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On agenda: **Final action:** 11/23/2015

Enactment date: 12/4/2015 **Enactment #:** 18167

Title: AN ORDINANCE relating to elections; amending Ordinance 287, Section 1, as amended, and K.C.C. 1.04.010, Ordinance 287, Section 2, and K.C.C. 1.04.020, Ordinance 8113, Section 2, as amended, and K.C.C. 1.10.010, Ordinance 8113, Section 5, and K.C.C. 1.10.040, Ordinance 8113, Section 7, as amended, and K.C.C. 1.10.060, Ordinance 884, Section 1, as amended, and K.C.C. 1.12.010, Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020, Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050, Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060, Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070, Ordinance 8024, Section 8, as amended, and K.C.C. 1.18.080, Ordinance 17210, Section 1, and K.C.C. 2.18.100, Ordinance 12075, Section 8, as amended, and K.C.C. 2.36.030, Ordinance 15453, Section 4, as amended, and K.C.C. 2.53.031 and Ordinance 15453, Section 6, as amended, and K.C.C. 2.53.051, repealing Ordinance 8113, Sections 2 and 3, as amended, and K.C.C. 1.10.020, Ordinance 8113, Section 4, as amended, and K.C.C. 1.10.030, Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070 and Ordinance 1053, Sections 1 and 2, as amended, and K.C.C. 1.12.020 and decodifying K.C.C. 1.18.100.

Sponsors: Pete von Reichbauer

Indexes: Elections

Code sections: 1.04.010 - , 1.04.020 - , 1.10.010 - , 1.10.020 - , 1.10.030 - , 1.10.040 - , 1.10.060 - , 1.10.070 - , 1.12.010 - , 1.12.020 - , 1.16.040 - , 1.16.050 - , 1.16.100 - , 1.18.020 - , 1.18.030 - , 1.18.050 - , 1.18.070 - , 1.18.080 - , 2.18.100 - .

Attachments: 1. Ordinance 18167.pdf, 2. 2015-0274 transmittal letter.pdf, 3. 2015-0274 SR Elections Code Changes.docx, 4. 2015-0274_ATT1_Proposed_Ordinance.doc, 5. 2015-0274_ATT2_S1 amendment 11-09-2015.docx, 6. 2015-0274_ATT3_T1 amendment 11-05-15.docx, 7. 2015-0274_ATT5_Code versions comparison matrix.docx, 8. 2015-0274_ATT6 Public Rule ELE 9-1-3.pdf, 9. 2015-0274_ATT7 Public Rule ELE 9-4-1 boundary routing.pdf, 10. 2015-0274 REVISED SR Elections Code Changes.docx

Date	Ver.	Action By	Action	Result
11/23/2015	2	Metropolitan King County Council	Hearing Held	
11/23/2015	2	Metropolitan King County Council	Passed	Pass
11/10/2015	1	Government Accountability and Oversight Committee	Recommended Do Pass Substitute Consent	Pass
7/13/2015	1	Metropolitan King County Council	Introduced and Referred	

Clerk 11/23/2015

AN ORDINANCE relating to elections; amending Ordinance 287, Section 1, as amended, and K.C.C. 1.04.010, Ordinance 287, Section 2, and K.C.C. 1.04.020,

Ordinance 8113, Section 2, as amended, and K.C.C. 1.10.010, Ordinance 8113, Section 5, and K.C.C. 1.10.040, Ordinance 8113, Section 7, as amended, and K.C.C. 1.10.060, Ordinance 884, Section 1, as amended, and K.C.C. 1.12.010, Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040, Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050, Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060, Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100, Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020, Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050, Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060, Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070, Ordinance 8024, Section 8, as amended, and K.C.C. 1.18.080, Ordinance 17210, Section 1, and K.C.C. 2.18.100, Ordinance 12075, Section 8, as amended, and K.C.C. 2.36.030, Ordinance 15453, Section 4, as amended, and K.C.C. 2.53.031 and Ordinance 15453, Section 6, as amended, and K.C.C. 2.53.051, repealing Ordinance 8113, Sections 2 and 3, as amended, and K.C.C. 1.10.020, Ordinance 8113, Section 4, as amended, and K.C.C. 1.10.030, Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070 and Ordinance 1053, Sections 1 and 2, as amended, and K.C.C. 1.12.020 and decodifying K.C.C. 1.18.100.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 287, Section 1, as amended, and K.C.C. 1.04.010 are each hereby amended to read as follows:

