
HOUSE BILL 2747

State of Washington

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By Representatives McDermott, Romero, Schmidt, Upthegrove, Miloscia, Kagi, Dickerson, Dunshee, Edwards, Ogden, Morris, Lysen, Chase, Linville, Conway, Santos and Kenney

Read first time 01/25/2002. Referred to Committee on State Government.

1 AN ACT Relating to fiscal information on ballot measures; amending
2 RCW 29.81.240, 29.81.250, 29.81.280, 29.81.290, and 29.81.310; and
3 adding a new section to chapter 29.79 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW
6 to read as follows:

7 (1) The office of financial management, in consultation with the
8 secretary of state, the department of revenue, other state agencies,
9 selected local governments and associations of local governments, and
10 legislative fiscal staff, when appropriate, shall prepare a fiscal
11 impact statement for each:

12 (a) Initiative to the people certified for the ballot under RCW
13 29.79.230;

14 (b) Initiative to the legislature certified for the ballot under
15 RCW 29.79.270;

16 (c) Alternative measure certified for the ballot under RCW
17 29.79.280;

18 (d) Referendum bill referred to voters by the legislature under RCW
19 29.79.250; and

1 (e) Referendum measure certified for the ballot under RCW
2 29.79.230.

3 (2) Each fiscal impact statement must describe any projected
4 increases or decreases in revenues, costs, expenditures, or
5 indebtedness that the state and local governments will experience if
6 the ballot measure is approved by voters. The fiscal impact statement
7 must include a summary not exceeding one hundred words and a more
8 detailed statement that includes the assumptions that were made to
9 develop the fiscal impacts. The fiscal impact statement must be
10 written in clear and concise language and avoid legal and technical
11 terms when possible, and may include easy to understand graphics.
12 Where appropriate, the fiscal impact statement may include both
13 estimated dollar amounts and a description placing the estimated dollar
14 amounts into context.

15 **Sec. 2.** RCW 29.81.240 and 1999 c 260 s 4 are each amended to read
16 as follows:

17 Committees shall write and submit arguments advocating the approval
18 or rejection of each statewide ballot issue ~~((and))~~, rebuttals of those
19 arguments, and statements responding to each fiscal impact statement
20 prepared by the office of financial management. The secretary of
21 state, the presiding officer of the senate, and the presiding officer
22 of the house of representatives shall appoint the initial two members
23 of each committee. In making these committee appointments the
24 secretary of state and presiding officers of the senate and house of
25 representatives shall consider legislators, sponsors of initiatives and
26 referendums, and other interested groups known to advocate or oppose
27 the ballot measure.

28 The initial two members may select up to four additional members,
29 and the committee shall elect a chairperson. The remaining committee
30 member or members may fill vacancies through appointment.

31 After the committee submits its initial ~~((argument statements))~~
32 arguments advocating the approval or rejection of the ballot measure to
33 the secretary of state, the secretary of state shall transmit the
34 ~~((statements))~~ arguments to the opposite committee. The opposite
35 committee may then prepare rebuttal arguments. Rebuttals may not
36 interject new points.

37 The voters' pamphlet may contain only argument statements prepared
38 according to this section. Arguments may contain graphs and charts

1 supported by factual statistical data and pictures or other
2 illustrations. Cartoons or caricatures are not permitted.

3 **Sec. 3.** RCW 29.81.250 and 1999 c 260 s 5 are each amended to read
4 as follows:

5 The secretary of state shall determine the format and layout of the
6 voters' pamphlet. The secretary of state shall print the pamphlet in
7 clear, readable type on a size, quality, and weight of paper that in
8 the judgment of the secretary of state best serves the voters. The
9 pamphlet must contain a table of contents. Federal and state offices
10 must appear in the pamphlet in the same sequence as they appear on the
11 ballot. Measures and arguments must be printed in the order specified
12 by RCW 29.79.300.

13 The voters' pamphlet must provide the following information for
14 each statewide issue on the ballot:

15 (1) The legal identification of the measure by serial designation
16 or number;

17 (2) The official ballot title of the measure;

18 (3) A statement prepared by the attorney general explaining the law
19 as it presently exists;

20 (4) A statement prepared by the attorney general explaining the
21 effect of the proposed measure if it becomes law;

22 (5) A summary prepared by the office of financial management
23 explaining the fiscal impact of the proposed measure if it becomes law,
24 not to exceed one hundred words;

25 (6) The total number of votes cast for and against the measure in
26 the senate and house of representatives, if the measure has been passed
27 by the legislature;

28 ~~((+6))~~ (7) An argument advocating the voters' approval of the
29 measure together with any statement in rebuttal of the opposing
30 argument;

31 ~~((+7))~~ (8) An argument advocating the voters' rejection of the
32 measure together with any statement in rebuttal of the opposing
33 argument;

34 ~~((+8))~~ (9) A statement from each committee responding to the
35 fiscal impact statement prepared by the office of financial management;

36 (10) Each argument ~~((or)),~~ rebuttal statement, and response
37 statement must be followed by the names of the committee members who

1 submitted them, and may be followed by a telephone number that citizens
2 may call to obtain information on the ballot measure;

3 ((+9)) (11) The full text of each measure.

