



Affiliate Legislative Proposals for 2018 WACO Priorities

The following affiliate legislative proposals have been submitted to WACO for the WACO membership to consider adopting as WACO priority legislation for the 2018 session. Proposed bill language is included as noted.

ASSESSORS:

1. Modifying the senior exemption qualifying income levels from legislatively established dollar thresholds to thresholds based on a percentage of county income. There is no change in the number of qualifying levels and no currently qualified senior loses the qualification. (Proposed language attached)
2. The Assessors are currently engaged in discussions with the Board of Tax Appeals on possible support of the BTA's supplemental budget request including money for additional hearing officers to eliminate backlogs. (Would be a budget proviso, no proposed language is attached)

AUDITORS:

1. Requires write-in candidates to file a declaration of candidacy. Clarifies when write-in votes must be counted and reported. (Proposed language attached)
2. Establish a recording standards commission within the Secretary of State's Office (OSOS) to promote uniformity and consistency in document recording standards. Provides rulemaking authority to OSOS. (Proposed language attached)

CLERKS:

1. Updating certain court record keeping, destruction requirements and clerical duties RCW 7.52.160; RCW 36.23.030 and .070. (Proposed language attached)

CORONERS:

1. Increasing existing certificate fees (birth, death, marriage) to support additional coroner training. (Proposed language attached)
1. Adopting clear legislative language authorizing coroners to subpoena records and other evidentiary materials. (Proposed language attached)

PROSECUTORS:

1. Amending the Victim Rights statute to protect victims from abusive questioning by pro se defendants. Provides courts specific authority to limit questions of the form of questions to prevent abuse.
2. Expand the Board of Clemency and Pardons from 5 to 9 members plus one additional staff from the Attorney General's Office.

TREASURERS:

1. Modify 84.56.250 to eliminate "neglect" from "willfully refuses or neglects to collect" and substitute "in RCW 84.56.300" for "as provided herein" to promote clarity.
2. Adds language to distraint sales of titled manufactured homes in 46.12.700 eliminating certain title signatures and extinguishing liens on treasurer foreclosure or distraint sales.

(No priority requests were received from the Sheriffs)



Washington Association
of COUNTY OFFICIALS

WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Assessors

Modifying the senior exemption qualifying income levels from legislatively established dollar thresholds to thresholds based on a percentage of county income.

AN ACT Relating to property tax exemptions for service-connected disabled veterans and senior citizens; amending RCW 84.36.381, 84.36.383, 84.36.385, and 84.38.020; reenacting and amending RCW 84.38.030; and creating new sections.

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

NEW SECTION. **Sec. 1.** This section is the tax preference performance statement for the tax preference contained in section 2 of this act. This performance statement is only intended to be used for subsequent evaluation of the tax preference. It is not intended to create a private right of action by any party or be used to determine eligibility for preferential tax treatment.

(1) The legislature categorizes this tax preference as one intended to provide tax relief for certain businesses or individuals, as indicated in RCW 82.32.808(2)(e).

(2) It is the legislature's specific public policy objective to provide tax relief to senior citizens, disabled persons, and veterans. The legislature recognizes that property taxes impose a substantial financial burden on those with fixed incomes and that property tax relief programs have considerable value in addressing this burden. It is the legislature's intent to establish a mechanism

for adjusting income thresholds into the future.

(3) The expansion is meant to be permanent and, therefore, not subject to the ten-year expiration provision in RCW 82.32.805(1) (a).

Sec. 2. RCW 84.36.381 and 2015 3rd sp.s. c 30 s 2 are each amended to read as follows:

A person is exempt from any legal obligation to pay all or a portion of the amount of excess and regular real property taxes due and payable in the year following the year in which a claim is filed, and thereafter, in accordance with the following:

(1) The property taxes must have been imposed upon a residence which was occupied by the person claiming the exemption as a principal place of residence as of the time of filing. However, any person who sells, transfers, or is displaced from his or her residence may transfer his or her exemption status to a replacement residence, but no claimant may receive an exemption on more than one residence in any year. Moreover, confinement of the person to a hospital, nursing home, assisted living facility, or adult family home does not disqualify the claim of exemption if:

(a) The residence is temporarily unoccupied;

(b) The residence is occupied by a spouse or a domestic partner and/or a person financially dependent on the claimant for support; or

(c) The residence is rented for the purpose of paying nursing home, hospital, assisted living facility, or adult family home costs;

(2) The person claiming the exemption must have owned, at the time of filing, in fee, as a life estate, or by contract purchase, the residence on which the property taxes have been imposed or if the person claiming the exemption lives in a cooperative housing association, corporation, or partnership, such person must own a share therein representing the unit or portion of the structure in which he or she resides. For purposes of this subsection, a residence owned by a marital community or state registered domestic partnership or owned by cotenants is deemed to be owned by each spouse or each domestic partner or each cotenant, and any lease for life is deemed a life estate;

(3) (a) The person claiming the exemption must be:

(i) Sixty-one years of age or older on December 31st of the year in which the exemption claim is filed, or must have been, at the time

of filing, retired from regular gainful employment by reason of disability; or

(ii) A veteran of the armed forces of the United States entitled to and receiving compensation from the United States department of veterans affairs at a total disability rating for a service-connected disability.

(b) However, any surviving spouse or surviving domestic partner of a person who was receiving an exemption at the time of the person's death will qualify if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section;

(4) The amount that the person is exempt from an obligation to pay is calculated on the basis of combined disposable income, as defined in RCW 84.36.383. If the person claiming the exemption was retired for two months or more of the assessment year, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person during the months such person was retired by twelve. If the income of the person claiming exemption is reduced for two or more months of the assessment year by reason of the death of the person's spouse or the person's domestic partner, or when other substantial changes occur in disposable income that are likely to continue for an indefinite period of time, the combined disposable income of such person must be calculated by multiplying the average monthly combined disposable income of such person after such occurrences by twelve. If it is necessary to estimate income to comply with this subsection, the assessor may require confirming documentation of such income prior to May 31 of the year following application;

(5) (a) A person who otherwise qualifies under this section and has a combined disposable income (~~(of forty thousand dollars or less)~~) equal to or less than income threshold 3 is exempt from all excess property taxes^[1]; and

(b) (i) A person who otherwise qualifies under this section and has a combined disposable income (~~(of thirty-five thousand dollars or less but greater than thirty thousand dollars)~~) equal to or less than income threshold 2 but greater than income threshold 1 is exempt from all regular property taxes on the greater of fifty thousand dollars or thirty-five percent of the valuation of his or her residence, but not to exceed seventy thousand dollars of the valuation of his or her residence; or

(ii) A person who otherwise qualifies under this section and has a combined disposable income (~~(of thirty thousand dollars or less)~~) equal to or less than income threshold 1 is exempt from all regular property taxes on the greater of sixty thousand dollars or sixty percent of the valuation of his or her residence;

(6)(a) For a person who otherwise qualifies under this section and has a combined disposable income (~~(of forty thousand dollars or less)~~) equal to or less than income threshold 3, the valuation of the residence is the assessed value of the residence on the later of January 1, 1995, or January 1st of the assessment year the person first qualifies under this section. If the person subsequently fails to qualify under this section only for one year because of high income, this same valuation must be used upon requalification. If the person fails to qualify for more than one year in succession because of high income or fails to qualify for any other reason, the valuation upon requalification is the assessed value on January 1st of the assessment year in which the person requalifies. If the person transfers the exemption under this section to a different residence, the valuation of the different residence is the assessed value of the different residence on January 1st of the assessment year in which the person transfers the exemption.

