
SENATE BILL 6706

State of Washington 57th Legislature

2002 Regular Session

By Senators Swecker, Carlson, Hewitt, McDonald, Gardner, Keiser, Costa, Winsley, Oke and Hale

Read first time 01/28/2002. Referred to Committee on State & Local Government.

1 AN ACT Relating to public hearings on ballot measures; amending RCW
2 43.07.030, 29.81.220, 42.17.130, and 42.52.180; adding a new section to
3 chapter 43.07 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that an active,
6 informed electorate provides a strong foundation for a democratic
7 republic and as such, efforts to fully inform voters are critical to
8 sustain our democratic form of government. The initiative process, a
9 constitutional embodiment of an active electorate, is cherished by
10 Washington's independent-minded citizens. Recent initiative history
11 demonstrates the willingness of the public to exercise their
12 constitutional right to legislate by initiative. The legislature finds
13 that as the state officer with the responsibility of certifying
14 initiatives to the ballot, the secretary of state should provide a
15 formal opportunity for the general public to hear information about a
16 ballot measure in a public setting with an opportunity for both
17 proponents and opponents of the measure to present their arguments.
18 The legislature intends for the secretary to be a facilitator in this

1 process and as such should maintain a neutral or nonbiased course of
2 action throughout the public hearing process.

3 **Sec. 2.** RCW 43.07.030 and 1982 c 35 s 186 are each amended to read
4 as follows:

5 The secretary of state shall:

6 (1) Keep a register of and attest the official acts of the
7 governor;

8 (2) Affix the state seal, with his attestation, to commissions,
9 pardons, and other public instruments to which the signature of the
10 governor is required, and also attestations and authentications of
11 certificates and other documents properly issued by the secretary;

12 (3) Record all articles of incorporation, deeds, or other papers
13 filed in the secretary of state's office;

14 (4) Receive and file all the official bonds of officers required to
15 be filed with the secretary of state;

16 (5) Take and file in the secretary of state's office receipts for
17 all books distributed by him;

18 (6) Hold public hearings on initiative measures certified to the
19 general election ballot;

20 (7) Certify to the legislature the election returns for all
21 officers required by the Constitution to be so certified, and certify
22 to the governor the names of all other persons who have received at any
23 election the highest number of votes for any office the incumbent of
24 which is to be commissioned by the governor;

25 ~~((+7))~~ (8) Furnish, on demand, to any person paying the fees
26 therefor, a certified copy of all or any part of any law, record, or
27 other instrument filed, deposited, or recorded in the secretary of
28 state's office;

29 ~~((+8))~~ (9) Present to the speaker of the house of representatives,
30 at the beginning of each regular session of the legislature during an
31 odd-numbered year, a full account of all purchases made and expenses
32 incurred by the secretary of state on account of the state;

33 ~~((+9))~~ (10) File in his office an impression of each and every
34 seal in use by any state officer;

35 ~~((+10))~~ (11) Keep a record of all fees charged or received by
36 the secretary of state.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.07 RCW
2 to read as follows:

3 (1) After the secretary of state certifies an initiative measure as
4 qualified for the general election ballot, the secretary of state, or
5 the secretary's designee, shall hold a public hearing on the measure in
6 each congressional district in the state. The secretary or a designee
7 shall preside over the hearings. The secretary may combine two or more
8 initiative measures in a single hearing.

9 (2) The secretary of state shall give thirty days' notice of the
10 hearings to all cabinet level state agencies, county legislative
11 authorities, and persons designated in subsection (3)(a) of this
12 section.

13 (3) The public hearings must include opportunity for the following
14 persons, or their designees, to present to attendees arguments for and
15 against each initiative measure, including fiscal and policy impacts of
16 the measure:

17 (a) Members of the committees appointed under RCW 29.81.240 to
18 prepare statements for the voters' pamphlet;

19 (b) State, county, and municipal officers and agencies thereof who
20 determine that the measure affects their constitutional or statutory
21 responsibilities;

22 (c) Registered voters in the congressional district.

23 (4) The hearings must be held from forty-five to fifteen days
24 before the general election, and the secretary of state shall give
25 notice of them to the general public in the voters' pamphlet, on the
26 secretary's official web site, and, in the two weeks before the
27 meeting, at least twice by public service announcement through
28 broadcast media and newspapers of general circulation in the
29 congressional district.

30 (5) Public officials may use public facilities to prepare or
31 deliver written or verbal communications at the hearings, consisting of
32 information on the impact of the ballot measure that foreseeably may
33 affect a matter that falls within their constitutional or statutory
34 responsibilities. Copies of any written material may be provided to
35 the public at the time of the hearing and at any time thereafter upon
36 request. Other than the official voters' pamphlet, a public official
37 may not send, by mail or other form of communication, any unsolicited
38 information on the ballot measure. The secretary shall not distribute
39 any information presented by participants under subsections (2) and (3)

1 of this section. Public officials attending the hearings are entitled
2 to travel expenses as otherwise provided by law.

3 (6) Nothing in this section diminishes a citizen's constitutional
4 rights nor may any part of this section or the hearings authorized in
5 it invalidate an initiative measure.

6 (7) The secretary may adopt rules in accordance with this section
7 to ensure that the public hearings are carried out in an organized,
8 objective manner.