Each candidate for nomination or election to an elective office in King County shall, in compliance with the provisions of ~~((Article 6,))~~ Section 690 of the King County Charter, execute and file a statement of campaign contributions and expenditures ~~((on))~~ in the form ~~((or forms))~~ required by the Public Disclosure

Commission ~~((pursuant to))~~ under chapter 42.17A ~~((of the Revised Code of Washington))~~ RCW.

SECTION 2. Ordinance 287, Section 2, and K.C.C. 1.04.020 are each hereby amended to read as follows:

A willful violation of ~~((Section))~~ K.C.C. 1.04.010 ~~((of this chapter))~~ and of Section 690 of the King County Charter shall disqualify the candidate from holding county elective office.

SECTION 3. Ordinance 8113, Section 2, as amended, and K.C.C. 1.10.010 are each hereby amended to read as follows:

A. Publication and distribution of a countywide local voters' pamphlet in conformity with the provisions of chapter ~~((29.81A))~~ 29A.32 RCW, for ~~((annual))~~ all general elections and ~~((odd-numbered year election))~~ primaries ~~((held in King County, and for other primaries))~~ and for special elections ~~((as determined by the council,))~~ when a county elective office or ballot measure is to appear on the ballot is hereby authorized. ~~((Authorization is specifically given for special elections held for municipal incorporations and annexations to be conducted by mail ballot and for even numbered year primaries when the county has an elective office or measure on the ballot.))~~

B. ~~((Said))~~ The countywide pamphlet shall include:

~~((A-))~~ 1. All King County elective offices and ballot measures~~((:))~~;

~~((B-))~~ 2. Elective offices and ballot measures of all cities, towns~~((:))~~ and special taxing districts located entirely within King County, ~~((which are to appear on the ballot for which the voters' pamphlet is prepared))~~ unless specifically exempted by the council as provided by RCW ~~((29.81A.020(2)))~~ 29A.32.220(2)~~((:))~~; and

~~((C-))~~ 3. Elective offices and ballot measures of ~~((C))~~ cities, towns~~((:))~~ or special taxing districts located partly within King County and partly within another county, if ~~((the counties have entered into an interlocal agreement pursuant to RCW 29.81A.020(3) to permit distribution of each county's voters' pamphlet into those parts of the city, town or district located outside of that county))~~ requested by the city, town or special taxing district.

C. If a countywide local voters' pamphlet is not published for a special election, publication and distribution of a jurisdiction-specific local voters' pamphlet is authorized if requested by a city, town or special taxing district located wholly or partly within King County.

SECTION 4. Ordinance 8113, Sections 2 and 3, as amended, and K.C.C. 1.10.020 are each hereby repealed.

SECTION 5. Ordinance 8113, Section 4, as amended, and K.C.C. 1.10.030 are each hereby repealed.

SECTION 6. Ordinance 8113, Section 5, and K.C.C. 1.10.040 are each hereby amended to read as follows:

The cost of a local ~~((voter's))~~ voters' pamphlet shall be considered an election cost to those local jurisdictions included in the pamphlet and shall be prorated in the manner provided in RCW ~~((29.13.045))~~ 29A.04.410.

SECTION 7. Ordinance 8113, Section 7, as amended, and K.C.C. 1.10.060 are each hereby amended to read as follows:

Any challenge to an explanatory statement prepared or reviewed and approved ~~((pursuant to))~~ under RCW ~~((29A.32.040(3)))~~ 29A.32.241 shall be brought within five days from the filing of ~~((such))~~ the explanatory statement with the department of elections ~~((division))~~. Any ~~((such))~~ challenge shall be brought by ~~((way of))~~ petition in the superior court for King County. The petition shall set forth the text of the explanatory statement~~((;))~~ and the objections ~~((thereto;))~~ to the explanatory statement and shall request the amendment of the text of the explanatory statement. The decision of the superior court shall be final.

