
SUBSTITUTE SENATE BILL 5576

State of Washington

54th Legislature

1995 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senator Drew; by request of Governor Lowry)

Read first time 03/01/95.

1 AN ACT Relating to fair campaign practices; amending RCW 42.17.130,
2 42.17.128, 29.85.060, 42.17.680, 43.07.310, 29.81A.010, 29.80.010,
3 29.80.020, 29.81.010, 29.80.040, 29.80.090, and 42.17.132; adding a new
4 section to chapter 42.17 RCW; creating a new section; and providing an
5 effective date.

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

7 **USE OF PUBLIC RESOURCES**

8 **Sec. 1.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
9 read as follows:

10 USE OF PUBLIC RESOURCES FOR LOCAL GOVERNMENT POLITICAL CAMPAIGNS.
11 No elective local government official nor any employee of his or her
12 office nor any person appointed to or employed by any local government
13 public office or agency may use or authorize the use of any of the
14 facilities of a public office or agency, directly or indirectly, for
15 the purpose of assisting a campaign for election of any person to any
16 office or for the promotion of or opposition to any ballot proposition.
17 Knowing acquiescence by a person with authority to direct, control, or
18 influence the actions of the local government official or employee

1 using public resources in violation of this section constitutes a
2 violation of this section. Facilities of public office or agency
3 include, but are not limited to, use of stationery, postage, machines,
4 and equipment, use of employees of the office or agency during working
5 hours, vehicles, office space, publications of the office or agency,
6 and clientele lists of persons served by the office or agency(~~(+~~
7 ~~PROVIDED, That~~)). The ((foregoing)) provisions of this section shall
8 not apply to the following activities:

9 (1) Action taken at an open public meeting by members of an elected
10 local government legislative body to express a collective decision, or
11 to actually vote upon a motion, proposal, resolution, order, or
12 ordinance, or to support or oppose a ballot proposition so long as (a)
13 any required notice of the meeting includes the title and number of the
14 ballot proposition, and (b) members of the legislative body or members
15 of the public are afforded an approximately equal opportunity for the
16 expression of an opposing view;

17 (2) A statement by an elected local government official in support
18 of or in opposition to any ballot proposition at an open press
19 conference or in response to a specific inquiry. For the purposes of
20 this subsection, it is not a violation of this section for an elected
21 local government official to respond to an inquiry regarding a ballot
22 proposition, to make incidental remarks concerning a ballot proposition
23 in an official communication, or otherwise comment on a ballot
24 proposition without an actual, measurable expenditure of public funds.
25 Measurable expenditure has the meaning adopted by rule under RCW
26 42.52.180;

27 (3) Activities which are part of the normal and regular conduct of
28 the office or agency.

29 **LOCAL CAMPAIGNS**

30 **Sec. 2.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
31 as follows:

32 PUBLIC CAMPAIGN FINANCING. Public funds, whether derived through
33 taxes, fees, penalties, or any other sources, shall not be used to
34 finance political campaigns for state (~~or local~~) office.

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 42.17 RCW
36 to read as follows:

1 LOCAL FAIR CAMPAIGN PRACTICES. Local agencies may enact provisions
2 for the regulation of fair campaign practices for local elections, not
3 prohibited by state law and rules adopted under this chapter.

4 **FAIR CAMPAIGN**

5 **Sec. 4.** RCW 29.85.060 and 1991 c 81 s 5 are each amended to read
6 as follows:

7 HINDERING OR BRIBING VOTER. (1) Any person who uses menace, force,
8 threat, or any unlawful means ((towards any voter to hinder or deter
9 such a voter from voting)), or directly or indirectly offers any bribe,
10 reward, or any thing of value ((to a voter)), to hinder or deter any
11 voter from voting, or in exchange for the voter's vote for or against
12 any person or ballot measure, or authorizes any person to do so, is
13 guilty of a class C felony punishable under RCW 9A.20.021.