4 **Sec. 4.** RCW 29.81.280 and 1999 c 260 s 8 are each amended to read
5 as follows:

6 (1) If in the opinion of the secretary of state any argument or
7 statement offered for inclusion in the voters' pamphlet in support of
8 or opposition to a measure or candidate, or in response to a fiscal
9 impact statement, contains obscene matter or matter that is otherwise
10 prohibited by law from distribution through the mail, the secretary may
11 petition the superior court of Thurston County for a judicial
12 determination that the argument or statement may be rejected for
13 publication or edited to delete the matter. The court shall not enter
14 such an order unless it concludes that the matter is obscene or
15 otherwise prohibited for distribution through the mail.

16 (2)(a) A person who believes that he or she may be defamed by an
17 argument or statement offered for inclusion in the voters' pamphlet in
18 support of or opposition to a measure or candidate may petition the
19 superior court of Thurston County for a judicial determination that the
20 argument or statement may be rejected for publication or edited to
21 delete the defamatory ~~((statement))~~ matter.

22 (b) The court shall not enter such an order unless it concludes
23 that the argument or statement is untrue and that the petitioner has a
24 very substantial likelihood of prevailing in a defamation action.

25 (c) An action under this subsection (2) must be filed and served no
26 later than the tenth day after the deadline for the submission of the
27 argument or statement to the secretary of state.

28 (d) If the secretary of state notifies a person named or identified
29 in an argument or statement of the contents of the argument or
30 statement within three days after the deadline for submission to the
31 secretary, then neither the state nor the secretary is liable for
32 damages resulting from publication of the argument or statement unless
33 the secretary publishes the argument or statement in violation of an
34 order entered under this section. Nothing in this section creates a
35 duty on the part of the secretary of state to identify, locate, or
36 notify the person.

37 (3) Parties to a dispute under this section may agree to resolve
38 the dispute by rephrasing the argument or statement, even if the

1 deadline for submission to the secretary has elapsed, unless the
2 secretary determines that the process of publication is too far
3 advanced to permit the change. The secretary shall promptly provide
4 any such revision to any committee entitled to submit a rebuttal
5 argument. If that committee has not yet submitted its rebuttal, its
6 deadline to submit a rebuttal is extended by five days. If it has
7 submitted a rebuttal, it may revise it to address the change within
8 five days of the filing of the revised argument with the secretary.

9 (4) In an action under this section the committee or candidate must
10 be named as a defendant, and may be served with process by certified
11 mail directed to the address contained in the secretary's records for
12 that party. The secretary of state shall be a nominal party to an
13 action brought under subsection (2) of this section, solely for the
14 purpose of determining the content of the voters' pamphlet. The
15 superior court shall give such an action priority on its calendar.

16 **Sec. 5.** RCW 29.81.290 and 1999 c 260 s 9 are each amended to read
17 as follows:

18 (1) An argument or statement submitted to the secretary of state
19 for publication in the voters' pamphlet is not available for public
20 inspection or copying until:

21 (a) In the case of candidate statements, (i) all statements by all
22 candidates who have filed for a particular office have been received,
23 except those who informed the secretary that they will not submit
24 statements, or (ii) the deadline for submission of statements has
25 elapsed;

26 (b) In the case of arguments supporting or opposing a measure, (i)
27 the arguments on both sides have been received, unless a committee was
28 not appointed for one side, or (ii) the deadline for submission of
29 arguments has elapsed; ~~((and))~~

30 (c) In the case of rebuttal arguments, (i) the rebuttals on both
31 sides have been received, unless a committee was not appointed for one
32 side, or (ii) the deadline for submission of arguments has elapsed; and

33 (d) In the case of statements written in response to fiscal impact
34 statements, (i) the statements on both sides have been received, unless
35 a committee was not appointed for one side, or (ii) the deadline for
36 submission of statements has elapsed.

37 (2) Nothing in this section prohibits the secretary from releasing
38 information under RCW 29.81.280(2)(d).

1 **Sec. 6.** RCW 29.81.310 and 1999 c 260 s 11 are each amended to read
2 as follows:

3 (1) The maximum number of words for statements submitted by
4 candidates is as follows: State representative, one hundred words;
5 state senator, judge of the superior court, judge of the court of
6 appeals, justice of the supreme court, and all state offices voted upon
7 throughout the state, except that of governor, two hundred words;
8 president and vice-president, United States senator, United States
9 representative, and governor, three hundred words.

10 (2) Arguments written by committees under RCW ((29.81.230))
11 29.81.240 may not exceed two hundred fifty words in length.

12 (3) Rebuttal arguments written by committees may not exceed
13 seventy-five words in length.

14 (4) Statements from committees responding to fiscal impact
15 statements may not exceed seventy-five words in length.

16 (5) The secretary of state shall allocate space in the pamphlet
17 based on the number of candidates or nominees for each office.

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