SECTION 8. Ordinance 8113, Section 8, as amended, and K.C.C. 1.10.070 are each hereby repealed.

SECTION 9. Ordinance 884, Section 1, as amended, and K.C.C. 1.12.010 are each hereby amended to read as follows:

A. The voting precincts of King County are hereby established ~~((pursuant to))~~ as provided in state law and shall be ~~((as described in the attachments to this section which are hereby adopted;))~~ adopted by ordinance

and ~~((which shall be))~~ retained officially on file in the department of elections.

B. An alphanumeric system of identifying voting precincts using a combination of letters and numbers shall be established throughout King County. Those precincts located in unincorporated areas of the county ~~((which))~~ that presently have names shall retain them for public purposes in addition to the alphanumeric designation. Names shall be given only to those new precincts in unincorporated areas of the county ~~((which))~~ that are created from portions of existing named precincts.

C. Precincts shall be divided, new precincts created and boundaries of existing precincts altered, as necessary, to implement precinct balancing and to accommodate the incorporation and annexations of unincorporated county areas into incorporated cities ~~((and for the convenience of voters))~~.

D. ~~((In balancing precincts, v))~~ Voting precincts may contain as many as nine hundred active registered voters ~~((per))~~ for each individual precinct.

E. Proposed revisions to voting precincts, as provided for in this section, shall be submitted to the council for approval by ordinance no later than thirty days before the statutory deadline established in RCW 29A.16.040 of the applicable year. ~~((The proposal shall include a replacement for the attachments to this section.))~~ The department of elections shall make available to the public and to the political parties the proposed revisions of voting precincts for a review period of not less than ten days. All public comments received shall be documented and made available upon request. If the director of elections determines that there is good cause to do so, the director may suspend the ten-day public review period, however the director shall immediately notify the chair of the council by letter of the decision to suspend the ten-day review period and the good cause for doing so. Good cause exists, but is not limited to, when there are circumstances involving an unusually large number of revisions to precinct boundaries, such as during years when new federal, state and local electoral districts are drawn or in years following a presidential election.

F. The department of elections shall submit to the council concurrently with any proposed revisions to voting precincts, proposed revisions to the King County district court electoral district boundaries ~~((which))~~

that result from the proposed voting precinct revisions, as described in K.C.C. chapter 2.68.

SECTION 10. Ordinance 1053, Sections 1 and 2, as amended, and K.C.C. 1.12.020 are each hereby repealed.

SECTION 11. Ordinance 159, Section 4, as amended, and K.C.C. 1.16.040 are each hereby amended to read as follows:

The clerk of the council shall assign a serial number to each initiative measure or referendum petition, using a separate series for each, and forthwith transmit one copy of the measure proposed, bearing its serial number, to the department of elections (~~((division))~~) and the office of the prosecuting attorney. Thereafter a measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No..." or "Referendum Measure No..."

SECTION 12. Ordinance 159, Section 5, as amended, and K.C.C. 1.16.050 are each hereby amended to read as follows:

Within five days after the filing of an initiative measure or referendum petition with the clerk of the council, the prosecuting attorney shall prepare a ballot title and transmit it to the clerk of the council and the department of elections (~~((division))~~) bearing the serial number of the measure. The ballot title shall be a concise statement in the form of a question containing the essential features of the measure and not exceeding twenty words and may be drafted in common language for greater clarity. The ballot title shall be phrased in language so that a yes vote will clearly be a vote in favor of the action or condition that would result from the approval of the measure, and a no vote will clearly be a vote in opposition to such action or condition. In the case of a referendum to ratify or revoke some prior action, the ballot title may refer directly to the prior action rather than to the ratification or revocation of said action. The ballot title prepared by the prosecuting attorney shall be included in the referendum or initiative petition as provided for in K.C.C. 1.16.070 and 1.16.080