14 (2) In-kind services such as transportation or child care or other
15 services intended to enable the voter to get to his or her polling
16 place but not intended to influence the voter's vote may be provided
17 and are not prohibited under this section.

18 **Sec. 5.** RCW 42.17.680 and 1993 c 2 s 8 are each amended to read as
19 follows:

20 (1) No employer or labor organization may increase the salary of an
21 officer or employee, or give an emolument to an officer, employee, or
22 other person or entity, with the intention that the increase in salary,
23 or the emolument, or a part of it, be contributed or spent to support
24 or oppose a candidate, state official against whom recall charges have
25 been filed, political party, or political committee.

26 (2) No employer or labor organization may discriminate against an
27 officer or employee in the terms or conditions of employment for
28 ~~((a))~~ the failure to contribute to ~~((, (b))~~) or the failure in any way
29 to support or oppose ~~((, or (c) in any way supporting or opposing))~~ a
30 candidate, ballot proposition, political party, or political committee.

31 (3) No employer or other person or entity responsible for the
32 disbursement of funds in payment of wages or salaries may withhold or
33 divert a portion of an employee's wages or salaries for contributions
34 to political committees or for use as political contributions except
35 upon the written request of the employee. The request must be made on
36 a form prescribed by the commission informing the employee of the

1 prohibition against employer and labor organization discrimination
2 described in subsection (2) of this section. The request is valid for
3 no more than twelve months from the date it is made by the employee.

4 (4) Each person or entity who withholds contributions under
5 subsection (3) of this section shall maintain open for public
6 inspection for a period of no less than three years, during normal
7 business hours, documents and books of accounts that shall include a
8 copy of each employee's request, the amounts and dates funds were
9 actually withheld, and the amounts and dates funds were transferred to
10 a political committee. Copies of such information shall be delivered
11 to the commission upon request.

12 **VOTERS' AND CANDIDATES' PAMPHLET**

13 **Sec. 6.** RCW 43.07.310 and 1992 c 163 s 2 are each amended to read
14 as follows:

15 **VOTERS' PAMPHLET--ELECTRONIC.** The secretary of state, through the
16 division of elections, is responsible for the following duties, as
17 prescribed by Title 29 RCW:

18 (1) The filing, verification of signatures, and certification of
19 state initiative, referendum, and recall petitions;

20 (2)(a) The production and distribution of a state voters' and
21 candidates' pamphlet for the state primary and general election;

22 (b) In addition to the written pamphlet, the secretary of state may
23 produce the state voters' and candidates' pamphlet in electronic
24 format. If the secretary of state produces the pamphlet in video
25 format, closed captioning shall be used;

26 (3) The examination, testing, and certification of voting
27 equipment, voting devices, and vote-tallying systems;

28 (4) The administration, canvassing, and certification of the
29 presidential primary, state primaries, and state general elections;

30 (5) The administration of motor voter and other voter registration
31 and voter outreach programs;

32 (6) The training, testing, and certification of state and local
33 elections personnel as established in RCW 29.60.030;

34 (7) The training of state and local party observers required by RCW
35 29.60.040;

36 (8) The conduct of postelection reviews as established in RCW
37 29.60.070; and

1 (9) Other duties that may be prescribed by the legislature.

2 **Sec. 7.** RCW 29.81A.010 and 1984 c 106 s 3 are each amended to read
3 as follows:

4 At least ninety days before any primary or general election, or at
5 least forty days before any special election held under RCW 29.13.010
6 or 29.13.020, the legislative authority of any county or first-class or
7 code city may adopt an ordinance authorizing the publication, in
8 printed or electronic format or both, and distribution of a local
9 voters' pamphlet. The pamphlet shall provide information on all
10 measures within that jurisdiction and may, if specified in the
11 ordinance, include information on candidates within that jurisdiction.
12 If both a county and a first-class or code city within that county
13 authorize a local voters' pamphlet for the same election, the pamphlet
14 shall be produced jointly by the county and the first-class or code
15 city. If no agreement can be reached between the county and first-
16 class or code city, the county and first-class or code city may each
17 produce a pamphlet. Any ordinance adopted authorizing a local voters'
18 pamphlet may be for a specific primary, special election, or general
19 election or for any future primaries or elections. The format of any
20 local voters' pamphlet shall, whenever applicable, comply with the
21 provisions of chapters 29.80 and 29.81 RCW regarding the publication of
22 the state candidates' and voters' pamphlets.

