
SECOND SUBSTITUTE SENATE BILL 5576

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senator Drew; by request of Governor Lowry)

Read first time 03/06/95.

1 AN ACT Relating to fair campaign practices; amending RCW 42.17.130,
2 42.17.128, 29.85.060, 42.17.680, 29.15.020, 29.80.010, 29.80.020,
3 29.80.030, 29.80.040, 29.80.080, 43.07.310, 29.81A.010, 29.81.010,
4 29.80.090, and 42.17.132; adding a new section to chapter 42.17 RCW;
5 adding a new section to chapter 29.80 RCW; creating a new section;
6 repealing RCW 29.80.050 and 29.80.060; and providing an effective date.

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

8

USE OF PUBLIC RESOURCES

9 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
10 read as follows:

11 USE OF PUBLIC RESOURCES FOR LOCAL GOVERNMENT POLITICAL CAMPAIGNS.
12 No elective local government official nor any employee of his or her
13 office nor any person appointed to or employed by any local government
14 public office or agency may use or authorize the use of any of the
15 facilities of a public office or agency, directly or indirectly, for
16 the purpose of assisting a campaign for election of any person to any
17 office or for the promotion of or opposition to any ballot proposition.
18 Knowing acquiescence by a person with authority to direct, control, or

1 influence the actions of the local government official or employee
2 using public resources in violation of this section constitutes a
3 violation of this section. Facilities of public office or agency
4 include, but are not limited to, use of stationery, postage, machines,
5 and equipment, use of employees of the office or agency during working
6 hours, vehicles, office space, publications of the office or agency,
7 and clientele lists of persons served by the office or agency(~~+~~
8 ~~PROVIDED, That~~)). ~~The ((foregoing))~~ provisions of this section shall
9 not apply to the following activities:

10 (1) Action taken at an open public meeting by members of an elected
11 local government legislative body to express a collective decision, or
12 to actually vote upon a motion, proposal, resolution, order, or
13 ordinance, or to support or oppose a ballot proposition so long as (a)
14 any required notice of the meeting includes the title and number of the
15 ballot proposition, and (b) members of the legislative body or members
16 of the public are afforded an approximately equal opportunity for the
17 expression of an opposing view;

18 (2) A statement by an elected local government official in support
19 of or in opposition to any ballot proposition at an open press
20 conference or in response to a specific inquiry. For the purposes of
21 this subsection, it is not a violation of this section for an elected
22 local government official to respond to an inquiry regarding a ballot
23 proposition, to make incidental remarks concerning a ballot proposition
24 in an official communication, or otherwise comment on a ballot
25 proposition without an actual, measurable expenditure of public funds.
26 Measurable expenditure has the meaning adopted by rule under RCW
27 42.52.180;

28 (3) Activities which are part of the normal and regular conduct of
29 the office or agency.

30 **LOCAL CAMPAIGNS**

31 **Sec. 2.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
32 as follows:

33 PUBLIC CAMPAIGN FINANCING. Public funds, whether derived through
34 taxes, fees, penalties, or any other sources, shall not be used to
35 finance political campaigns for state (~~or local~~) office.

1 upon the written request of the employee. The request must be made on
2 a form prescribed by the commission informing the employee of the
3 prohibition against employer and labor organization discrimination
4 described in subsection (2) of this section. The request is valid for
5 no more than twelve months from the date it is made by the employee.

6 (4) Each person or entity who withholds contributions under
7 subsection (3) of this section shall maintain open for public
8 inspection for a period of no less than three years, during normal
9 business hours, documents and books of accounts that shall include a
10 copy of each employee's request, the amounts and dates funds were
11 actually withheld, and the amounts and dates funds were transferred to
12 a political committee. Copies of such information shall be delivered
13 to the commission upon request.

14 **VOTERS' AND CANDIDATES' PAMPHLET**

15 **Sec. 6.** RCW 29.15.020 and 1990 c 59 s 81 are each amended to read
16 as follows:

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

22 (1) Offices that are scheduled to be voted upon for full terms or
23 both full terms and short terms at, or in conjunction with, a state
24 general election; and

25 (2) Offices where a vacancy, other than a short term, exists that
26 has not been filled by election and for which an election to fill the
27 vacancy is required in conjunction with the next state general
28 election.