SECTION 13. Ordinance 159, Section 6, as amended, and K.C.C. 1.16.060 are each hereby amended to read as follows:

Upon the filing by the prosecuting attorney of the ballot title for an initiative or referendum measure in that office, the department of elections ~~((division))~~ shall ~~((forthwith))~~ promptly notify the person~~((s))~~ proposing the measure, by mail, of the exact language ~~((thereof))~~ of the ballot title. ~~((Thereafter, such))~~ After the notification, the ballot title shall be the title of the measure in all proceedings in relation ~~((thereto))~~ to it.

SECTION 14. Ordinance 834, Section 1, as amended, and K.C.C. 1.16.100 are each hereby amended to read as follows:

~~((A.))~~ When petitions for initiative or referendum action are filed with the ~~((county))~~ council, the department of elections ~~((division))~~ shall proceed to canvass and count the names of the legal voters on the initiative or referendum~~((The division may use any))~~ using the random sampling statistical ~~((sampling techniques for this canvass that have been approved))~~ procedure authorized by ~~((the county council))~~ WAC 434-379-010. However, ~~((no))~~ a petition shall not be rejected on the basis of any statistical method employed~~((and no petition shall be accepted on the basis of any statistical method employed if that method indicates that the petition contains fewer than the requisite number of signatures of legal voters))~~. If the ~~((division))~~ department finds the same name signed to more than one petition, it shall count only the first valid signature and shall reject all subsequent instances of the signature of the same person on the petition. After the petitions are processed, the ~~((division))~~ department shall transmit a certified copy of the facts relating to the filing of the petition and the canvass to the ~~((county))~~ council.

~~((B. In the verification of signatures on initiative and referendum petitions, the elections division shall use the random sampling statistical procedure as authorized by WAC 434-379-010.))~~

SECTION 15. Ordinance 8024, Section 2, as amended, and K.C.C. 1.18.020 are each hereby amended to read as follows:

For the purpose of this chapter the following definitions are adopted:

A.1. To "alter" means to cause alteration. "Alteration" ~~((is))~~ means any change to a referendum or initiative petition ~~((which))~~ that occurs between the time the form and language of the petition are approved by

the clerk of the council and the time when signed petitions are returned to the clerk, with the exception of:

- a. ~~((F))~~the signatures and other information required of the petition signers; and
- b. ~~((N))~~normal wear and tear, so long as such wear and tear does not prevent one from reading all of

the approved language on the petition.

2. The following are representative examples of alteration:

- a. ~~((F))~~the addition of any unapproved language, either printed or handwritten;
- b. ~~((F))~~the crossing-out, covering or obscuring of approved language;
- c. ~~((F))~~the underlining or highlighting of any words or part of the petition; and
- d. ~~((F))~~the physical attachment to the petition by any means - for example, by stapling, taping,

gluing, or clipping - of any unapproved document.

3. Alteration is either permanent, that is, observable at the time the signed petitions are returned to the clerk of the council; or temporary, that is, occurring at any time during the solicitation of signatures for the petition but no~~((t))~~ longer observable when the signed petitions are returned to the clerk of the council.

B. The ~~(("canvassing"))~~ petition review board~~(("))~~ shall consist of the executive, the ~~((manager))~~ director of the department of elections ~~((division))~~ and the prosecuting attorney, or their respective designees. The powers and duties of the ~~((canvassing))~~ petition review board as set forth in this chapter are independent of any powers and duties created by ~~((Title 29A RCW or))~~ any ~~((other))~~ state statute.

SECTION 16. Ordinance 8024, Section 5, as amended, and K.C.C. 1.18.050 are each hereby amended to read as follows:

When signed petitions are filed with the council ~~((pursuant to))~~ under K.C.C. 1.16.100, the clerk of the council shall examine the petitions to determine whether they have been permanently altered. Any altered petition~~((s))~~ shall be retained by the clerk and not transmitted to the department of elections ~~((division))~~ for canvassing and counting. The clerk shall notify the petition sponsor or sponsors of this action and shall make the altered petitions available for inspection. The department of elections ~~((division))~~ shall incorporate the fact

that altered petitions were not counted in its certified copy of the facts filed ~~((pursuant to))~~ under K.C.C. 1.16.100.