23 **Sec. 8.** RCW 29.80.010 and 1987 c 295 s 17 are each amended to read
24 as follows:

25 CANDIDATES' PAMPHLET. As soon as possible before each state
26 primary and general election at which federal or state officials are to
27 be elected, the secretary of state shall publish and mail to each
28 individual place of residence of the state a candidates' pamphlet
29 containing photographs and campaign statements of eligible nominees who
30 desire to participate therein, together with a campaign mailing address
31 and telephone number submitted by the nominee at the nominee's option,
32 and in even-numbered years containing a description of the office of
33 precinct committee officer and its duties, in order that voters will
34 understand that the office is a state office and will be found on the
35 ballot of the forthcoming general election. In odd-numbered years no
36 candidates' pamphlet may be published unless an election is to be held
37 to fill a vacancy in one or more of the following state-wide elective

1 offices: United States senator, governor, lieutenant governor,
2 secretary of state, state treasurer, state auditor, attorney general,
3 superintendent of public instruction, commissioner of public lands,
4 insurance commissioner, or justice of the supreme court.

5 **Sec. 9.** RCW 29.80.020 and 1984 c 54 s 2 are each amended to read
6 as follows:

7 CANDIDATE STATEMENTS. At a time to be determined by the secretary
8 of state(~~(, but in any event not later than forty five days))~~) before
9 the applicable state primary and general election, each nominee for the
10 office of United States senator, United States representative,
11 governor, lieutenant governor, secretary of state, state treasurer,
12 state auditor, attorney general, superintendent of public instruction,
13 commissioner of public lands, insurance commissioner, state senator,
14 state representative, justice of the supreme court, judge of the court
15 of appeals, or judge of the superior court may file with the secretary
16 of state a written statement advocating his or her candidacy
17 accompanied by the campaign mailing address and telephone number
18 submitted by the nominee at the nominee's option, and a photograph not
19 more than five years old and of a size and quality that the secretary
20 of state determines to be suitable for reproduction in the voters'
21 pamphlet. The maximum number of words for the statements shall be
22 determined according to the offices sought as follows: State
23 representative, one hundred words; state senator, judge of the superior
24 court, judge of the court of appeals, justice of the supreme court, and
25 all state offices voted upon throughout the state, except that of
26 governor, two hundred words; United States senator, United States
27 representative, and governor, three hundred words. No such statement
28 or photograph may be printed in the candidates' pamphlet for any person
29 who is the sole nominee for any nonpartisan or judicial office.

30 **Sec. 10.** RCW 29.81.010 and 1984 c 54 s 4 are each amended to read
31 as follows:

32 IDENTIFICATION OF ADVOCATES. The voters' pamphlet shall contain as
33 to each state measure to be voted upon, the following in the order set
34 forth in this section:

35 (1) Upon the top portion of the first two opposing pages relating
36 to the measure and not exceeding one-third of the total printing area
37 shall appear:

1 (a) The legal identification of the measure by serial designation
2 and number;

3 (b) The official ballot title of the measure;

4 (c) A brief statement explaining the law as it presently exists;

5 (d) A brief statement explaining the effect of the proposed measure
6 should it be approved into law;

7 (e) The total number of votes cast for and against the measure in
8 both the state senate and house of representatives if the measure has
9 been passed by the legislature;

10 (f) A heavy double ruled line across both pages to clearly set
11 apart the above items from the remaining text.

12 (2) Upon the lower portion of the left page of the two facing pages
13 shall appear an argument advocating the voters' approval of the measure
14 together with any rebuttal statement of the opposing argument as
15 provided in RCW 29.81.030, 29.81.040, or 29.81.050.