29 This section supersedes all other statutes that provide for a
30 different filing period for these offices.

31 **Sec. 7.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to read
32 as follows:

33 (1) As soon as possible before each state primary and state general
34 election ((at which federal or state officials are to be elected)) in
35 an even-numbered year, the secretary of state shall publish and mail to
36 each individual place of residence of the state a ((candidates'))

1 pamphlet containing photographs and campaign statements of eligible
2 candidates or nominees who ~~((desire to participate therein))~~ submit a
3 statement, or a statement and a photograph, together with a campaign
4 mailing address and telephone number submitted by the candidate or
5 nominee ~~((at the nominee's option, and))~~.

6 (2) In even-numbered years ~~((containing))~~ the state general
7 election pamphlet must include a description of the office of precinct
8 committee officer and its duties ~~((, in order that voters will~~
9 ~~understand that the office is a state office and will be found on the~~
10 ~~ballot of the forthcoming general election))~~.

11 (3) In odd-numbered years ~~((no candidates'))~~ the secretary of state
12 shall publish a candidates pamphlet ~~((may be published unless))~~ for the
13 state primary and state general election only if an election is to be
14 held to fill a vacancy in one or more of the following ~~((state-wide~~
15 ~~elective))~~ offices: United States senator, governor, lieutenant
16 governor, secretary of state, state treasurer, state auditor, attorney
17 general, superintendent of public instruction, commissioner of public
18 lands, insurance commissioner, or justice of the supreme court.

19 **Sec. 8.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read
20 as follows:

21 (1) At a time or times to be determined by the secretary of state,
22 ~~((but in any event not later than forty five days before the applicable~~
23 ~~state general election,))~~ each candidate or nominee for the office of
24 president and vice-president, United States senator, United States
25 representative, governor, lieutenant governor, secretary of state,
26 state treasurer, state auditor, attorney general, superintendent of
27 public instruction, commissioner of public lands, insurance
28 commissioner, state senator, state representative, justice of the
29 supreme court, judge of the court of appeals, or judge of the superior
30 court may file with the secretary of state a written statement
31 advocating his or her candidacy accompanied by the campaign mailing
32 address and telephone number submitted by the candidate or nominee ~~((at~~
33 ~~the nominee's option))~~, and a photograph not more than five years old
34 and of a size and quality that the secretary of state determines to be
35 suitable for reproduction in the ~~((voters'))~~ pamphlet.

36 (2) The maximum number of words for the statements shall be
37 determined according to the offices sought as follows: State
38 representative, one hundred words; state senator, judge of the superior

1 court, judge of the court of appeals, justice of the supreme court, and
2 all state offices voted upon throughout the state, except that of
3 governor, two hundred words; president and vice-president, United
4 States senator, United States representative, and governor, three
5 hundred words. (~~No such statement or photograph may be printed in the~~
6 ~~candidates' pamphlet for any person who is the sole nominee for any~~
7 ~~nonpartisan or judicial office.~~)

8 **Sec. 9.** RCW 29.80.030 and 1979 ex.s. c 57 s 4 are each amended to
9 read as follows:

10 (1) The secretary of state shall reject any statement offered for
11 filing, (~~which, in his~~) that, in the secretary's opinion, contains
12 any obscene, profane, libelous or defamatory matter, or any language or
13 matter, the circulation of which through the mails is prohibited by
14 congress. (~~Nor shall any~~) No candidate or nominee may submit a
15 photograph showing the uniform or insignia of any organization
16 (~~which~~) that advocates or teaches racial or religious intolerance.

17 (2) Within five days after (~~such~~) the rejection of a statement
18 under this section, the person(~~s~~) submitting (~~such~~) the statement
19 for filing may appeal to (~~a board of review, consisting of the~~
20 ~~superintendent of public instruction, attorney general and the~~
21 ~~lieutenant governor. The decision of such board shall be final upon~~
22 ~~the acceptance or rejection of the matter thus in controversy~~) the
23 secretary of state. The office of administrative hearings shall
24 adjudicate the appeal under RCW 34.05.413 through 34.05.476.