SECTION 17. Ordinance 8024, Section 6, as amended, and K.C.C. 1.18.060 are each hereby amended to read as follows:

Before the department of elections ~~((division))~~ certifies the facts relating to the filing and canvass of an initiative petition ~~((pursuant to))~~ under K.C.C. 1.16.100, or before the expiration of forty-five days after enactment of the ordinance which is the subject of a referendum petition, a registered voter may allege that petitions have been temporarily altered. This allegation shall be made by filing with the clerk of the council an affidavit ~~((which))~~ that states the factual basis for the allegation. The clerk of the council shall transmit a copy of the affidavit to the ~~((elections division))~~ department, which shall proceed to count and canvass the names of the legal voters on the petitions transmitted to it by the clerk of the council. If the number of signatures ~~((which~~)) that would be valid if obtained on unaltered petitions is insufficient to satisfy the requirements of Section 230.40 or 230.50 of the King County Charter, then the ~~((elections division))~~ department shall certify the facts relating to the filing and canvass of the petition ~~((pursuant to))~~ as set forth in K.C.C. 1.16.100. If the number of signatures which would be valid if obtained on unaltered petitions satisfies the requirements of Section 230.40 or 230.50 of the King County Charter, then the ~~((elections division))~~ department shall transmit to the members of the ~~((canvassing))~~ petition review board both its count of the signatures and a copy of the affidavit alleging alteration.

SECTION 18. Ordinance 8024, Section 7, as amended, and K.C.C. 1.18.070 are each hereby amended to read as follows:

The members of the ~~((canvassing))~~ petition review board, upon receipt from the department of elections ~~((division))~~ of an affidavit alleging temporary alteration and a count of the signatures ~~((which))~~ that would be valid if obtained on unaltered petitions, shall convene a fact-finding hearing as follows:

A. The ~~((canvassing))~~ petition review board shall determine whether temporary alteration took place as

alleged, and, if so, shall determine whether the number of signatures invalidated by alteration reduces the number of signatures that can be counted below the requirements of Section 230.40 or 230.50 of the King County Charter.

B. The members of the ~~((canvassing))~~ petition review board must agree unanimously in order to invalidate signatures ~~((pursuant to))~~ under K.C.C. 1.18.040.

C. The parties to the hearing shall be the petition ~~((challenger or))~~ challengers and petition ~~((sponsor or))~~ sponsors. The petition ~~((challenger or))~~ challengers shall have the burden of proving the fact, nature and extent of the alteration by a preponderance of the evidence.

D. The hearing shall be electronically recorded.

E. The hearing shall commence no later than three days after the affidavit ~~((which))~~ that alleges alteration and the count of signatures is transmitted to the members of the ~~((canvassing))~~ petition review board, unless both the petition ~~((challenger or))~~ challengers and petition ~~((sponsor or))~~ sponsors agree upon a later date.

F. The prosecuting attorney or the prosecuting attorney's designee shall be responsible for scheduling the hearing, for giving timely notice of ~~((its))~~ the hearing date to the petition ~~((challenger or))~~ challengers and petition ~~((sponsor or))~~ sponsors~~((;))~~ and for making procedural rulings during the hearing. These procedural decisions of the prosecuting attorney or the prosecuting attorney's designee shall be subject to modification by majority vote of the ~~((canvassing))~~ petition review board.

