

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6122

61st Legislature
2009 Regular Session

Passed by the Senate April 26, 2009
YEAS 42 NAYS 5

President of the Senate

Passed by the House April 25, 2009
YEAS 90 NAYS 4

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 6122** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6122

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Prentice, Zarelli, and Brandland; by request of Secretary of State)

READ FIRST TIME 04/21/09.

1 AN ACT Relating to reducing costs of the elections division of the
2 office of the secretary of state; amending RCW 43.78.030, 29A.32.031,
3 29A.32.040, 29A.32.050, 29A.40.061, 29A.72.025, 29A.04.530, 29A.04.540,
4 29A.04.570, 43.07.310, and 29A.40.150; reenacting and amending RCW
5 29A.32.070; repealing RCW 29A.04.236 and 29A.04.245; and making
6 appropriations.

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

8 **Sec. 1.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read
9 as follows:

10 The public printer shall print and bind the session laws, the
11 journals of the two houses of the legislature, all bills, resolutions,
12 documents, and other printing and binding of either the senate or
13 house, as the same may be ordered by the legislature; and such forms,
14 blanks, record books, and printing and binding of every description as
15 may be ordered by all state officers, boards, commissions, and
16 institutions, and the supreme court, and the court of appeals and
17 officers thereof, as the same may be ordered on requisition, from time
18 to time, by the proper authorities. This section shall not apply to
19 the printing of the supreme court and the court of appeals reports, to

1 the printing of bond certificates or bond offering disclosure
2 documents, to the printing of educational publications of the state
3 historical societies, to voters' pamphlets printed by the secretary of
4 state, or to any printing done or contracted for by institutions of
5 higher education: PROVIDED, That institutions of higher education, in
6 consultation with the public printer, develop vendor selection
7 procedures comparable to those used by the public printer for
8 contracted printing jobs. Where any institution or institution of
9 higher learning of the state is or may become equipped with facilities
10 for doing such work, it may do any printing: (1) For itself, or (2)
11 for any other state institution when such printing is done as part of
12 a course of study relative to the profession of printer. Any printing
13 and binding of whatever description as may be needed by any institution
14 or agency of the state department of social and health services not at
15 Olympia, or the supreme court or the court of appeals or any officer
16 thereof, the estimated cost of which shall not exceed one thousand
17 dollars, may be done by any private printing company in the general
18 vicinity within the state of Washington so ordering, if in the judgment
19 of the officer of the agency so ordering, the saving in time and
20 processing justifies the award to such local private printing concern.

21 Beginning on July 1, 1989, and on July 1 of each succeeding odd-
22 numbered year, the dollar limit specified in this section shall be
23 adjusted as follows: The office of financial management shall
24 calculate such limit by adjusting the previous biennium's limit by an
25 appropriate federal inflationary index reflecting the rate of inflation
26 for the previous biennium. Such amounts shall be rounded to the
27 nearest fifty dollars.

28 **Sec. 2.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.
29 960) are each amended to read as follows:

30 The voters' pamphlet published or distributed under RCW 29A.32.010
31 must contain:

32 (1) Information about each measure for an advisory vote of the
33 people and each ballot measure initiated by or referred to the voters
34 for their approval or rejection as required by RCW 29A.32.070;

35 (2) In even-numbered years, statements, if submitted, (~~advocating~~
36 ~~the candidacies of nominees~~) from candidates for the office of
37 president and vice president of the United States, United States

1 senator, United States representative, governor, lieutenant governor,
2 secretary of state, state treasurer, state auditor, attorney general,
3 commissioner of public lands, superintendent of public instruction,
4 insurance commissioner, state senator, state representative, justice of
5 the supreme court, judge of the court of appeals, or judge of the
6 superior court. Candidates may also submit ~~((a))~~ campaign ~~((mailing
7 address and telephone number))~~ contact information and a photograph not
8 more than five years old ~~((and of a size and quality))~~ in a format that
9 the secretary of state determines to be suitable for reproduction in
10 the voters' pamphlet;

11 (3) In odd-numbered years, if any office voted upon statewide
12 appears on the ballot due to a vacancy, then statements and photographs
13 for candidates for any vacant office listed in subsection (2) of this
14 section must appear;

15 (4) ~~((In even-numbered years, a section explaining how voters may
16 participate in the election campaign process; the address and telephone
17 number of))~~ Contact information for the public disclosure commission
18 established under RCW 42.17.350; ~~((and a summary of the disclosure
19 requirements that apply when contributions are made to candidates and
20 political committees;~~