(b) In no event may the valuation under this subsection be greater than the true and fair value of the residence on January 1st of the assessment year.

(c) This subsection does not apply to subsequent improvements to the property in the year in which the improvements are made. Subsequent improvements to the property must be added to the value otherwise determined under this subsection at their true and fair value in the year in which they are made.

Sec. 3. RCW 84.36.383 and 2012 c 10 s 74 are each amended to read as follows:

As used in RCW 84.36.381 through 84.36.389, (~~(except where the context clearly indicates a different meaning)~~) unless the context clearly requires otherwise:

(1) The term "residence" means a single-family dwelling unit whether such unit be separate or part of a multiunit dwelling, including the land on which such dwelling stands not to exceed one acre, except that a residence includes any additional property up to a total of five acres that comprises the residential parcel if this

larger parcel size is required under land use regulations. The term also includes a share ownership in a cooperative housing association, corporation, or partnership if the person claiming the exemption can establish that his or her share represents the specific unit or portion of such structure in which he or she resides. The term also includes a single-family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington, and notwithstanding the provisions of RCW 84.04.080 and 84.04.090, such a residence is deemed real property.

(2) The term "real property" also includes a mobile home which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe, connections with sewer, water, or other utilities. A mobile home located on land leased by the owner of the mobile home is subject, for tax billing, payment, and collection purposes, only to the personal property provisions of chapter 84.56 RCW and RCW 84.60.040.

(3) "Department" means the state department of revenue.

(4) "Combined disposable income" means the disposable income of the person claiming the exemption, plus the disposable income of his or her spouse or domestic partner, and the disposable income of each cotenant occupying the residence for the assessment year, less amounts paid by the person claiming the exemption or his or her spouse or domestic partner during the assessment year for:

(a) Drugs supplied by prescription of a medical practitioner authorized by the laws of this state or another jurisdiction to issue prescriptions;

(b) The treatment or care of either person received in the home or in a nursing home, assisted living facility, or adult family home; (~~and~~)

(c) Health care insurance premiums for medicare under Title XVIII of the social security act

(5) "Disposable income" means adjusted gross income as defined in the federal internal revenue code, as amended prior to January 1, 1989 or such subsequent date as the director may provide by rule consistent with the purpose of this section, plus all of the following items to the extent they are not included in or have been deducted from adjusted gross income:

(a) Capital gains, other than gain excluded from income under section 121 of the federal internal revenue code to the extent it is reinvested in a new principal residence;

(b) Amounts deducted for loss;

(c) Amounts deducted for depreciation;

(d) Pension and annuity receipts;

(e) Military pay and benefits other than attendant-care and medical-aid payments;

(f) Veterans benefits, other than:

(i) Attendant-care payments;

(ii) Medical-aid payments;

(iii) Disability compensation, as defined in Title 38, part 3, section 3.4 of the code of federal regulations, as of January 1, 2008; and

(iv) Dependency and indemnity compensation, as defined in Title 38, part 3, section 3.5 of the code of federal regulations, as of January 1, 2008;

(g) Federal social security act and railroad retirement benefits;

(h) Dividend receipts; and

(i) Interest received on state and municipal bonds.

(6) "Cotenant" means a person who resides with the person claiming the exemption and who has an ownership interest in the residence.

(7) "Disability" has the same meaning as provided in 42 U.S.C. Sec. 423(d)(1)(A) as amended prior to January 1, 2005, or such subsequent date as the department may provide by rule consistent with the purpose of this section.

(8) "Income threshold 1" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to thirty thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and

thereafter, a combined disposable income equal to the greater of "income threshold 1" for the previous year or forty-five percent of the county median household income, adjusted every five years beginning January 1, 2019 as provided in RCW 84.36.385(7).

(9) "income threshold 2" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to thirty-five thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of "income threshold 2" for the previous year or fifty-five percent of the county median household income, adjusted every five years beginning January 1, 2019, as provided in RCW 84.36.385(7).

(10) "Income threshold 3" means:

(a) For taxes levied for collection in calendar years prior to 2019, a combined disposable income equal to forty thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 and thereafter, a combined disposable income equal to the greater of "income threshold 3" for the previous year or sixty-five percent of the county median household income, adjusted every five years beginning January 1, 2019, as provided in RCW 84.36.385(7).

(11) "County median household income" means the median household income estimates for the state of Washington by county of the legal address of the principal place of residence, as published by the office of financial management.

Sec. 4. RCW 84.36.385 and 2011 c 174 s 106 are each amended to read as follows:

(1) A claim for exemption under RCW 84.36.381 as now or hereafter amended, may be made and filed at any time during the year for exemption from taxes payable the following year and thereafter and solely upon forms as prescribed and furnished by the department of revenue. However, an exemption from tax under RCW 84.36.381 continues for no more than six years unless a renewal application is filed as provided in subsection (3) of this section.

(2) A person granted an exemption under RCW 84.36.381 must inform the county assessor of any change in status affecting the person's entitlement to the exemption on forms prescribed and furnished by the department of revenue.

(3) Each person exempt from taxes under RCW 84.36.381 in 1993 and thereafter must file with the county assessor a renewal application not later than December 31st of the year the assessor notifies such person of the requirement to file the renewal application. Renewal applications must be on forms prescribed and furnished by the department of revenue.

(4) At least once every six years, the county assessor must notify those persons receiving an exemption from taxes under RCW 84.36.381 of the requirement to file a renewal application. The county assessor may also require a renewal application following an amendment of the income requirements set forth in RCW 84.36.381.

(5) If the assessor finds that the applicant does not meet the qualifications as set forth in RCW 84.36.381, as now or hereafter amended, the claim or exemption must be denied but such denial is subject to appeal under the provisions of RCW 84.48.010 and in accordance with the provisions of RCW 84.40.038. If the applicant had received exemption in prior years based on erroneous information, the taxes must be collected subject to penalties as provided in RCW 84.40.130 for a period of not to exceed five years.

(6) The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389, through communications media, including such paid advertisements or notices as it deems appropriate. Notice of the qualifications, method of making applications, the penalties for not reporting a change in status, and availability of further information must be included on or with property tax statements and revaluation notices for all residential property including mobile homes, except rental properties.

(7) Beginning on January 1, 2019, and every fifth year thereafter, the department must publish updated income thresholds. The adjusted thresholds must be rounded to the nearest one dollar. If the income threshold adjustment is negative, the income threshold for the prior year continues to apply. The department must adjust income

thresholds for each county to reflect the most recent year available of estimated county median household income, including preliminary estimates or projections, as published by the office of financial management. For the purposes of this subsection, "county median household income" has the same meaning as in RCW 84.36.383.

