

HOUSE BILL REPORT

HB 2807

As Reported by House Committee On:

State Government & Tribal Affairs
Appropriations Subcommittee on General Government & Audit Review

Title: An act relating to voters' pamphlets.

Brief Description: Providing for judicial candidate information in voters' pamphlets.

Sponsors: Representatives Schual-Berke, Hunt, Lantz, Cody, Hudgins, Ormsby, Miloscia, Appleton, Green, Wood, Hankins and Kagi.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/29/08, 2/5/08 [DPS];

Appropriations Subcommittee on General Government & Audit Review: 2/7/08[DP2S(w/o sub SGTA)].

Brief Summary of Second Substitute Bill

- Requires the Secretary of State and county auditors to post an online voters' pamphlet for primary and general elections.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Hunt, Chair; Appleton, Vice Chair; Liias, Miloscia and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Kretz.

Staff: Marsha Reilly (786-7135).

Background:

The Secretary of State (Secretary) is required to print and distribute a voters' pamphlet whenever at least one statewide measure or office is scheduled to appear on the general

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election ballot. Information contained in the voters' pamphlet may also be distributed and made available to the public in electronic form.

Voters' pamphlets must contain information about ballot measures, statements advocating the candidacies of nominees for United States office, statewide office, State Senator, State Representative, Justice of the Supreme Court, and Judges of the Court of Appeals and Superior Courts.

There is no requirement for the Secretary to publish and distribute a primary voters' pamphlet. However, if one is printed, it must include: (1) a description of the office of precinct committee officer; (2) an explanation for voting in the primary; and (3) an explanation that minor party and independent candidates will appear only on the general election ballot.

The legislative authority of a county or first-class or code city may adopt an ordinance authorizing the publication and distribution of a local voters' pamphlet. The pamphlet must provide information on all measures within that jurisdiction and may, if specified in the ordinance, include information on candidates within that jurisdiction. The format of any local voters' pamphlet must comply with the provisions regarding state candidates' and voters' pamphlets.

Summary of Substitute Bill:

The Secretary must make available on its Website a primary and general election voters' pamphlet anytime an office that it is required by law to be included in the printed version of the voters' pamphlet appears on the primary or general election ballot, including any office appearing on the ballot due to a vacancy.

If the legislative authority of any county or first-class or code city adopts an ordinance authorizing the publication and distribution of a local voters' pamphlet, all candidates within that jurisdiction, including judicial candidates, must be included in the pamphlet.

Each county elections department must make available on the county's website a primary and general election voters' pamphlet any time an office within the jurisdiction is scheduled to appear on the primary or general election ballot, including judicial office and any office on the ballot due to a vacancy. The voters' pamphlets must include information on all measures within the jurisdiction and candidates' statements and photographs. Candidate statements may not be more than 150 words. If the Secretary has candidate information on its Website that is applicable to the county, the county shall use the Secretary's information or provide a link from the county's electronic voters' pamphlet to the Secretary's electronic voters' pamphlet.

Candidates are encouraged to submit their statements and digital photographs to the appropriate election official electronically.

Substitute Bill Compared to Original Bill:

The substitute bill removes the requirement that the Secretary's Website must include information on all judicial races. The Secretary must include information only on Supreme Court, Courts of Appeals, and Superior Court candidates as currently required. Counties are required to link to the Secretary's Website for information on those offices required to be covered in both pamphlets. If the legislative authority of any county or first-class or code city adopts an ordinance authorizing the publication and distribution of a local voters' pamphlet, the pamphlet must provide information on all candidates within the jurisdiction, including judicial candidates. All candidates are encouraged to submit digital photographs and statements electronically to the Secretary or county auditor.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) The primary purpose is to provide electronic information on judicial candidates for primary elections. Not much information on these races is available and people want more information. The vast majority of people have access to electronic information. There is a concern about the fiscal note and decreasing the number of candidates required to be included will address the fiscal impact.

Judicial elections are mainly decided in the primary. The Walsh Commission recommended that a primary voters pamphlet was needed. Currently, information on judicial elections is distributed through the newspapers. Ten years ago, the cost to the newspapers was about \$187,000, and today the cost is \$232,000 to get judicial information out.

(With concerns) The Association of County Auditors supports more information about candidates going to voters. An electronic voters' pamphlet is new for many smaller counties and these counties would need funding to comply with this requirement. There is some confusion about two voters pamphlets - one for judicial candidates, and one distributed by the Secretary. An effort is underway with the Office of the Administrator of the Courts.

The Secretary is supportive of any bill that requires a primary voters' pamphlet. The fiscal note relates to the expansion of local races on the Secretary's electronic voters pamphlet which would require paying programmers for the content of statements. Also, requiring the statements to be factual and neutral is of concern as this would be difficult to do.

(Opposed) None.

Persons Testifying: (In support) Representative Schual-Berke, prime sponsor; Charlie Wiggins, Washington Chapter of American Judicative Society; John King, Washington Public Campaigns; and Rowland Thompson, Allied Daily Newspapers.

(With concerns) Shane Hamlin, Office of the Secretary of State; and Evelyn Arnold, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & AUDIT REVIEW

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by 9 members: Representatives Linville, Chair; Ericks, Vice Chair; Blake, Lantz, Liias, Miloscia, Morris, Nelson and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander, Chandler and Kretz.

Staff: Kirk Schmidt (786-7118).

Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Audit Review Compared to Recommendation of Committee On State Government & Tribal Affairs:

A null and void clause was added, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Requested on February 6, 2008.

Effective Date of Second Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Voters cannot get information on judicial elections because paper voters' pamphlets are not always printed for primary elections. Making judicial information available online will reach more people with election information. The Secretary of State currently provides assistance in setting up Washington Election Information websites in counties where assistance is requested. Counties can also link to the Secretary of States' website for election information.

(Opposed) None.

Persons Testifying: Shane Hamlin, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.