21 ~~(5) In even-numbered years the name, address, and telephone number
22 of each political party with nominees listed in the pamphlet, if filed
23 with the secretary of state by the state committee of a major political
24 party or the presiding officer of the convention of a minor political
25 party;~~

26 ~~(6) In each odd-numbered year immediately before a year in which a
27 president of the United States is to be nominated and elected,
28 information explaining the precinct caucus and convention process used
29 by each major political party to elect delegates to its national
30 presidential candidate nominating convention. The pamphlet must also
31 provide a description of the statutory procedures by which minor
32 political parties are formed and the statutory methods used by the
33 parties to nominate candidates for president;~~

34 ~~(7) An application form for an absentee ballot;~~

35 ~~(8))~~ (5) Contact information for major political parties;

36 (6) A brief statement explaining the deletion and addition of
37 language for proposed measures under RCW 29A.32.080; and

1 (~~(+9)~~) (7) Any additional information pertaining to elections as
2 may be required by law or in the judgment of the secretary of state is
3 deemed informative to the voters.

4 **Sec. 3.** RCW 29A.32.040 and 2003 c 111 s 804 are each amended to
5 read as follows:

6 (1) Explanatory statements prepared by the attorney general under
7 RCW 29A.32.070 (3) and (4) must be written in clear and concise
8 language, avoiding legal and technical terms when possible, and filed
9 with the secretary of state no later than the tenth day of August.

10 (2) When the explanatory statement for a measure initiated by
11 petition is filed with the secretary of state, the secretary of state
12 shall immediately provide the text of the explanatory statement to the
13 person proposing the measure and any others who have made written
14 request for notification of the exact language of the explanatory
15 statement. When the explanatory statement for a measure referred to
16 the ballot by the legislature is filed with the secretary of state, the
17 secretary of state shall immediately provide the text of the
18 explanatory statement to the presiding officer of the senate and the
19 presiding officer of the house of representatives and any others who
20 have made written request for notification of the exact language of the
21 explanatory statement.

22 (3) A person dissatisfied with the explanatory statement may appeal
23 to the superior court of Thurston County within five days of the filing
24 date. A copy of the petition and a notice of the appeal must be served
25 on the secretary of state and the attorney general. The court shall
26 examine the measure, the explanatory statement, and objections, and may
27 hear arguments. The court shall render its decision and certify to and
28 file with the secretary of state an explanatory statement it determines
29 will meet the requirements of this chapter.

30 The decision of the superior court is final, and its explanatory
31 statement is the established explanatory statement. The appeal must be
32 heard without costs to either party.

33 **Sec. 4.** RCW 29A.32.050 and 2003 c 111 s 805 are each amended to
34 read as follows:

35 The attorney general shall, by the (~~(first)~~) tenth day of (~~(July)~~)
36 August preceding each general election, prepare the explanatory

1 statements required (~~in~~) under RCW (~~(29A.52.340)~~) 29A.32.070 (3) and
2 (4). Such statements shall be prepared in clear and concise language
3 and shall avoid the use of legal and other technical terms insofar as
4 possible. Any person dissatisfied with the explanatory statement so
5 prepared may at any time within ten days from the filing thereof in the
6 office of the secretary of state appeal to the superior court of
7 Thurston county by petition setting forth the proposed state measure,
8 the explanatory statement prepared by the attorney general, and his or
9 her objection thereto and praying for the amendment thereof. A copy of
10 the petition and a notice of such appeal shall be served on the
11 secretary of state and the attorney general. The court shall, upon
12 filing of the petition, examine the proposed state measure, the
13 explanatory statement, and the objections thereto and may hear argument
14 thereon and shall, as soon as possible, render its decision and certify
15 to and file with the secretary of state such explanatory statement as
16 it determines will meet the requirement of RCW 29A.52.330, 29A.52.340,
17 and this section. The decision of the superior court shall be final
18 and its explanatory statement shall be the established explanatory
19 statement. Such appeal shall be heard without costs to either party.