16 (3) Upon the lower portion of the right hand page of the two facing
17 pages shall appear an argument advocating the voters' rejection of the
18 measure together with any rebuttal statement of the opposing argument
19 as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

20 (4) Following each argument or rebuttal statement each member of
21 the committee advocating for or against a measure shall be listed in
22 bold face capital letters by name and address to the end that the
23 public shall be fully apprised of the advocate's identity. Also,
24 following each argument or rebuttal statement, the secretary of state
25 shall list, at the option of the committee that submitted the argument
26 or statement, a telephone number that citizens may call in order to
27 obtain information on the ballot measure.

28 (5) At the conclusion of the pamphlet the full text of each of the
29 measures shall appear. The text of the proposed constitutional
30 amendments shall be set forth in the form provided for in RCW
31 29.81.080.

32 **Sec. 11.** RCW 29.80.040 and 1984 c 54 s 3 are each amended to read
33 as follows:

34 PRINTING. The nominees' statements, photographs, and the addresses
35 and telephone numbers submitted by them as set forth in RCW 29.80.010
36 and 29.80.020 shall be published by the secretary of state as a
37 candidates' pamphlet, the printing of which shall be completed as soon
38 as possible before the state primary or general election concerned.

1 The overall dimensions of the pamphlet shall be determined by the
2 secretary of state as those which in the secretary's judgment best
3 serve the voters, and whenever possible the candidates' pamphlet shall
4 be combined with the voters' pamphlet as a single publication.

5 **Sec. 12.** RCW 29.80.090 and 1984 c 54 s 7 are each amended to read
6 as follows:

7 PUBLIC DISCLOSURE COMMISSION SERVICES. In addition to other
8 contents included in the candidates' pamphlet, the secretary of state
9 shall prepare and include a section containing (1) a brief explanation
10 of how voters may participate in the election campaign process; (2) the
11 name, address, and telephone number of each political party that has
12 one or more nominees listed in the candidates' pamphlet, but this
13 information shall be included in the candidates' pamphlet only if and
14 as filed with the secretary of state by the state committee of a major
15 political party or the presiding officer of the convention of a minor
16 political party; (3) the address and telephone number of the public
17 disclosure commission established under RCW 42.17.350 and a description
18 of the services available through the public disclosure commission; (4)
19 a summary of the disclosure requirements that apply when contributions
20 are made to candidates and political committees; and (5) an explanation
21 of the federal income tax credits and deductions that are available to
22 persons who make such contributions. Whenever the candidates' pamphlet
23 is combined with the voters' pamphlet, the section shall be placed at
24 or near the beginning of the combined publication.

25 **NEWSLETTERS**

26 **Sec. 13.** RCW 42.17.132 and 1993 c 2 s 25 are each amended to read
27 as follows:

28 During the twelve-month period preceding the expiration of a state
29 legislator's term in office, no incumbent to that office may mail to a
30 constituent at public expense a letter, newsletter, brochure, or other
31 piece of literature that is not in direct response to that
32 constituent's request for a response or for information. However, one
33 mailing mailed within thirty days after the start of a regular
34 legislative session and one mailing mailed within sixty days after the
35 end of a regular legislative session of identical newsletters to
36 constituents are permitted. In addition, an incumbent legislator who

1 is elected or reelected to either house of the legislature may send out
2 one mailing after certification of the election results and before
3 beginning the new term of office. A violation of this section
4 constitutes use of the facilities of a public office for the purpose of
5 assisting a campaign under RCW ((42.17.130)) 42.52.180.

6 The house of representatives and senate shall specifically limit
7 expenditures per member for the total cost of mailings, including but
8 not limited to production costs, printing costs, and postage.

9

MISCELLANEOUS

10 NEW SECTION. **Sec. 14.** CAPTIONS AND HEADINGS. Captions and
11 headings as used in this act constitute no part of the law.

12 NEW SECTION. **Sec. 15.** This act shall take effect December 1,
13 1995.

14 NEW SECTION. **Sec. 16.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

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