shall be guilty of a misdemeanor,

and upon conviction thereof shall be sentenced to pay a fine not exceeding one thousand dollars nor less than five hundred dollars, or imprisonment in the county jail for a term not exceeding one year nor less than six months, or both at the discretion of the court. (L. '93, Sec. 4, p. 274.)

**206. Unlawful Possession or Counterfeiting of Official Ballots.**

Any person other than the officer charged by law with the care of ballots, or a person intrusted by any such officer with the care of the same for the purpose required by law, who shall have in his possession outside of the voting room any official ballot, or any person who shall make or have in his possession any counterfeit of any official ballot, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine of not exceeding one thousand dollars nor less than five hundred dollars, or to undergo imprisonment in the county jail for a term not less than six months or more than one year, or both at the discretion of the court. (L. '93, Sec. 2, p. 274.)

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**CERTIFICATE OF SECRETARY OF STATE.**

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**UNITED STATES OF AMERICA.**

STATE OF WASHINGTON.

OFFICE OF

SECRETARY OF STATE.

I, Sam H. Nichols, Secretary of State of the State of Washington, do hereby certify that the within and foregoing contains all the existing laws of the State of Washington relative to elections, as amended to date.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Washington. Done at Olympia this first day of November, A. D. 1905.

[SEAL OF STATE.]

SAM H. NICHOLS,  
*Secretary of State.*

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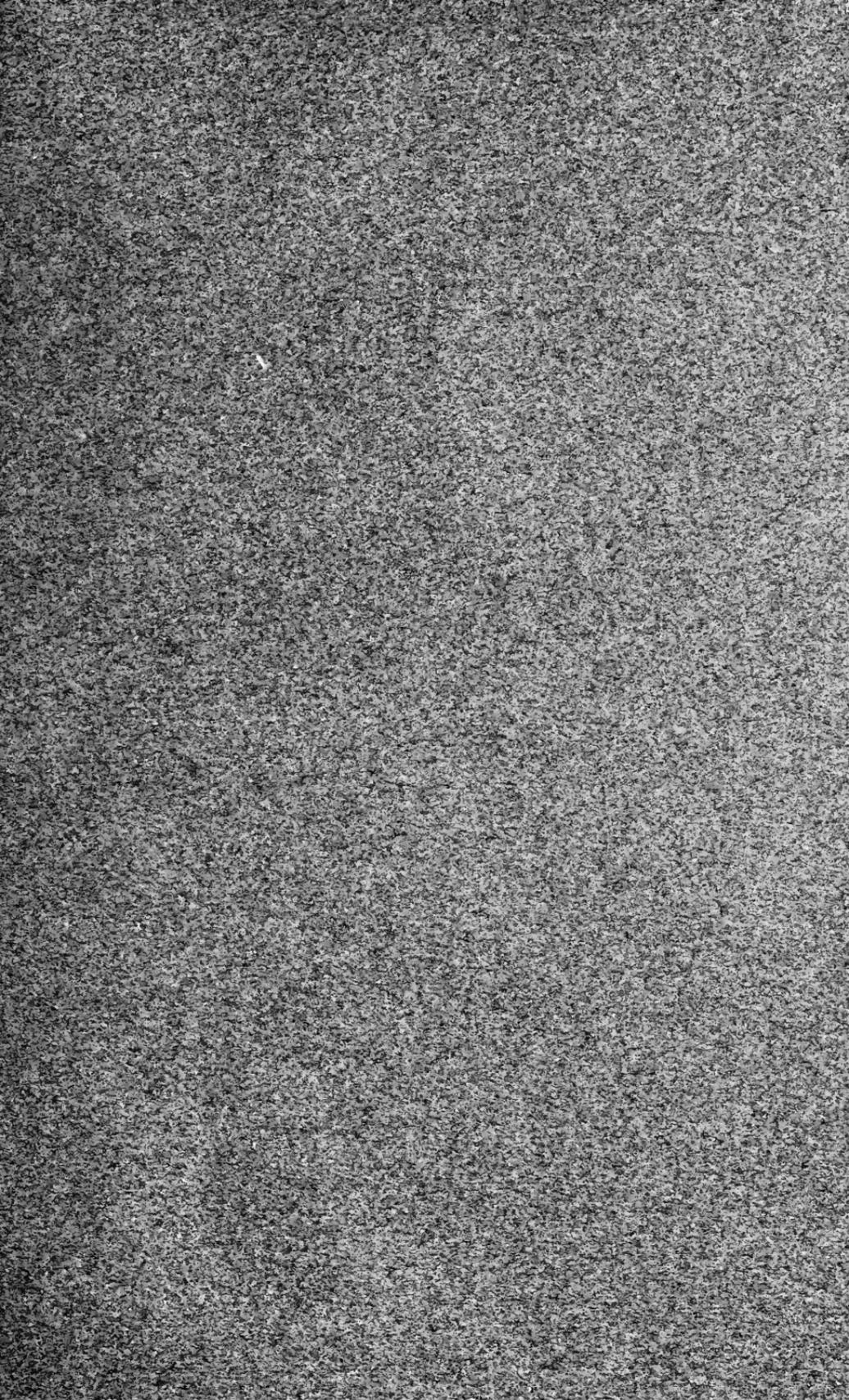
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