20 **Sec. 5.** RCW 29A.32.070 and 2008 c 1 s 13 (Initiative Measure No.
21 960, approved November 6, 2007) are each reenacted and amended to read
22 as follows:

23 The secretary of state shall determine the format and layout of the
24 voters' pamphlet published under RCW 29A.32.010. The secretary of
25 state shall print the pamphlet in clear, readable type on a size,
26 quality, and weight of paper that in the judgment of the secretary of
27 state best serves the voters. The pamphlet must contain a table of
28 contents. (~~(Federal and state offices must appear in the pamphlet in~~
29 ~~the same sequence as they appear on the ballot.)) Measures and
30 arguments must be printed in the order specified by RCW 29A.72.290.~~

31 The voters' pamphlet must provide the following information for
32 each statewide issue on the ballot except measures for an advisory vote
33 of the people whose requirements are provided in subsection (11) of
34 this section:

- 35 (1) The legal identification of the measure by serial designation
36 or number;
- 37 (2) The official ballot title of the measure;

- 1 (3) A statement prepared by the attorney general explaining the law
2 as it presently exists;
- 3 (4) A statement prepared by the attorney general explaining the
4 effect of the proposed measure if it becomes law;
- 5 (5) The fiscal impact statement prepared under RCW (~~29.79.075~~)
6 29A.72.025;
- 7 (6) The total number of votes cast for and against the measure in
8 the senate and house of representatives, if the measure has been passed
9 by the legislature;
- 10 (7) An argument advocating the voters' approval of the measure
11 together with any statement in rebuttal of the opposing argument;
- 12 (8) An argument advocating the voters' rejection of the measure
13 together with any statement in rebuttal of the opposing argument;
- 14 (9) Each argument or rebuttal statement must be followed by the
15 names of the committee members who submitted them, and may be followed
16 by a telephone number that citizens may call to obtain information on
17 the ballot measure;
- 18 (10) The full text of the measure;
- 19 (11) Two pages shall be provided in the general election voters'
20 pamphlet for each measure for an advisory vote of the people under RCW
21 43.135.041 and shall consist of the serial number assigned by the
22 secretary of state under RCW 29A.72.040, the short description
23 formulated by the attorney general under RCW 29A.72.283, the tax
24 increase's most up-to-date ten-year cost projection, including a
25 year-by-year breakdown, by the office of financial management under RCW
26 43.135.031, and the names of the legislators, and their contact
27 information, and how they voted on the increase upon final passage so
28 they can provide information to, and answer questions from, the public.
29 For the purposes of this subsection, "names of legislators, and their
30 contact information" includes each legislator's position (senator or
31 representative), first name, last name, party affiliation (for example,
32 Democrat or Republican), city or town they live in, office phone
33 number, and office e-mail address.

34 **Sec. 6.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
35 read as follows:

- 36 (1) The county auditor shall issue an absentee ballot for the
37 primary or election for which it was requested, or for the next

1 occurring primary or election when ongoing absentee status has been
2 requested if the information contained in a request for an absentee
3 ballot or ongoing absentee status received by the county auditor is
4 complete and correct and the applicant is qualified to vote under
5 federal or state law. Otherwise, the county auditor shall notify the
6 applicant of the reason or reasons why the request cannot be accepted.
7 Whenever two or more candidates have filed for the position of precinct
8 committee officer for the same party in the same precinct, the contest
9 for that position must be presented to absentee voters from that
10 precinct by either including the contest on the regular absentee ballot
11 or a separate absentee ballot. The ballot must provide space
12 designated for writing in the name of additional candidates.

13 (2) A registered voter may obtain a replacement ballot if the
14 ballot is destroyed, spoiled, lost, or not received by the voter. The
15 voter may obtain the ballot by telephone request, by mail,
16 electronically, or in person. The county auditor shall keep a record
17 of each replacement ballot provided under this subsection.

18 ~~(3) ((A copy of the state voters' pamphlet must be sent to
19 registered voters temporarily outside the state, out-of-state voters,
20 overseas voters, and service voters along with the absentee ballot if
21 such a pamphlet has been prepared for the primary or election and is
22 available to the county auditor at the time of mailing.))~~ The county
23 auditor shall mail all absentee ballots and related material to voters
24 outside the territorial limits of the United States and the District of
25 Columbia under 39 U.S.C. 3406. If candidate and ballot measure
26 information is available on the web site of the county auditor or
27 secretary of state, the county auditor shall provide the appropriate
28 web site information with the ballot materials.

29 **Sec. 7.** RCW 29A.72.025 and 2004 c 266 s 4 are each amended to read
30 as follows:

31 The office of financial management, in consultation with the
32 secretary of state, the attorney general, and any other appropriate
33 state or local agency, shall prepare a fiscal impact statement for each
34 of the following state ballot measures: (1) An initiative to the
35 people that is certified to the ballot; (2) an initiative to the
36 legislature that will appear on the ballot; (3) an alternative measure
37 appearing on the ballot that the legislature proposes to an initiative

1 to the legislature; (4) a referendum bill referred to voters by the
2 legislature; and (5) a referendum measure appearing on the ballot.
3 Fiscal impact statements must be written in clear and concise language
4 ((and)), avoid legal and technical terms when possible, and be filed
5 with the secretary of state no later than the tenth day of August.
6 Fiscal impact statements may include easily understood graphics.