G. The ~~((canvassing))~~ petition review board shall transmit its findings to the ~~((elections division))~~ department, which shall incorporate the findings into the certified copy of the facts filed ~~((pursuant to))~~ as set forth in K.C.C. 1.16.100

SECTION 19. Ordinance 8024, Section 8, as amended, and K.C.C. 1.18.080 are each hereby amended to read as follows:

The decision of the clerk of the council regarding permanent alteration and the decision of the ((

~~canvassing~~)) petition review board regarding temporary alteration shall be final unless an aggrieved petition challenger or sponsor both applies for a writ of certiorari with the superior court and serves a copy of the writ application on the clerk of the council within ten calendar days of the date the department of elections ((~~division~~)) files a certified copy of the facts ((~~pursuant to~~)) under K.C.C. 1.16.100.

SECTION 20. K.C.C. 1.18.100 is hereby decodified.

SECTION 21. Ordinance 17210, Section 1, and K.C.C. 2.18.100 are each hereby amended to read as follows:

A. The director of elections shall, each year, provide to the county council a report that contains information on elections. The report shall include:

1. Detailed costs of conducting and administering special, primary and general elections in the county. The format for this information shall be the same as the department of elections uses to tabulate costs for which it invoices jurisdictions for the costs of running and administering elections. The time series for the cost of elections shall be the most-recent ten years of data ending with a general election;

2. Voter turnout data for the most-recent ten years for all special, primary and general elections. The turnout data shall include the number of voters credited with voting as well as the percentage of active registered voters who were credited with voting; ((~~and~~))

3. Accuracy data as measured by ballot reconciliation figures including, but not limited to, those required by Washington state law to be reported to the Secretary of State. The time series for the accuracy data shall begin with the general election of 2005 and continue until there is a decade of data. When there is more than ten years of accuracy data, only the most-recent ten years shall be reported((~~-~~));

4. Information about voters' pamphlets, including the overall costs and costs to participating jurisdictions, level of local participation, impacts on election turnout, reception of the pamphlet by voters and participants and any other information necessary to an analysis of the program by the council; and

5. Information about developing trends in the elections department, which incorporates ongoing

reforms ((, and whereby staff and management are continuously looking for improvements to the administration of elections operations)) and continuous improvement programs.

B. The director of elections shall transmit to the council the report required by subsection A. of this section by March 31 of each year, filed in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers and the lead staff for the government accountability and oversight committee or its successor.

SECTION 22. Ordinance 12075, Section 8, as amended, and K.C.C. 2.36.030 are each hereby amended to read as follows:

A. As prescribed by RCW 3.38.010, there is established a justice court districting committee within King County with membership composed of the following:

1. A judge of the superior court selected by the judges of that court;
2. The prosecuting attorney or a deputy selected by him/her;
3. A practicing lawyer of the county selected by the president of the King County Bar Association;
4. A judge of an inferior court of the county selected by the president of the Washington State Magistrates Association; and
5. The mayor, or the mayor's representative, of each first, second and third class city of the county;
6. One person to represent the fourth class cities of the county, to be designated by the President of the Association of Washington Cities;
7. The executive; and
8. The ((county manager of the division)) director of elections.

B. Duties of the committee and standards for districting shall be as prescribed in chapter 3.38 RCW.

SECTION 23. Ordinance 15453, Section 4, as amended, and K.C.C. 2.53.031 are each hereby amended to read as follows:

The mission of the committee is to help King County restore and maintain public confidence in

elections. The committee shall make recommendations to the council to:

A. Improve performance of the elections division; and

B. Help ensure that accountability and performance of the department of elections ((~~division~~)) is provided in a transparent manner that is meaningful to the residents of King County.

SECTION 24. Ordinance 15453, Section 6, as amended, and K.C.C. 2.53.051 are each hereby amended to read as follows:

A. The council shall provide for appropriate staffing of the committee.

B. County staff in the department of executive services and the department of elections ((~~division~~)) shall provide information requested by the committee in a timely manner.

C. By March 31, 2009, the citizens' elections oversight committee shall evaluate the extent to which county elections operations have changed or improved over the previous four years and whether there is a need for an ongoing elections oversight committee. This evaluation shall be submitted to the clerk of the council. The council shall then make its own determination on the need for an ongoing elections oversight committee.

SECTION 25. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.