Sec. 5. RCW 84.38.020 and 2006 c 62 s 2 are each amended to read as follows:

~~Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:—~~The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (a) "Claimant" means a person who either elects or is required under RCW 84.64.050 to defer payment of the special assessments and/or real property taxes accrued on the claimant's residence by filing a declaration to defer as provided by this chapter.

(b) When two or more individuals of a household file or seek to file a declaration to defer, they may determine between them as to who is the claimant ((shall be)).

~~(2) ("Department" means the state department of revenue.~~

~~(3)) "Equity value" means the amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.~~

(3) "Income threshold" means:

(a) For taxes levied for collection in calendar years prior to 2020, a combined disposable income equal to forty-five thousand dollars; and

(b) For taxes levied for collection in calendar year 2020 or thereafter, a combined disposable income equal to the greater of the "income threshold" for the previous year, or seventy-five percent of the county median household income, adjusted every five years beginning January 1, 2019, as provided in RCW 84.36.385(7).

(4) "Local government" means any city, town, county, water-sewer district, public utility district, port district, irrigation district, flood control district, or any other municipal corporation, quasi-municipal corporation, or other political subdivision

authorized to levy special assessments.

(5) "Real property taxes" means ad valorem property taxes levied on a residence in this state in the preceding calendar year.

(6) "Residence" has the meaning given in RCW 84.36.383.

(7) "Special assessment" means the charge or obligation imposed by a local government upon property specially benefited.

Sec. 6. RCW 84.38.030 and 2015 3rd sp.s. c 30 s 3 and 2015 c 86 s 313 are each reenacted and amended to read as follows:

A claimant may defer payment of special assessments and/or real property taxes on up to eighty percent of the amount of the claimant's equity value in the claimant's residence if the following conditions are met:

(1) The claimant must meet all requirements for an exemption for the residence under RCW 84.36.381, other than the age and income limits under RCW 84.36.381

(2) The claimant must be sixty years of age or older on December 31st of the year in which the deferral claim is filed, or must have been, at the time of filing, retired from regular gainful employment by reason of disability as defined in RCW 84.36.383. However, any surviving spouse or surviving domestic partner of a person who was receiving a deferral at the time of the person's death qualifies if the surviving spouse or surviving domestic partner is fifty-seven years of age or older and otherwise meets the requirements of this section.

(3) The claimant must have a combined disposable income, as defined in RCW 84.36.383, ~~((of forty five thousand dollars or less))~~ equal to or less than the income threshold.

(4) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection, a residence owned by a marital community, owned by domestic partners, or owned by cotenants is deemed to be owned by each spouse, each domestic partner, or each cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life, or a revocable trust does not satisfy the ownership requirement.

(5) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state in the claimant's equity value. However, if the claimant fails to keep fire and casualty insurance in force to the extent of the state's interest in the claimant's equity value, the amount deferred may not exceed one hundred percent of the claimant's equity value in the land or lot only.

(6) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.

NEW SECTION. **Sec. 7.** This act applies to taxes levied for collection in 2019 and thereafter.

NEW SECTION. **Sec. 8.** This act is not subject to the requirement provided in RCW 82.32.805 and 82.32.808. This act is not subject to an expiration date.



Washington Association
of COUNTY OFFICIALS

WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Auditors

Requires write-in candidates to file a declaration of candidacy. Clarifies when write-in votes must be counted and reported.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0066.1/17

ATTY/TYPIST: AI:lcl

BRIEF DESCRIPTION: Modifying write-in voting provisions.

AN ACT Relating to write-in voting; and amending RCW 29A.24.091, 29A.24.311, 29A.60.021, and 29A.60.040.

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

Sec. 1. RCW 29A.24.091 and 2009 c 106 s 2 are each amended to read as follows:

(1) A filing fee of ten dollars shall accompany the declaration of candidacy for any office with a fixed annual salary of one thousand dollars or less(~~(7)~~). A filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany the declaration of candidacy for any office with a fixed annual salary of more than one thousand dollars per annum. No filing fee need accompany a declaration of candidacy for precinct committee officer or any office for which compensation is on a per diem or per meeting attended basis, or any declaration of candidacy for a write-in candidate filed after the close of filing and more than eighteen days prior to a primary or election.

(2) A filing fee of twenty-five dollars shall accompany the declaration of candidacy for write-in candidates for any office with

a fixed annual salary of one thousand dollars or less if filed eighteen days or less prior to a primary or election.

(3) A filing fee equal to one percent of the annual salary of the office at the time of filing shall accompany a declaration of candidacy for write-in candidates for any office with a fixed annual salary of more than one thousand dollars per annum if filed eighteen days or less prior to a primary or election.

(4) A candidate who lacks sufficient assets or income at the time of filing to pay the filing fee required by this section shall submit with his or her declaration of candidacy a filing fee petition. The petition shall contain not less than a number of signatures of registered voters equal to the number of dollars of the filing fee. The signatures shall be of voters registered to vote within the jurisdiction of the office for which the candidate is filing.

When the candidacy is for:

~~((1))~~ (a) A statewide office, the United States senate, or the United States house of representatives, the fee shall be paid to the secretary of state;

~~((2))~~ (b) A legislative or judicial office that includes territory from more than one county, the fee shall be paid to the secretary of state for equal division between the treasuries of the counties comprising the district;

~~((3))~~ (c) A legislative or judicial office that includes territory from only one county, the fee shall be paid to the county auditor;

~~((4))~~ (d) A city or town office, the fee shall be paid to the county auditor who shall transmit it to the city or town clerk for deposit in the city or town treasury.

Sec. 2. RCW 29A.24.311 and 2013 c 11 s 91 are each amended to read as follows:

(1) Any person who desires to be a write-in candidate ~~and have such votes counted at a primary or election~~ ~~((may))~~ shall file a

declaration of candidacy with the officer designated in RCW 29A.24.070 not later than 8:00 p.m. on the day (~~ballots must be mailed according to RCW 29A.40.070~~) of the primary or election. A write-in declaration of candidacy is timely if filed by this deadline. No votes shall be counted for a write-in candidate who has not properly filed a write-in declaration of candidacy. (~~Declarations of candidacy for write-in candidates must be accompanied by a filing fee in the same manner as required of other candidates filing for the office as provided in RCW 29A.24.091.~~)

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

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

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

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

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

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

(4) The declaration of candidacy shall be similar to that required by RCW 29A.24.031. No write-in candidate filing under this section may be included in any voter's pamphlet produced under

chapter 29A.32 RCW unless that candidate qualifies to have his or her name printed on the general election ballot. The legislative authority of any jurisdiction producing a local voter's pamphlet under chapter 29A.32 RCW may provide, by ordinance, for the inclusion of write-in candidates in such pamphlets.