9 **Sec. 4.** RCW 29.81.220 and 1999 c 260 s 2 are each amended to read
10 as follows:

11 The voters' pamphlet must contain:

12 (1) Information about each ballot measure initiated by or referred
13 to the voters for their approval or rejection as required by RCW
14 29.81.250;

15 (2) In even-numbered years, statements, if submitted, advocating
16 the candidacies of nominees for the office of president and vice-
17 president of the United States, United States senator, United States
18 representative, governor, lieutenant governor, secretary of state,
19 state treasurer, state auditor, attorney general, commissioner of
20 public lands, superintendent of public instruction, insurance
21 commissioner, state senator, state representative, justice of the
22 supreme court, judge of the court of appeals, or judge of the superior
23 court. Candidates may also submit a campaign mailing address and
24 telephone number and a photograph not more than five years old and of
25 a size and quality that the secretary of state determines to be
26 suitable for reproduction in the voters' pamphlet;

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

31 (4) In even-numbered years, a section explaining how voters may
32 participate in the election campaign process; the address and telephone
33 number of the public disclosure commission established under RCW
34 42.17.350; and a summary of the disclosure requirements that apply when
35 contributions are made to candidates and political committees;

36 (5) In even-numbered years the name, address, and telephone number
37 of each political party with nominees listed in the pamphlet, if filed
38 with the secretary of state by the state committee of a major political

1 party or the presiding officer of the convention of a minor political
2 party;

3 (6) In each odd-numbered year immediately before a year in which a
4 president of the United States is to be nominated and elected,
5 information explaining the precinct caucus and convention process used
6 by each major political party to elect delegates to its national
7 presidential candidate nominating convention. The pamphlet must also
8 provide a description of the statutory procedures by which minor
9 political parties are formed and the statutory methods used by the
10 parties to nominate candidates for president;

11 (7) In even-numbered years, a description of the office of precinct
12 committee officer and its duties;

13 (8) An application form for an absentee ballot;

14 (9) A brief statement explaining the deletion and addition of
15 language for proposed measures under RCW 29.81.260;

16 (10) Notice of public hearings on certified initiatives under
17 section 3 of this act;

18 (11) Any additional information pertaining to elections as may be
19 required by law or in the judgment of the secretary of state is deemed
20 informative to the voters.

21 **Sec. 5.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
22 read as follows:

23 No elective official nor any employee of his office nor any person
24 appointed to or employed by any public office or agency may use or
25 authorize the use of any of the facilities of a public office or
26 agency, directly or indirectly, for the purpose of assisting a campaign
27 for election of any person to any office or for the promotion of or
28 opposition to any ballot proposition. Facilities of public office or
29 agency include, but are not limited to, use of stationery, postage,
30 machines, and equipment, use of employees of the office or agency
31 during working hours, vehicles, office space, publications of the
32 office or agency, and clientele lists of persons served by the office
33 or agency: PROVIDED, That the foregoing provisions of this section
34 shall not apply to the following activities:

35 (1) Action taken at an open public meeting by members of an elected
36 legislative body to express a collective decision, or to actually vote
37 upon a motion, proposal, resolution, order, or ordinance, or to support
38 or oppose a ballot proposition so long as (a) any required notice of

1 the meeting includes the title and number of the ballot proposition,
2 and (b) members of the legislative body or members of the public are
3 afforded an approximately equal opportunity for the expression of an
4 opposing view;

5 (2) A statement by an elected official in support of or in
6 opposition to any ballot proposition at an open press conference or in
7 response to a specific inquiry;

8 (3) Activities (~~which~~) that are part of the normal and regular
9 conduct of the office or agency;

10 (4) Activities in compliance with section 3 of this act of an
11 elected official or an employee of the official's office or a person
12 appointed to or employed by a public office or agency.

13 **Sec. 6.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
14 as follows:

15 (1) No state officer or state employee may use or authorize the use
16 of facilities of an agency, directly or indirectly, for the purpose of
17 assisting a campaign for election of a person to an office or for the
18 promotion of or opposition to a ballot proposition. Knowing
19 acquiescence by a person with authority to direct, control, or
20 influence the actions of the state officer or state employee using
21 public resources in violation of this section constitutes a violation
22 of this section. Facilities of an agency include, but are not limited
23 to, use of stationery, postage, machines, and equipment, use of state
24 employees of the agency during working hours, vehicles, office space,
25 publications of the agency, and clientele lists of persons served by
26 the agency.

27 (2) This section shall not apply to the following activities:

28 (a) Action taken at an open public meeting by members of an elected
29 legislative body to express a collective decision, or to actually vote
30 upon a motion, proposal, resolution, order, or ordinance, or to support
31 or oppose a ballot proposition as long as (i) required notice of the
32 meeting includes the title and number of the ballot proposition, and
33 (ii) members of the legislative body or members of the public are
34 afforded an approximately equal opportunity for the expression of an
35 opposing view;

36 (b) A statement by an elected official in support of or in
37 opposition to any ballot proposition at an open press conference or in
38 response to a specific inquiry. For the purposes of this subsection,

1 it is not a violation of this section for an elected official to
2 respond to an inquiry regarding a ballot proposition, to make
3 incidental remarks concerning a ballot proposition in an official
4 communication, or otherwise comment on a ballot proposition without an
5 actual, measurable expenditure of public funds. The ethics boards
6 shall adopt by rule a definition of measurable expenditure;

7 (c) Activities that are part of the normal and regular conduct of
8 the office or agency; ((and))

9 (d) De minimis use of public facilities by statewide elected
10 officials and legislators incidental to the preparation or delivery of
11 permissible communications, including written and verbal communications
12 initiated by them of their views on ballot propositions that
13 foreseeably may affect a matter that falls within their constitutional
14 or statutory responsibilities; and

15 (e) Activities of an elected official or state employee in
16 compliance with section 3 of this act.

17 (3) As to state officers and employees, this section operates to
18 the exclusion of RCW 42.17.130.

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