
HOUSE BILL 1228

State of Washington

64th Legislature

2015 Regular Session

By Representatives Johnson, S. Hunt, Appleton, Robinson, Haler, Van De Wege, Short, Riccelli, Pike, MacEwen, Kretz, Orwall, Buys, McBride, Fagan, Ortiz-Self, Bergquist, Walkinshaw, Holy, Rodne, Walsh, Sawyer, Caldier, Scott, Kagi, Magendanz, Goodman, Stambaugh, Vick, Moscoso, Ormsby, Muri, Wilson, McCaslin, and Parker

Read first time 01/15/15. Referred to Committee on State Government.

1 AN ACT Relating to fiscal information on ballot measures;
2 amending RCW 29A.32.060, 29A.32.070, 29A.32.090, 29A.32.100, and
3 29A.32.121; and adding a new section to chapter 29A.72 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 29A.72
6 RCW 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 29A.72.250;

14 (b) Initiative to the legislature certified for the ballot under
15 RCW 29A.72.260;

16 (c) Alternative measure certified for the ballot under RCW
17 29A.72.270;

18 (d) Referendum bill referred to voters by the legislature under
19 RCW 29A.72.250; and

20 (e) Referendum measure certified for the ballot under RCW
21 29A.72.250.

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

13 **Sec. 2.** RCW 29A.32.060 and 2003 c 111 s 806 are each amended to
14 read as follows:

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

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

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

35 The voters' pamphlet may contain only argument statements
36 prepared according to this section. Arguments may contain graphs and
37 charts supported by factual statistical data and pictures or other
38 illustrations. Cartoons or caricatures are not permitted.

1 **Sec. 3.** RCW 29A.32.070 and 2009 c 415 s 5 are each amended to
2 read as follows:

3 The secretary of state shall determine the format and layout of
4 the voters' pamphlet published under RCW 29A.32.010. The secretary of
5 state shall print the pamphlet in clear, readable type on a size,
6 quality, and weight of paper that in the judgment of the secretary of
7 state best serves the voters. The pamphlet must contain a table of
8 contents. Measures and arguments must be printed in the order
9 specified by RCW 29A.72.290.

10 The voters' pamphlet must provide the following information for
11 each statewide issue on the ballot except measures for an advisory
12 vote of the people whose requirements are provided in subsection
13 ~~((11))~~ (12) of this section:

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

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

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

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

21 (5) The fiscal impact statement prepared under RCW 29A.72.025;

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

25 (7) An argument advocating the voters' approval of the measure
26 together with any statement in rebuttal of the opposing argument;

27 (8) An argument advocating the voters' rejection of the measure
28 together with any statement in rebuttal of the opposing argument;

29 (9) A statement from each committee responding to the fiscal
30 impact statement prepared by the office of financial management;

31 (10) Each argument ~~((or))~~, rebuttal statement, and response
32 statement must be followed by the names of the committee members who
33 submitted them, and may be followed by a telephone number that
34 citizens may call to obtain information on the ballot measure;

35 ~~((10))~~ (11) The full text of the measure;

36 ~~((11))~~ (12) Two pages shall be provided in the general election
37 voters' pamphlet for each measure for an advisory vote of the people
38 under RCW 43.135.041 and shall consist of the serial number assigned
39 by the secretary of state under RCW 29A.72.040, the short description
40 formulated by the attorney general under RCW 29A.72.283, the tax

1 increase's most up-to-date ten-year cost projection, including a
2 year-by-year breakdown, by the office of financial management under
3 RCW 43.135.031, and the names of the legislators, and their contact
4 information, and how they voted on the increase upon final passage so
5 they can provide information to, and answer questions from, the
6 public. For the purposes of this subsection, "names of legislators,
7 and their contact information" includes each legislator's position
8 (senator or representative), first name, last name, party affiliation
9 (for example, Democrat or Republican), city or town they live in,
10 office phone number, and office (~~e-mail~~) email address.

11 **Sec. 4.** RCW 29A.32.090 and 2009 c 222 s 3 are each amended to
12 read as follows:

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

23 (2) A candidate's statement submitted for inclusion in the
24 voters' pamphlet shall not contain false or misleading statements
25 about the candidate's opponent. A false or misleading statement shall
26 be considered "libel or defamation per se" if the statement tends to
27 expose the candidate to hatred, contempt, ridicule, or obloquy, or to
28 deprive him or her of the benefit of public confidence or social
29 intercourse, or to injure him or her in his or her business or
30 occupation. If a candidate believes his or her opponent has libeled
31 or defamed him or her, the candidate may commence an action under
32 subsection (3) of this section.

33 (3)(a) A person who believes that he or she may be defamed by an
34 argument or statement offered for inclusion in the voters' pamphlet
35 in support of or opposition to a measure or candidate may petition
36 the superior court of Thurston county for a judicial determination
37 that the argument or statement may be rejected for publication or
38 edited to delete the defamatory (~~statement~~) matter.

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

4 (c) An action under this subsection (3) must be filed and served
5 no later than the tenth day after the deadline for the submission of
6 the argument or statement to the secretary of state.

7 (d) If the secretary of state notifies a person named or
8 identified in an argument or statement of the contents of the
9 argument or statement within three days after the deadline for
10 submission to the secretary, then neither the state nor the secretary
11 is liable for damages resulting from publication of the argument or
12 statement unless the secretary publishes the argument or statement in
13 violation of an order entered under this section. Nothing in this
14 section creates a duty on the part of the secretary of state to
15 identify, locate, or notify the person.

16 (4) Parties to a dispute under this section may agree to resolve
17 the dispute by rephrasing the argument or statement, even if the
18 deadline for submission to the secretary has elapsed, unless the
19 secretary determines that the process of publication is too far
20 advanced to permit the change. The secretary shall promptly provide
21 any such revision to any committee entitled to submit a rebuttal
22 argument. If that committee has not yet submitted its rebuttal, its
23 deadline to submit a rebuttal is extended by five days. If it has
24 submitted a rebuttal, it may revise it to address the change within
25 five days of the filing of the revised argument with the secretary.

26 (5) In an action under this section the committee or candidate
27 must be named as a defendant, and may be served with process by
28 certified mail directed to the address contained in the secretary's
29 records for that party. The secretary of state shall be a nominal
30 party to an action brought under subsection (3) of this section,
31 solely for the purpose of determining the content of the voters'
32 pamphlet. The superior court shall give such an action priority on
33 its calendar.

34 **Sec. 5.** RCW 29A.32.100 and 2013 c 11 s 37 are each amended to
35 read as follows:

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

1 (a) In the case of candidate statements, (i) all statements by
2 all candidates who have filed for a particular office have been
3 received, except those who informed the secretary that they will not
4 submit statements, or (ii) the deadline for submission of statements
5 has elapsed;

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

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

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

18 (2) Nothing in this section prohibits the secretary from
19 releasing information under RCW 29A.32.090.

20 **Sec. 6.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
21 read as follows:

22 (1) The maximum number of words for statements submitted by
23 candidates is as follows: State representative, one hundred words;
24 state senator, judge of the superior court, judge of the court of
25 appeals, justice of the supreme court, and all state offices voted
26 upon throughout the state, except that of governor, two hundred
27 words; president and vice president, United States senator, United
28 States representative, and governor, three hundred words.

29 (2) Arguments written by committees under RCW 29A.32.060 may not
30 exceed two hundred fifty words in length.

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

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

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

--- END ---