Sec. 3. RCW 29A.60.021 and 2012 c 89 s 4 are each amended to read as follows:

(1) For any office, except precinct committee officer, at any election or primary, any voter may write in on the ballot the name of any person for an office. Votes must be individually tallied for a candidate who has filed as a write-in candidate for the office in the manner provided by RCW 29A.24.311 ~~((and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter. No write-in vote made for any person who has not filed a declaration of candidacy pursuant to RCW 29A.24.311 is valid if that person filed for the same office, either as a regular candidate or a write-in candidate, at the preceding primary. Any abbreviation used to designate office or position will be accepted if the canvassing board can determine, to its satisfaction, the voter's intent))~~ as long as the requirements of subsection (6), (7), or (8) of this section are met. No write-in vote for a declared write-in candidate may be rejected due to variation in the form of the name if the canvassing board can determine the person and office for which the voter intended to vote.

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

(3) A write-in vote for an individual candidate for an office whose name ~~((appears))~~ is printed on the ballot for that same office is a valid vote for that candidate as long as the candidate's name is clearly discernible, even if ~~((other requirements of RCW 29A.24.311 are not satisfied and even if))~~ the voter also marked a vote for that candidate such as to otherwise register an overvote. ~~((These votes need not be tabulated unless: (a) The difference~~

~~between the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected and the candidate receiving the next highest number of votes is less than the sum of the total number of write-in votes cast for the office plus the overvotes and undervotes recorded by the vote tabulating system; or (b) a manual recount is conducted for that office.)~~)

(4) Write-in votes cast for an individual candidate for an office whose name does not appear on the ballot need not be individually tallied unless the ~~((total number of write-in votes and undervotes recorded by the vote tabulation system for the office is greater than the number of votes cast for the candidate apparently qualified to appear on the general election ballot or elected))~~ candidate has filed a timely declaration of write-in candidacy.

(5) In the case of write-in ~~((votes))~~ candidates for a statewide office or any office whose jurisdiction encompasses more than one county, write-in votes for an individual candidate must be tallied when the county auditor is notified by ~~((either the secretary of state or another county auditor in the multicounty jurisdiction))~~ the filing officer for that office that ~~((it appears that the write-in votes must be tabulated under the terms of this section))~~ a candidate has filed a timely declaration of write-in candidacy. In all other cases, the county auditor determines ~~((when write-in votes must be tabulated))~~, in accordance with this section, whether a candidate has filed a timely declaration of write-in candidacy and thus, write-in votes must be individually tallied. The county canvassing board must certify write-in votes ~~Any abstract of votes must~~ ~~((be modified to reflect))~~ including the vote total received by a candidate that has filed a timely declaration of write-in candidacy if the requirements of subsection (6), (7), or (8) of this section are met. ~~The abstract~~ Final results must consolidate the vote total associated with each candidate after the canvassing board has reconciled any variation in the spelling of names for those candidates. ~~The abstract of the tabulation ((and)) must be certified~~

~~by the canvassing board. ((Tabulation of write-in votes may be performed simultaneously with a recount.))~~

(6) In a primary, if the name of only a single candidate appears on the ballot for an office, and the total number of write-in votes cast for that office exceeds one percent of the total number of votes cast for that office, the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.

(7) In a primary, if two or more candidates appear on the ballot for an office and the total number of write-in votes cast for that office exceeds the number of votes cast for the candidate with the second highest number of votes, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.

(8) In a general election, if the total number of write-in votes cast for an office exceeds the number of votes cast for the candidate apparently elected to that office, then the individual write-in votes for each candidate who has filed a timely declaration of write-in candidacy must be canvassed and reported. Otherwise, individual tallying of write-in votes is not required.

Sec. 4. RCW 29A.60.040 and 2011 c 10 s 47 are each amended to read as follows:

~~((A ballot is invalid and no votes on that ballot may be counted if it is found folded together with another ballot.~~

~~These))~~ Parts of a ballot are invalid and no votes may be counted for those issues or offices where:

(1) More votes are cast for the office or issue than are permitted by law;

(2) Write-in votes ((do not contain all of the information required under RCW 29A.60.021)) are cast for persons who did not

file a timely declaration of candidacy pursuant to RCW 29A.24.031 or 29A.24.311; or ((that))

(3) The issue or office is not marked with sufficient definiteness to determine the voter's choice or intention. ((No write-in vote may be rejected due to a variation in the form of the name if the canvassing board can determine the issue for or against which or the person and the office for which the voter intended to vote.))

--- END ---



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WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Auditors

Establish a recording standards commission within the Secretary of State's Office (OSOS) to promote uniformity and consistency in document recording standards. Provides rulemaking authority to OSOS.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0494.9/18 9th draft

ATTY/TYPIST: RB:lcl

BRIEF DESCRIPTION: Concerning the recording standards commission.

1 AN ACT Relating to the recording standards commission; amending
2 RCW 65.24.010 and 65.24.040; adding a new section to chapter 65.24
3 RCW; creating a new section; and repealing RCW 65.24.900.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the necessity
6 to clarify existing law regarding the recording of documents with
7 county recording departments and county auditors. Recording standards
8 and practices vary from county to county, which creates confusion and
9 liability. County recorders, real estate firms, title and escrow
10 companies, and consumer groups need simplified and standardized
11 recording standards and fees. It is the intent of the legislature
12 that the secretary of state have the authority to create regulations
13 for consistent recording of documents by county auditors.

14 **Sec. 2.** RCW 65.24.010 and 2008 c 57 s 2 are each amended to read
15 as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Document" means information that is:

1 (a) Inscribed on a tangible medium or that is stored in an
2 electronic or other medium, and is retrievable in perceivable form;
3 and

4 (b) Eligible to be recorded in the land records maintained by the
5 recording officer.

6 (2) "Electronic" means relating to technology having electrical,
7 digital, magnetic, wireless, optical, electromagnetic, or similar
8 capabilities.

9 (3) "Electronic document" means a document that is received by
10 the recording officer in an electronic form.

11 (4) "Electronic signature" means an electronic sound, symbol, or
12 process attached to or logically associated with a document and
13 executed or adopted by a person with the intent to sign the document.

14 (5) "Person" means an individual, corporation, business trust,
15 estate, trust, partnership, limited liability company, association,
16 joint venture, public corporation, government, or governmental
17 subdivision, agency, or instrumentality, or any other legal or
18 commercial entity.

19 (6) "State" means a state of the United States, the District of
20 Columbia, Puerto Rico, the United States Virgin Islands, or any
21 territory or insular possession subject to the jurisdiction of the
22 United States.

23 (7) "~~((E-recording))~~ Recording standards commission" means the
24 body of stakeholders appointed by the secretary of state to review
25 recording standards, including but not limited to electronic
26 recording standards, and make recommendations to the secretary under
27 RCW 65.24.040.

28 **Sec. 3.** RCW 65.24.040 and 2008 c 57 s 5 are each amended to read
29 as follows:

30 (1) The office of the secretary of state shall create and appoint
31 ~~((an e-recording))~~ a recording standards commission. The ~~((e-~~
32 ~~recording))~~ recording standards commission shall review recording
33 standards, including electronic recording standards, and make
34 recommendations to the secretary of state for rules necessary to
35 implement this chapter. A majority of the commission must be county
36 recorders or county auditors. The commission may include assessors,
37 treasurers, land title company representatives, escrow agents, and
38 mortgage brokers, the state archivist, county surveyors, and any

1 other party the secretary of state deems appropriate. The term of the
2 commissioners will be set by the secretary of state.