7 A fiscal impact statement must describe any projected increase or
8 decrease in revenues, costs, expenditures, or indebtedness that the
9 state or local governments will experience if the ballot measure were
10 approved by state voters. Where appropriate, a fiscal impact statement
11 may include both estimated dollar amounts and a description placing the
12 estimated dollar amounts into context. A fiscal impact statement must
13 include both a summary of not to exceed one hundred words and a more
14 detailed statement that includes the assumptions that were made to
15 develop the fiscal impacts.

16 Fiscal impact statements must be available online from the
17 secretary of state's web site and included in the state voters'
18 pamphlet. Additional information may be posted on the web site of the
19 office of financial management.

20 **Sec. 8.** RCW 29A.04.530 and 2006 c 206 s 1 are each amended to read
21 as follows:

22 The secretary of state shall:

23 (1) Establish and operate, or provide by contract, training and
24 certification programs for state and county elections administration
25 officials and personnel, including training on election laws, the
26 various types of election law violations, and discrimination(~~(, and~~
27 ~~training programs for political party observers which conform to the~~
28 ~~rules for such programs established under RCW 29A.04.630))~~);

29 (2) Administer tests for state and county officials and personnel
30 who have received such training and issue certificates to those who
31 have successfully completed the training and passed such tests;

32 (3) Maintain a record of those individuals who have received such
33 training and certificates; and

34 (4) Provide the staffing and support services required by the board
35 created under RCW 29A.04.510.

1 **Sec. 9.** RCW 29A.04.540 and 2003 c 111 s 152 are each amended to
2 read as follows:

3 A person having responsibility for the administration or conduct of
4 elections, other than precinct election officers, shall, within
5 eighteen months of undertaking those responsibilities, receive general
6 training regarding the conduct of elections and specific training
7 regarding their responsibilities and duties as prescribed by this title
8 or by rules adopted by the secretary of state under this title.
9 Included among those persons for whom such training is mandatory are
10 the following:

- 11 (1) Secretary of state elections division personnel;
12 (2) County elections administrators under RCW 36.22.220; and
13 (3) ~~((County canvassing board members;~~
14 ~~(4) Persons officially designated by each major political party as~~
15 ~~elections observers; and~~
16 ~~(5))~~) Any other person or group charged with election
17 administration responsibilities if the person or group is designated by
18 rule adopted by the secretary of state as requiring the training.

19 ~~((The secretary of state shall reimburse election observers in~~
20 ~~accordance with RCW 43.03.050 and 43.03.060 for travel expenses~~
21 ~~incurred to receive training required under subsection (4) of this~~
22 ~~section.))~~

23 Neither this section nor RCW 29A.04.530 may be construed as
24 requiring an elected official to receive training or a certificate of
25 training as a condition for seeking or holding elective office or as a
26 condition for carrying out constitutional duties.

27 **Sec. 10.** RCW 29A.04.570 and 2005 c 240 s 1 are each amended to
28 read as follows:

29 (1)(a) The election review staff of the office of the secretary of
30 state shall conduct a review of election-related policies, procedures,
31 and practices in an affected county or counties:

32 (i) If the unofficial returns of a primary or general election for
33 a position in the state legislature indicate that a mandatory recount
34 is likely for that position; or

35 (ii) If unofficial returns indicate a mandatory recount is likely
36 in a statewide election or an election for federal office.

1 Reviews conducted under (a)(ii) of this subsection shall be
2 performed in as many selected counties as time and staffing permit.
3 Reviews conducted as a result of mandatory recounts shall be performed
4 between the time the unofficial returns are complete and the time the
5 recount is to take place, if possible.

6 (b) In addition to conducting reviews under (a) of this subsection,
7 the election review staff shall also conduct such a review in a county
8 at least once (~~(in each three year period)~~) every five years, in
9 conjunction with a county primary or special or general election, at
10 the direction of the secretary of state or at the request of the county
11 auditor. If staffing or budget levels do not permit a (~~three~~) five-
12 year election cycle for reviews, then reviews must be done as often as
13 possible. If any resident of this state believes that an aspect of a
14 primary or election has been conducted inappropriately in a county, the
15 resident may file a complaint with the secretary of state. The
16 secretary shall consider such complaints in scheduling periodic reviews
17 under this section.