25 **Sec. 10.** RCW 29.80.040 and 1984 c 54 s 3 are each amended to read
26 as follows:

27 The candidates' or nominees' statements, photographs, and the
28 addresses and telephone numbers submitted by them (~~as set forth in RCW~~
29 ~~29.80.010 and 29.80.020~~) shall be published by the secretary of state
30 as a (~~candidates'~~) pamphlet, the printing of which shall be completed
31 as soon as possible before the state primary or state general election
32 (~~concerned~~). The overall dimensions of the pamphlet shall be
33 determined by the secretary of state as those which in the secretary's
34 judgment best serve the voters, and whenever possible before the
35 applicable state general election, the candidates' (~~pamphlet~~)
36 statement and photograph shall be combined with the voters' pamphlet as
37 a single publication.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 29.80 RCW
2 to read as follows:

3 The secretary of state shall allocate space in the pamphlet to
4 candidates or nominees according to the respective offices sought.
5 Candidates or nominees will equally share prorated space based on the
6 number of words allowed in the statement for that office under RCW
7 29.80.020.

8 **Sec. 12.** RCW 29.80.080 and 1981 c 243 s 1 are each amended to read
9 as follows:

10 Before the applicable state primary and state general election, the
11 secretary of state shall mail without charge taped transcripts of the
12 (~~candidates~~) pamphlet to any requesting blind person or organization
13 representing the blind. Braille transcripts may also be mailed by the
14 secretary of state to such persons or organizations. Availability of
15 these transcripts shall be publicized by the secretary of state through
16 public service announcements and other appropriate means.

17 **Sec. 13.** RCW 43.07.310 and 1992 c 163 s 2 are each amended to read
18 as follows:

19 VOTERS' PAMPHLET--ELECTRONIC. The secretary of state, through the
20 division of elections, is responsible for the following duties, as
21 prescribed by Title 29 RCW:

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

24 (2)(a) The production and distribution of a state voters' and
25 candidates' pamphlet for the state primary and general election;

26 (b) In addition to the written pamphlet, the secretary of state may
27 produce the state voters' and candidates' pamphlet in electronic
28 format. If the secretary of state produces the pamphlet in video
29 format, closed captioning shall be used;

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

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

34 (5) The administration of motor voter and other voter registration
35 and voter outreach programs;

36 (6) The training, testing, and certification of state and local
37 elections personnel as established in RCW 29.60.030;

1 (7) The training of state and local party observers required by RCW
2 29.60.040;

3 (8) The conduct of postelection reviews as established in RCW
4 29.60.070; and

5 (9) Other duties that may be prescribed by the legislature.

6 **Sec. 14.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to
7 read as follows:

8 At least ninety days before any primary or general election, or at
9 least forty days before any special election held under RCW 29.13.010
10 or 29.13.020, the legislative authority of any county or first-class or
11 code city may adopt an ordinance authorizing the publication, in
12 printed or electronic format or both, and distribution of a local
13 voters' pamphlet. The pamphlet shall provide information on all
14 measures within that jurisdiction and may, if specified in the
15 ordinance, include information on candidates within that jurisdiction.
16 If both a county and a first-class or code city within that county
17 authorize a local voters' pamphlet for the same election, the pamphlet
18 shall be produced jointly by the county and the first-class or code
19 city. If no agreement can be reached between the county and first-
20 class or code city, the county and first-class or code city may each
21 produce a pamphlet. Any ordinance adopted authorizing a local voters'
22 pamphlet may be for a specific primary, special election, or general
23 election or for any future primaries or elections. The format of any
24 local voters' pamphlet shall, whenever applicable, comply with the
25 provisions of chapters 29.80 and 29.81 RCW regarding the publication of
26 the state candidates' and voters' pamphlets.

27 **Sec. 15.** RCW 29.81.010 and 1984 c 54 s 4 are each amended to read
28 as follows:

29 IDENTIFICATION OF ADVOCATES. The voters' pamphlet shall contain as
30 to each state measure to be voted upon, the following in the order set
31 forth in this section:

32 (1) Upon the top portion of the first two opposing pages relating
33 to the measure and not exceeding one-third of the total printing area
34 shall appear:

35 (a) The legal identification of the measure by serial designation
36 and number;

37 (b) The official ballot title of the measure;

- 1 (c) A brief statement explaining the law as it presently exists;
2 (d) A brief statement explaining the effect of the proposed measure
3 should it be approved into law;
4 (e) The total number of votes cast for and against the measure in
5 both the state senate and house of representatives if the measure has
6 been passed by the legislature;
7 (f) A heavy double ruled line across both pages to clearly set
8 apart the above items from the remaining text.