3 (2) To keep the standards and practices of recording officers in
4 this state in harmony, and to promote harmony with the standards and
5 practices of recording offices in other jurisdictions that enact
6 ((this chapter)) similar legislation or policy and to keep the
7 technology used by recording officers in this state compatible with
8 technology used by recording offices in other jurisdictions that
9 enact ((this chapter)) similar legislation or policy, the office of
10 the secretary of state, under RCW 40.14.020, so far as is consistent
11 with the purposes, policies, and provisions of this chapter, in
12 adopting, amending, and repealing rules supporting recording
13 standards shall consider:

14 ((1)) (a) The standards and practices of other jurisdictions;

15 ((2)) (b) The most recent standards adopted by national
16 standard-setting bodies, such as the property records industry
17 association;

18 ((3)) (c) The views of interested persons and governmental
19 officials and entities;

20 ((4)) (d) The needs of counties of varying size, population,
21 and resources; ((and

22 +5)) (e) Standards requiring adequate information security
23 protection to ensure that ((electronic)) documents are accurate,
24 authentic, adequately preserved, and resistant to tampering;

25 (f) Standards requiring adequate information security protection
26 to ensure that electronic documents are accurate, authentic,
27 adequately preserved, and resistant to tampering;

28 (g) Standards for the certification of recorded documents
29 including imaged paper documents and documents that are received by
30 the recording officer in an electronic form; and

31 (h) Standards on the documentation and recording of boundary line
32 adjustments for real property.

33 NEW SECTION. Sec. 4. A new section is added to chapter 65.24
34 RCW to read as follows:

35 (1) The secretary of state, as chief archivist, shall make
36 reasonable rules in accordance with federal and state laws, to
37 provide for the uniform recording of documents in cooperation with
38 the commission established in this chapter.

1 (2) In addition to the rule-making authority granted otherwise by
2 this section, the secretary of state may make rules governing the
3 following:

4 (a) Recording duties of county recorders and county auditors;

5 (b) Recording standards for the creation of certified copies for
6 use as evidence;

7 (c) Recording standards for documents related to eminent domain;

8 (d) Recording standards for documents related to community
9 property;

10 (e) Recording standards for documents related to unfit dwellings,
11 buildings, and structures;

12 (f) Recording standards for court summons served and court
13 judgments;

14 (g) Recording standards for documents related to military
15 discharge;

16 (h) Recording standards for documents related to boundaries and
17 plats not otherwise under the rule-making authority of another state
18 agency;

19 (i) Recording standards for documents related to liens;

20 (j) Recording standards for documents related to mortgages, deeds
21 of trust, and real estate contracts;

22 (k) Recording standards for documents related to the uniform
23 commercial code;

24 (l) Recording standards for documents related to real property
25 and conveyances;

26 (m) Standards to be used in recording, registration, and legal
27 publication under this chapter;

28 (n) Recording standards for documents related to cemetery
29 property;

30 (o) Standards for fee waivers including but not limited to
31 documents for veterans, and support of dependent children;

32 (p) Recording standards for documents related to mines, minerals,
33 and petroleum;

34 (q) Recording standards for documents related to public lands,
35 including tidelands, and shorelines;

36 (r) Recording standards for documents related to excise tax on
37 real estate;

38 (s) Recording standards for documents related to property tax;

39 (t) Recording standards for documents prepared in foreign
40 countries; and

1 (u) Recording standards for documents not identified in (a)
2 through (t) of this subsection.

3 NEW SECTION. **Sec. 5.** RCW 65.24.900 (Short title) and 2008 c 57
4 s 1 are each repealed.

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Washington Association
of COUNTY OFFICIALS

WACO 2018
PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Clerks

Updating certain court record keeping, destruction
requirements and clerical duties
RCW 7.52.160; RCW 36.23.030 and .070;

1. RCW 7.52.160: Clerk's certificate of unsatisfied judgment liens

If an order of sale be made before the distribution of the proceeds thereof, the plaintiff shall produce to the court the certificate of the clerk of the county where the property is situated, showing the liens remaining unsatisfied, if any, by judgment or decree upon the property or any portion thereof, and unless he or she do so the court shall order a referee to ascertain them.

2. RCW 36.23.070: Destruction of court exhibits, court recordings and court reporter notes—Preservation for historical purposes.

1. A county clerk may at any time more than ten six years after case completion or the entry of final judgment in any action apply to the superior court for an order authorizing order and, upon such order being signed and entered, turn such destruction of exhibits and/or authorizing exhibits of possible value to be turned over to the sheriff for disposal in accordance with the provisions of chapter 63.40 RCW, and destroy any other exhibits, unopened depositions, and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years: PROVIDED FURTHER, That, any exhibits which are deemed by the clerk to possess historical value may be directed to be delivered offered by the county clerk to the State of Washington Archivist. If no historic value is claimed by state authorities, the exhibits may be delivered to libraries or historical societies or destroyed. Exhibits may be destroyed or returned sooner as authorized by state court rule, when ordered by the court.

2. A County Clerk may, at any time more than ten years after a hearing in any action, apply to the Superior Court for an order authorizing destruction of court recordings and reporters' notes. Court reporter notes shall be filed with the county clerk, pursuant to RCW 2.32.200, and shall be accompanied by an index of the case numbers and hearing dates included in each submission. A county clerk may require reporters to file notes electronically and establish filing standards for electronic submission.

3. RCW 36.23.030: Records to be kept

The clerk of the superior court at the expense of the county shall keep the following records:

(1) A record in which he or she shall enter all appearances and the time of filing all pleadings in any cause;

(2) A docket in which before every session, he or she shall enter the titles of all causes pending before the court at that session in the order in which they were

~~commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings on which it stands at the commencement of the session. One copy of this docket shall be furnished for the use of the court and another for the use of the members of the bar;~~

~~(3)~~ (2) A record for each session in which he or she shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else is necessary to enable him or her to make out a complete cost bill;

~~(4)~~ (3) A record in which he or she shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, which may, as provided by local court rule, be signed by the judge; but the court shall have full control of all entries in the record at any time during the session in which they were made;

~~(5)~~ (4) An execution docket and also one for a final record in which he or she shall make a full and perfect record of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as the court may require;

~~(6)~~ (5) A record in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;

~~(7)~~ (6) A record of wills and bonds shall be maintained. Originals shall be placed in the original file and shall be preserved or duplicated pursuant to RCW [36.23.065](#);

~~(8)~~ (7) A record of letters testamentary, administration, and guardianship in which all letters testamentary, administration, and guardianship shall be recorded;

~~(9)~~ (8) A record of claims shall be entered in the appearance docket under the title of each estate or case, stating the name of each claimant, the amount of his or her claim and the date of filing of such;

~~(10)~~ (9) A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, and the date of filing each paper;

~~(11)~~ (10) A record of the number of petitions filed for restoration of the right to possess a firearm under chapter [9.41](#) RCW and the outcome of the petitions;

~~(12)~~ (11) Such other records as are prescribed by law and required in the discharge of the duties of his or her office.



