

# HOUSE OF REPRESENTATIVES

Olympia, Washington

## Bill Analysis

Bill No. SB 5643

Revising the state voters pamphlet.

Brief title

Hearing Date 3/23/99

Senator Gardner Horn and McDonald

Sponsor (s)

Staff Steve Lundin

State Government Committee

Phone 786-7127

### BACKGROUND:

Separate law requires the Secretary of State to prepare state candidates' voters' pamphlets and distribute the pamphlets to each place of residence in the state. Whenever possible, the state candidates' pamphlet is combined with the state voters' pamphlet. Taped transcripts and Braille transcripts of the pamphlets are distributed.

The Secretary of State is authorized to promulgate rules relating to candidates' voters' pamphlets. The Secretary of State is authorized to delete material from a pamphlet that is obscene, defamatory, or as well as any language that may not be circulated through the mails.

#### 1. Candidates' pamphlets.

Candidates' pamphlets prepared with information each federal and state office included on the ballot are generally called "odd-numbered" information for the following offices included on candidates' pamphlets: President, Vice President, United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of State, Attorney General, Commissioner of Public Lands, Superintendent of Public Instruction, Insurance Commissioner, State Treasurer, State Auditor, Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge. A state candidates' pamphlet "odd-numbered" also includes descriptions of precinct committee officers. Major political parties are not to have their officials appear on the upcoming general election ballot.

A state candidates' pamphlet is only prepared for a general election "odd-numbered" for a vacancy statewide office held in the election.

Statements in the candidates' pamphlet by nominees for all offices are included, whether for president or vice president, to be accompanied by a fee ranging from \$200 for a candidate for Governor or for Congress, \$25 for a candidate for the House of Representatives.

## 2. Voters pamphlets.

A voters pamphlet prepared for any election when state ballot measures placed before voters and included on the state wide ballot, including the text of the measure, explanatory statements by the Attorney General for and against the measure, are composed by separate committees appointed to write these arguments. Voters pamphlets in odd-numbered years also includes sections explaining precinct system and convention processes by each major political party and state presidential and gubernatorial candidates.

### SUMMARY:

Statutes relating to voters pamphlets and candidate pamphlets repealed and replaced with single act of law providing voters pamphlets contain information on state wide ballot positions and nominees for state office. The basic requirements for state law are retained, as follows:

1) Pamphlets be available to the public in electronic form. The Secretary of State may provide the material in electronic form on computer networks and similar services at the cost of reproduction or transmission of data.

2) Nominees are no longer required to pay fees when filing their statements.

3) The maximum number of persons who may be appointed to committees to prepare arguments for or against state wide measures increased to three persons.

4) More clearly authorized the Secretary of State to determine the format and layout of the pamphlets. Some statutory details about the layout of pamphlets no longer included in statute.

5) Two different procedures created to determine which matters may be revised or deleted from the pamphlet. In the Secretary of State's office, revising or deleting a general submitted inclusion or argument statement that the Secretary of State determines to be profane, libelous or defamatory:

(a) The Secretary of State may petition the Thurston County Superior Court to determine if material should be deleted, revised or if obscene or otherwise prohibited from being distributed through the mail, and the court may order that the deleted, revised or if it concludes obscene or prohibited from being distributed through the mail and

(b) A person whose name has been defamed may appeal to the Thurston County Superior Court and the court may order that the deleted, revised or if it concludes untrue and the petition is not in violation of a defamation action. The Secretary of State may notify a person about being identified in an argument statement, but a duty is not established to make this notification. The state and Secretary of State do not incur liability for matters included in the statement or argument unless the Secretary of State publishes a statement or argument in violation of a court order.

6) A photograph submitted by a nominee for inclusion in the pamphlet may not reveal anything

orins suggest the holding of a public office.

**FISCAL NOTE:** Available.

**EFFECTIVE DATE:** Ninety days after adjournment of session which bill passed.