18 (c) Before an election review is conducted in a county, the
19 secretary of state shall provide the county auditor of the affected
20 county and the chair of the state central committee of each major
21 political party with notice that the review is to be conducted. When
22 a periodic review is to be conducted in a county at the direction of
23 the secretary of state under (b) of this subsection, the secretary
24 shall provide the affected county auditor not less than thirty days'
25 notice.

26 (2) Reviews shall be conducted in conformance with rules adopted
27 under RCW 29A.04.630. In performing a review in a county under this
28 chapter, the election review staff shall evaluate the policies and
29 procedures established for conducting the primary or election in the
30 county and the practices of those conducting it. As part of the
31 review, the election review staff shall issue to the county auditor and
32 the members of the county canvassing board a report of its findings and
33 recommendations regarding such policies, procedures, and practices. A
34 review conducted under this chapter shall not include any evaluation,
35 finding, or recommendation regarding the validity of the outcome of a
36 primary or election or the validity of any canvass of returns nor does
37 the election review staff have any jurisdiction to make such an
38 evaluation, finding, or recommendation under this title.

1 (3) The county auditor or the county canvassing board shall respond
2 to the review report in writing, listing the steps that will be taken
3 to correct any problems listed in the report. Within one year of
4 issuance of the response provided by the county auditor or county
5 canvassing board, the secretary of state shall (~~visit the county~~
6 ~~before the next state primary or general election to~~) verify that the
7 county has taken the steps (~~they listed~~) to correct the problems
8 noted in the report.

9 (4) The county auditor of the county in which a review is conducted
10 under this section or a member of the canvassing board of the county
11 may appeal the findings or recommendations of the election review staff
12 regarding the review by filing an appeal with the board created under
13 RCW 29A.04.510.

14 **Sec. 11.** RCW 43.07.310 and 2003 c 111 s 2303 are each amended to
15 read as follows:

16 The secretary of state, through the division of elections, is
17 responsible for the following duties, as prescribed by Title 29A RCW:

18 (1) The filing, verification of signatures, and certification of
19 state initiative, referendum, and recall petitions;

20 (2) The production and distribution of a state voters' pamphlet;

21 (3) The examination, testing, and certification of voting
22 equipment, voting devices, and vote-tallying systems;

23 (4) The administration, canvassing, and certification of the
24 presidential primary, state primaries, and state general elections;

25 (5) The administration of motor voter and other voter registration
26 and voter outreach programs;

27 (6) The training, testing, and certification of state and local
28 elections personnel as established in RCW 29A.04.530;

29 (~~(7) (The training of state and local party observers required by~~
30 ~~RCW 29A.04.540;~~

31 ~~(8))~~) The conduct of (~~(postelection)~~) reviews as established in RCW
32 29A.04.570; and

33 (~~(9))~~) (8) Other duties that may be prescribed by the legislature.

34 **Sec. 12.** RCW 29A.40.150 and 2006 c 206 s 7 are each amended to
35 read as follows:

36 (~~The secretary of state shall produce and furnish envelopes and~~

1 ~~instructions for overseas voters and service voters.))~~ The information
2 on the envelopes or instructions for overseas voters and service voters
3 must explain that:

4 (1) Return postage is free if the ballot is mailed through the
5 United States postal service, United States armed forces postal
6 service, or the postal service of a United States foreign embassy;

7 (2) The date of the signature is considered the date of mailing;

8 (3) The envelope must be signed by election day;

9 (4) The signed declaration on the envelope is the equivalent of
10 voter registration;

11 (5) A voter may fax a voted ballot and the accompanying envelope if
12 the voter agrees to waive secrecy. The ballot will be counted if the
13 original documents are received before certification of the election;
14 and

15 (6) A voter may obtain a ballot via electronic mail, which the
16 voter may print out, vote, and return by mail. In order to facilitate
17 the electronic acquisition of ballots by overseas and service voters,
18 the ballot instructions shall include the web site of the office of the
19 secretary of state.

20 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 29A.04.236 (Manual of election laws and rules) and 2005 c
23 244 s 1; and

24 (2) RCW 29A.04.245 (Voter guide) and 2003 c 111 s 140 & 2001 c 41
25 s 4.

26 NEW SECTION. **Sec. 14.** The sums of eighty thousand dollars for the
27 fiscal year ending June 30, 2010, and eighty thousand dollars for the
28 fiscal year ending June 30, 2011, or so much thereof as may be
29 necessary, are appropriated from the state general fund to the office
30 of the secretary of state solely for legal advertising under RCW
31 29A.52.330.

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