Washington Association
of COUNTY OFFICIALS

WACO 2018
PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Coroners

Increasing existing certificate fees (birth, death, marriage) to support additional coroner training.

RCW 70.58.107

Fees charged by department and local registrars.

The department of health shall charge a fee of twenty ~~three~~ dollars for certified copies of records and for copies or information provided for research, statistical, or administrative purposes, and eight dollars for a search of the files or records when no copy is made. The department shall prescribe by regulation fees to be paid for preparing sealed files and for opening sealed files.

No fee may be demanded or required for furnishing certified copies of a birth, death, fetal death, marriage, divorce, annulment, or legal separation record for use in connection with a claim for compensation or pension pending before the veterans administration. No fee may be demanded or required for furnishing certified copies of a death certificate of a sex offender for use by a law enforcement agency in maintaining a registered sex offender database, or that of any offender requested by a county clerk or court in the state of Washington for purposes of extinguishing the offender's legal financial obligation.

The department shall keep a true and correct account of all fees received and transmit the fees to the state treasurer on a weekly basis.

Local registrars shall charge the same fees as the state as hereinabove provided and as prescribed by department regulation except in cases where payment is made by credit card, charge card, debit card, smart card, stored value card, federal wire, automatic clearinghouse system, or other electronic communication. Payment by these electronic methods may be subject to an additional fee consistent with the requirements established by RCW 36.29.190. All such fees collected, except for seven dollars of each fee collected for the issuance of birth certificates and first copies of death certificates and fourteen dollars of each fee collected for additional copies of the same death certificate ordered at the same time as the first copy, shall be paid to the jurisdictional health department.

All local registrars in cities and counties shall keep a true and correct account of all fees received under this section for the issuance of certified copies and shall transmit seven dollars of the fees collected for birth certificates and first copies of death certificates and fourteen dollars of the fee collected for additional copies of death certificates to the state treasurer on or before the first day of January, April, July, and October. All but five dollars of the fees turned over to the state treasurer by local registrars shall be paid to the department of health for the purpose of developing and maintaining the state vital records systems, including a web-based electronic death registration system.

~~Eight~~ Eleven dollars of each fee imposed for the issuance of certified copies, except for copies suitable for display issued under RCW 70.58.085, at both the state and local levels shall be held by the state treasurer in the death investigations' account established by RCW 43.79.445.



Washington Association
of COUNTY OFFICIALS

WACO 2018
PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Coroners

Adopting clear legislative language authorizing coroners to subpoena records and other evidentiary materials

(Creates a new section within RCW 36.24)

RCW 36.24.05x

Power to require production of documents and records—Subpoenas.

The coroner may issue subpoenas for production of documents or other records and command each person to whom it is directed to produce and permit inspection and copying of documentary evidence, tangible things, or premises in the possession, custody, or control of that person at a specified time and place. A subpoena for production may be joined with a subpoena for testimony, or it may be issued separately. Failure to comply may be punished as authorized in RCW 36.24.050.



Washington Association
of COUNTY OFFICIALS

WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Prosecutors

Amending the Victim Rights statute to protect victims from abusive questioning by pro se defendants. Provides courts specific authority to limit questions of the form of questions to prevent abuse.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2817.2/17 2nd draft

ATTY/TYPIST: AI:eab

BRIEF DESCRIPTION: Creating election efficiencies by providing prepaid postage for all election ballots and local option ballot drop boxes.

1 AN ACT Relating to creating election efficiencies by providing
2 prepaid postage for all election ballots and local option ballot drop
3 boxes; amending RCW 29A.04.420, 29A.40.091, and 29A.40.160; and
4 creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that voting by mail
7 has many advantages. However, the legislature also finds that the
8 postage, while only a small amount, acts as a barrier for many of our
9 citizens. The legislature finds that many citizens lack the necessary
10 funds to purchase the necessary postage to return his or her ballot.
11 The legislature further finds that in order to increase participation
12 in our democracy, we must lower all barriers to participation in the
13 democratic process. The legislature finds that voting should be free
14 for all citizens.

15 **Sec. 2.** RCW 29A.04.420 and 2013 c 11 s 11 are each amended to
16 read as follows:

17 (1) Whenever state officers or measures are voted upon at a state
18 primary or general election held in an odd-numbered year under RCW
19 29A.04.321, the state of Washington shall assume a prorated share of
20 the costs of that state primary or general election.

1 (2) The state must reimburse counties for the cost of return
2 postage on mail and absentee ballots for all elections. For any
3 reimbursement of election costs under this section, the secretary of
4 state shall pay within thirty days after the receipt of a properly
5 executed and documented voucher for such expenses and the entry of an
6 allotment from specifically appropriated funds for this purpose until
7 those funds are exhausted. If funds appropriated for this purpose are
8 not sufficient to pay all claims, the secretary of state shall
9 include a budget request to the legislature during the next
10 legislative session for sufficient funds for reimbursement of all
11 remaining claims and shall pay all properly executed and documented
12 vouchers to the counties within thirty days of allotment of
13 specifically appropriated funds for this purpose. The secretary of
14 state shall promptly notify any county that submits an incomplete or
15 inaccurate voucher for reimbursement. Reimbursement payments shall
16 bear interest at an annual rate equal to two percentage points in
17 excess of the discount rate on ninety-day commercial paper in effect
18 at the federal reserve bank in San Francisco on the fifteenth day of
19 the month immediately preceding the payment for any period of time in
20 excess of thirty days. The secretary of state may provide prepaid
21 postage metering services for use by counties on return envelopes for
22 all ballots.

23 (3) Whenever a primary or vacancy election is held to fill a
24 vacancy in the position of United States senator or United States
25 representative under chapter 29A.28 RCW, the state of Washington
26 shall assume a prorated share of the costs of that primary or vacancy
27 election.

28 (~~(3)~~) (4) The county auditor shall apportion the state's share
29 of these expenses when prorating election costs under RCW 29A.04.410
30 and shall file such expense claims with the secretary of state.

31 (~~(4)~~) (5) The secretary of state shall include in his or her
32 biennial budget requests sufficient funds to carry out this section.
33 Reimbursements for election costs shall be from appropriations
34 specifically provided by law for that purpose.

35 **Sec. 3.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to
36 read as follows:

37 (1) The county auditor shall send each voter a ballot, a security
38 envelope in which to conceal the ballot after voting, a larger
39 envelope in which to return the security envelope, a declaration that

1 the voter must sign, and instructions on how to obtain information
2 about the election, how to mark the ballot, and how to return the
3 ballot to the county auditor.

4 (2) The voter must swear under penalty of perjury that he or she
5 meets the qualifications to vote, and has not voted in any other
6 jurisdiction at this election. The declaration must clearly inform
7 the voter that it is illegal to vote if he or she is not a United
8 States citizen; it is illegal to vote if he or she has been convicted
9 of a felony and has not had his or her voting rights restored; and it
10 is illegal to cast a ballot or sign a ballot declaration on behalf of
11 another voter. The ballot materials must provide space for the voter
12 to sign the declaration, indicate the date on which the ballot was
13 voted, and include a telephone number.

