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HOUSE BILL 1212

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Shea and McCaslin

Read first time 01/16/19. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to prohibiting the names of county auditors and  
2 the secretary of state in their official capacity on election  
3 materials; and amending RCW 29A.32.070, 29A.32.241, and 29A.40.091.

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

5 **Sec. 1.** RCW 29A.32.070 and 2016 c 83 s 1 are each amended to  
6 read as follows:

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

14 The secretary of state's name may not appear in the voters'  
15 pamphlet in his or her official capacity (~~if the secretary is a~~  
16 ~~candidate for office during the same year~~). His or her name may only  
17 be included as part of the information normally included for  
18 candidates during a year that he or she is a candidate for office.

19 The voters' pamphlet must provide the following information for  
20 each statewide issue on the ballot except measures for an advisory

1 vote of the people whose requirements are provided in subsection (11)  
2 of this section:

3 (1) The legal identification of the measure by serial designation  
4 or number;

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

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

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

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

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

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

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

18 (9) Each argument or rebuttal statement must be followed by the  
19 names of the committee members who submitted them, and may be  
20 followed by a telephone number that citizens may call to obtain  
21 information on the ballot measure;

22 (10) The full text of the measure;

23 (11) Two pages shall be provided in the general election voters'  
24 pamphlet for each measure for an advisory vote of the people under  
25 RCW 43.135.041 and shall consist of the serial number assigned by the  
26 secretary of state under RCW 29A.72.040, the short description  
27 formulated by the attorney general under RCW 29A.72.283, the tax  
28 increase's most up-to-date ten-year cost projection, including a  
29 year-by-year breakdown, by the office of financial management under  
30 RCW 43.135.031, and the names of the legislators, and their contact  
31 information, and how they voted on the increase upon final passage so  
32 they can provide information to, and answer questions from, the  
33 public. For the purposes of this subsection, "names of legislators,  
34 and their contact information" includes each legislator's position  
35 (senator or representative), first name, last name, party affiliation  
36 (for example, Democrat or Republican), city or town they live in,  
37 office phone number, and office email address.

38 **Sec. 2.** RCW 29A.32.241 and 2016 c 83 s 2 are each amended to  
39 read as follows:

1 (1) The local voters' pamphlet shall include but not be limited  
2 to the following:

3 (a) Appearing on the cover, the words "official local voters'  
4 pamphlet," the name of the jurisdiction producing the pamphlet, and  
5 the date of the election or primary;

6 (b) A list of jurisdictions that have measures or candidates in  
7 the pamphlet;

8 (c) Information on how a person may register to vote and obtain a  
9 ballot;

10 (d) The text of each measure accompanied by an explanatory  
11 statement prepared by the prosecuting attorney for any county measure  
12 or by the attorney for the jurisdiction submitting the measure if  
13 other than a county measure. All explanatory statements for city,  
14 town, or district measures not approved by the attorney for the  
15 jurisdiction submitting the measure shall be reviewed and approved by  
16 the county prosecuting attorney or city attorney, when applicable,  
17 before inclusion in the pamphlet;

18 (e) The arguments for and against each measure submitted by  
19 committees selected pursuant to RCW 29A.32.280; and

20 (f) For partisan primary elections, information on how to vote  
21 the applicable ballot format and an explanation that minor political  
22 party candidates and independent candidates will appear only on the  
23 general election ballot.

24 (2) The county auditor's name may not appear in the local voters'  
25 pamphlet in his or her official capacity (~~if the county auditor is a~~  
26 ~~candidate for office during the same year~~). His or her name may only  
27 be included as part of the information normally included for  
28 candidates during a year that he or she is a candidate for office.

29 **Sec. 3.** RCW 29A.40.091 and 2016 c 83 s 3 are each amended to  
30 read as follows:

31 (1) The county auditor shall send each voter a ballot, a security  
32 envelope in which to conceal the ballot after voting, a larger  
33 envelope in which to return the security envelope, a declaration that  
34 the voter must sign, and instructions on how to obtain information  
35 about the election, how to mark the ballot, and how to return the  
36 ballot to the county auditor.

37 (2) The voter must swear under penalty of perjury that he or she  
38 meets the qualifications to vote, and has not voted in any other  
39 jurisdiction at this election. The declaration must clearly inform

1 the voter that it is illegal to vote if he or she is not a United  
2 States citizen; it is illegal to vote if he or she has been convicted  
3 of a felony and has not had his or her voting rights restored; and it  
4 is illegal to cast a ballot or sign a ballot declaration on behalf of  
5 another voter. The ballot materials must provide space for the voter  
6 to sign the declaration, indicate the date on which the ballot was  
7 voted, and include a telephone number.

8 (3) For overseas and service voters, the signed declaration  
9 constitutes the equivalent of a voter registration. Return envelopes  
10 for overseas and service voters must enable the ballot to be returned  
11 postage free if mailed through the United States postal service,  
12 United States armed forces postal service, or the postal service of a  
13 United States foreign embassy under 39 U.S.C. 3406.

14 (4) The voter must be instructed to either return the ballot to  
15 the county auditor no later than 8:00 p.m. the day of the election or  
16 primary, or mail the ballot to the county auditor with a postmark no  
17 later than the day of the election or primary. Service and overseas  
18 voters must be provided with instructions and a privacy sheet for  
19 returning the ballot and signed declaration by fax or email. A voted  
20 ballot and signed declaration returned by fax or email must be  
21 received by 8:00 p.m. on the day of the election or primary.

22 (5) The county auditor's name may not appear on the security  
23 envelope, the return envelope, or on any voting instructions or  
24 materials included with the ballot (~~(if he or she is a candidate for~~  
25 ~~office during the same year)~~).

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