9 (2) Upon the lower portion of the left page of the two facing pages
10 shall appear an argument advocating the voters' approval of the measure
11 together with any rebuttal statement of the opposing argument as
12 provided in RCW 29.81.030, 29.81.040, or 29.81.050.

13 (3) Upon the lower portion of the right hand page of the two facing
14 pages shall appear an argument advocating the voters' rejection of the
15 measure together with any rebuttal statement of the opposing argument
16 as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

17 (4) Following each argument or rebuttal statement each member of
18 the committee advocating for or against a measure shall be listed in
19 bold face capital letters by name and address to the end that the
20 public shall be fully apprised of the advocate's identity. Also,
21 following each argument or rebuttal statement, the secretary of state
22 shall list, at the option of the committee that submitted the argument
23 or statement, a telephone number that citizens may call in order to
24 obtain information on the ballot measure.

25 (5) At the conclusion of the pamphlet the full text of each of the
26 measures shall appear. The text of the proposed constitutional
27 amendments shall be set forth in the form provided for in RCW
28 29.81.080.

29 **Sec. 16.** RCW 29.80.090 and 1984 c 54 s 7 are each amended to read
30 as follows:

31 PUBLIC DISCLOSURE COMMISSION SERVICES. In addition to other
32 contents included in the candidates' pamphlet, the secretary of state
33 shall prepare and include a section containing (1) a brief explanation
34 of how voters may participate in the election campaign process; (2) the
35 name, address, and telephone number of each political party that has
36 one or more nominees listed in the candidates' pamphlet, but this
37 information shall be included in the candidates' pamphlet only if and
38 as filed with the secretary of state by the state committee of a major

1 political party or the presiding officer of the convention of a minor
2 political party; (3) the address and telephone number of the public
3 disclosure commission established under RCW 42.17.350 and a description
4 of the services available through the public disclosure commission; (4)
5 a summary of the disclosure requirements that apply when contributions
6 are made to candidates and political committees; and (5) an explanation
7 of the federal income tax credits and deductions that are available to
8 persons who make such contributions. Whenever the candidates' pamphlet
9 is combined with the voters' pamphlet, the section shall be placed at
10 or near the beginning of the combined publication.

11 NEW SECTION. **Sec. 17.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 29.80.050 and 1971 ex.s c 145 s 3 & 1965 c 9 s 29.80.050;
14 and

15 (2) RCW 29.80.060 and 1965 c 9 s 29.80.060.

16 **NEWSLETTERS**

17 **Sec. 18.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read
18 as follows:

19 During the twelve-month period preceding the expiration of a state
20 legislator's term in office, no incumbent to that office may mail to a
21 constituent at public expense a letter, newsletter, brochure, or other
22 piece of literature that is not in direct response to that
23 constituent's request for a response or for information. However, one
24 mailing mailed within thirty days after the start of a regular
25 legislative session and one mailing mailed within sixty days after the
26 end of a regular legislative session of identical newsletters to
27 constituents are permitted. In addition, an incumbent legislator who
28 is elected or reelected to either house of the legislature may send out
29 one mailing after certification of the election results and before
30 beginning the new term of office. A violation of this section
31 constitutes use of the facilities of a public office for the purpose of
32 assisting a campaign under RCW (~~42.17.130~~) 42.52.180.

33 The house of representatives and senate shall specifically limit
34 expenditures per member for the total cost of mailings, including but
35 not limited to production costs, printing costs, and postage.

MISCELLANEOUS

1

2 NEW SECTION. **Sec. 19.** CAPTIONS AND HEADINGS. Captions and
3 headings as used in this act constitute no part of the law.

4 NEW SECTION. **Sec. 20.** This act shall take effect December 1,
5 1995.

6 NEW SECTION. **Sec. 21.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

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