14 (3) For overseas and service voters, the signed declaration
15 constitutes the equivalent of a voter registration. Return envelopes
16 for overseas and service voters must enable the ballot to be returned
17 postage free if mailed through the United States postal service,
18 United States armed forces postal service, or the postal service of a
19 United States foreign embassy under 39 U.S.C. 3406.

20 (4) The voter must be instructed to either return the ballot to
21 the county auditor no later than 8:00 p.m. the day of the election or
22 primary, or mail the ballot to the county auditor with a postmark no
23 later than the day of the election or primary. Return envelopes for
24 all election ballots must include prepaid postage. Service and
25 overseas voters must be provided with instructions and a privacy
26 sheet for returning the ballot and signed declaration by fax or
27 email. A voted ballot and signed declaration returned by fax or email
28 must be received by 8:00 p.m. on the day of the election or primary.

29 (5) The county auditor's name may not appear on the security
30 envelope, the return envelope, or on any voting instructions or
31 materials included with the ballot if he or she is a candidate for
32 office during the same year.

33 **Sec. 4.** RCW 29A.40.160 and 2017 c 327 s 1 are each amended to
34 read as follows:

35 (1) Each county auditor shall open a voting center each primary,
36 special election, and general election. The voting center shall be
37 open during business hours during the voting period, which begins
38 eighteen days before, and ends at 8:00 p.m. on the day of, the
39 primary, special election, or general election.

1 (2) The voting center must provide voter registration materials,
2 ballots, provisional ballots, disability access voting units, sample
3 ballots, instructions on how to properly vote the ballot, a ballot
4 drop box, and voters' pamphlets, if a voters' pamphlet has been
5 published.

6 (3) The voting center must be accessible to persons with
7 disabilities. Each state agency and entity of local government shall
8 permit the use of any of its accessible facilities as voting centers
9 when requested by a county auditor.

10 (4) The voting center must provide at least one voting unit
11 certified by the secretary of state that provides access to
12 individuals who are blind or visually impaired, enabling them to vote
13 with privacy and independence.

14 (5) No person may interfere with a voter attempting to vote in a
15 voting center. Interfering with a voter attempting to vote is a
16 violation of RCW 29A.84.510.

17 (6) Before opening the voting center, the voting equipment shall
18 be inspected to determine if it has been properly prepared for
19 voting. If the voting equipment is capable of direct tabulation of
20 each voter's choices, the county auditor shall verify that no votes
21 have been registered for any issue or office, and that the device has
22 been sealed with a unique numbered seal at the time of final
23 preparation and logic and accuracy testing. A log must be made of all
24 device numbers and seal numbers.

25 (7) The county auditor shall require any person desiring to vote
26 at a voting center to either sign a ballot declaration or provide
27 identification.

28 (a) The signature on the declaration must be compared to the
29 signature on the voter registration record before the ballot may be
30 counted. If the voter registered using a mark, or can no longer sign
31 his or her name, the election officers shall require the voter to be
32 identified by another registered voter.

33 (b) The identification must be valid photo identification, such
34 as a driver's license, state identification card, student
35 identification card, tribal identification card, or employer
36 identification card. Any individual who desires to vote in person but
37 cannot provide identification shall be issued a provisional ballot,
38 which shall be accepted if the signature on the declaration matches
39 the signature on the voter's registration record.

1 (8) Provisional ballots must be accompanied by a declaration and
2 security envelope, as required by RCW 29A.40.091, and space for the
3 voter's name, date of birth, current and former registered address,
4 reason for the provisional ballot, and disposition of the provisional
5 ballot. The voter shall vote and return the provisional ballot at the
6 voting center. The voter must be provided information on how to
7 ascertain whether the provisional ballot was counted and, if
8 applicable, the reason why the vote was not counted.

9 (9) Any voter may take printed or written material into the
10 voting device to assist in casting his or her vote. The voter shall
11 not use this material to electioneer and shall remove it when he or
12 she leaves the voting center.

13 (10) If any voter states that he or she is unable to cast his or
14 her votes due to a disability, the voter may designate a person of
15 his or her choice, or two election officers, to enter the voting
16 booth and record the votes as he or she directs.

17 (11) No voter is entitled to vote more than once at a primary,
18 special election, or general election. If a voter incorrectly marks a
19 ballot, he or she may be issued a replacement ballot.

20 (12) A voter who has already returned a ballot but requests to
21 vote at a voting center shall be issued a provisional ballot. The
22 canvassing board shall not count the provisional ballot if it finds
23 that the voter has also voted a regular ballot in that primary,
24 special election, or general election.

25 (13) The county auditor must prevent overflow of each ballot drop
26 box to allow a voter to deposit his or her ballot securely. Ballots
27 must be removed from a ballot drop box by at least two people, with a
28 record kept of the date and time ballots were removed, and the names
29 of people removing them. Ballots from drop boxes must be returned to
30 the counting center in secured transport containers. A copy of the
31 record must be placed in the container, and one copy must be
32 transported with the ballots to the counting center, where the seal
33 number must be verified by the county auditor or a designated
34 representative. All ballot drop boxes must be secured at 8:00 p.m. on
35 the day of the primary, special election, or general election.

36 (14) Any voter who is inside or in line at the voting center at
37 8:00 p.m. on the day of the primary, special election, or general
38 election must be allowed to vote.

39 (15) For each primary, special election, and general election,
40 the county auditor may provide election services at locations in

1 addition to the voting center. The county auditor has discretion to
2 establish which services will be provided at the additional
3 locations, and which days and hours the locations will be open,
4 except that the county auditor must establish a minimum of one ballot
5 drop box per fifteen thousand registered voters in the county (~~and a~~
6 ~~minimum of one ballot drop box in each city, town, and census-~~
7 ~~designated place in the county with a post office~~) by November 1,
8 2020.

--- END ---



Washington Association
of COUNTY OFFICIALS

WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Prosecutors

Expand the Board of Clemency and Pardons from 5 to 9 members plus one additional staff from the Attorney General's Office.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2981.2/17 2nd draft

ATTY/TYPIST: AI:lcl

BRIEF DESCRIPTION: Protecting crime victims from abusive pro se defendants.

1 AN ACT Relating to protecting crime victims from abusive pro se
2 defendants; and amending RCW 7.69.030.

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

4 **Sec. 1.** RCW 7.69.030 and 2009 c 138 s 5 are each amended to read
5 as follows:

6 There shall be a reasonable effort made to ensure that victims,
7 survivors of victims, and witnesses of crimes have the following
8 rights, which apply to any criminal court and/or juvenile court
9 proceeding:

10 (1) With respect to victims of violent or sex crimes, to receive,
11 at the time of reporting the crime to law enforcement officials, a
12 written statement of the rights of crime victims as provided in this
13 chapter. The written statement shall include the name, address, and
14 telephone number of a county or local crime victim/witness program,
15 if such a crime victim/witness program exists in the county;

16 (2) To be informed by local law enforcement agencies or the
17 prosecuting attorney of the final disposition of the case in which
18 the victim, survivor, or witness is involved;

19 (3) To be notified by the party who issued the subpoena that a
20 court proceeding to which they have been subpoenaed will not occur as
21 scheduled, in order to save the person an unnecessary trip to court;

1 (4) To receive protection from harm and threats of harm arising
2 out of cooperation with law enforcement and prosecution efforts, and
3 to be provided with information as to the level of protection
4 available;

5 (5) To be informed of the procedure to be followed to apply for
6 and receive any witness fees to which they are entitled;

7 (6) To be provided, whenever practical, a secure waiting area
8 during court proceedings that does not require them to be in close
9 proximity to defendants and families or friends of defendants;

10 (7) To have any stolen or other personal property expeditiously
11 returned by law enforcement agencies or the superior court when no
12 longer needed as evidence. When feasible, all such property, except
13 weapons, currency, contraband, property subject to evidentiary
14 analysis, and property of which ownership is disputed, shall be
15 photographed and returned to the owner within ten days of being
16 taken;

17 (8) To be provided with appropriate employer intercession
18 services to ensure that employers of victims, survivors of victims,
19 and witnesses of crime will cooperate with the criminal justice
20 process in order to minimize an employee's loss of pay and other
21 benefits resulting from court appearance;

22 (9) To access to immediate medical assistance and not to be
23 detained for an unreasonable length of time by a law enforcement
24 agency before having such assistance administered. However, an
25 employee of the law enforcement agency may, if necessary, accompany
26 the person to a medical facility to question the person about the
27 criminal incident if the questioning does not hinder the
28 administration of medical assistance. Victims of domestic violence,
29 sexual assault, or stalking, as defined in RCW 49.76.020, shall be
30 notified of their right to reasonable leave from employment under
31 chapter 49.76 RCW;

32 (10) With respect to victims of violent and sex crimes, to have a
33 crime victim advocate from a crime victim/witness program, or any
34 other support person of the victim's choosing, present at any
35 prosecutorial or defense interviews with the victim, and at any
36 judicial proceedings related to criminal acts committed against the
37 victim. This subsection applies if practical and if the presence of
38 the crime victim advocate or support person does not cause any
39 unnecessary delay in the investigation or prosecution of the case.

1 The role of the crime victim advocate is to provide emotional support
2 to the crime victim;

3 (11) With respect to victims and survivors of victims, to be
4 physically present in court during trial, or if subpoenaed to
5 testify, to be scheduled as early as practical in the proceedings in
6 order to be physically present during trial after testifying and not
7 to be excluded solely because they have testified;

8 (12) With respect to victims of violent or sex crimes, to be
9 protected from abusive questioning or interactions with pro se
10 defendants during interviews or while testifying in court. If the
11 court finds that the pro se defendant has engaged in abusive
12 questions or actions, the court may restrain further abusive
13 questions or actions by requiring preapproval of questions, written
14 questioning, third-party questioning, or otherwise.

15 (13) With respect to victims and survivors of victims, to receive
16 representation, if available, from victims of crime act funded civil
17 legal aid to crime victim attorneys, in responding to a subpoena for
18 his or her medical records, mental health records, or other
19 privileged information; a subpoena or order to produce or inspect his
20 or her computer, tablet, cellular phone, or other electronic device;
21 or a subpoena or order authorizing the inspection of his or her
22 residence or any other property. Representation may include the
23 filing of motions to quash or modify a subpoena for production
24 pursuant to CrR 4.8 and CrRLJ 4.8.

25 (14) With respect to victims and survivors of victims, to be
26 informed by the prosecuting attorney of the date, time, and place of
27 the trial and of the sentencing hearing for felony convictions upon
28 request by a victim or survivor;

29 ~~((13))~~ (15) To submit a victim impact statement or report to
30 the court, with the assistance of the prosecuting attorney if
31 requested, which shall be included in all presentence reports and
32 permanently included in the files and records accompanying the
33 offender committed to the custody of a state agency or institution;

34 ~~((14))~~ (16) With respect to victims and survivors of victims,
35 to present a statement personally or by representation, at the
36 sentencing hearing for felony convictions; and

37 ~~((15))~~ (17) With respect to victims and survivors of victims,
38 to entry of an order of restitution by the court in all felony cases,
39 even when the offender is sentenced to confinement, unless

1 extraordinary circumstances exist which make restitution
2 inappropriate in the court's judgment.

--- END ---



Washington Association
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WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Treasurers

Modify 84.56.250 to eliminate “neglect” from “willfully refuses or neglects to collect” and substitute “in RCW 84.56.300” for “as provided herein” to promote clarity.

RCW 84.56.250

Penalty for willful noncollection or failure to file delinquent list.

If any county treasurer willfully refuses ~~or neglects~~ to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as ~~herein~~ provided [in RCW 84.56.300](#), the treasurer shall be held, in his or her next settlement with the county legislative authority, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his or her salary and applied to the several funds for which they were levied.



Washington Association
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WACO 2018 PRIORITY LEGISLATIVE PROPOSAL

Proposing Affiliate: Treasurers

Adds language to distraint sales of titled manufactured homes in 46.12.700 eliminating certain title signatures and extinguishing liens on treasurer foreclosure or distraint sales.

RCW 46.12.700

Manufactured homes.

(1) **Titling options.** An owner of a manufactured home shall establish ownership in the manufactured home by either:

- (a) Applying for a certificate of title as required under this chapter; or
- (b) Eliminating the certificate of title under chapter 65.20 RCW.

(2) **Exemption.** This section does not apply to a manufactured home held for resale by a dealer or manufacturer.

(3) **Transferring ownership.** A registered owner of record must sign the certificate of title releasing the owner's interest when transferring ownership of a manufactured home. If the manufactured home was manufactured before June 15, 1976, the registered owner must sign an affidavit on a form approved by the department. The affidavit must state that the purchaser was notified that failure of the manufactured home to meet federal housing and urban development standards or failure of the manufactured home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the manufactured home.

[When a manufactured/mobile or park model home is sold at a county treasurer's foreclosure of distraint sale, the registered owner\(s\) of record, legal owner\(s\) on title and the purchaser\(s\) at these sales are not required to sign the certificate of title and title application to transfer title. Any leinholder interest in a manufactured/mobile or park model home are extinguished by county treasurer's foreclosure or distraint sale.](#)

(4) **Evidence of taxes paid.** Before accepting an application for a certificate of title for a manufactured home, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to provide evidence that any taxes due on the sale of the manufactured home under chapters 82.45 and 84.52 RCW have been paid. Acceptable evidence includes a copy of:

- (a) The real estate excise tax affidavit that has been stamped by the county treasurer; or
- (b) A treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.

(5) **County assessor notification.** The department shall notify the county assessor of the county where the manufactured home is located when ownership of a manufactured home is transferred. The notification must include the name and address of the former owner and the new owner.

(6) **Title elimination.** The certificate of title for a manufactured home may be eliminated or not issued when the manufactured home is registered under chapter 65.20 RCW. If the certificate of title is eliminated or not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located. All vehicle license fees and taxes applicable to manufactured homes under this chapter are due and must be collected before recording the ownership with the county auditor.

(7) **Rules.** The department may adopt rules as necessary to implement this section.