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HOUSE BILL 1840

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Miloscia, McIntire and Rockefeller; by request of Secretary of State

Read first time 02/08/1999. Referred to Committee on State Government.

1 AN ACT Relating to the state voters' pamphlet; adding new sections  
2 to chapter 29.81 RCW; and repealing RCW 29.80.010, 29.80.020,  
3 29.80.030, 29.80.040, 29.80.050, 29.80.060, 29.80.070, 29.80.080,  
4 29.80.090, 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020,  
5 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052,  
6 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100,  
7 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and  
8 29.81.180.

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

10 NEW SECTION. **Sec. 1.** The secretary of state shall, whenever at  
11 least one state-wide measure or office is scheduled to appear on the  
12 general election ballot, print and distribute a voters' pamphlet.

13 The secretary of state shall distribute the voters' pamphlet to  
14 each household in the state, to public libraries, and to any other  
15 locations he or she deems appropriate. The secretary of state shall  
16 also produce taped or Braille transcripts of the voters' pamphlet,  
17 publicize their availability, and mail without charge a copy to any  
18 person who requests one.

1 The secretary of state may make the material required to be  
2 distributed by this chapter available to the public in electronic form.  
3 The secretary of state may provide the material in electronic form to  
4 computer bulletin boards, print and broadcast news media, community  
5 computer networks, and similar services at the cost of reproduction or  
6 transmission of the data.

7 NEW SECTION. **Sec. 2.** The voters' pamphlet must contain:

8 (1) Information about each ballot measure initiated by or referred  
9 to the voters for their approval or rejection as required by section 5  
10 of this act;

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

23 (3) In odd-numbered years, if any office voted upon state-wide  
24 appears on the ballot due to a vacancy, then statements and photographs  
25 for candidates for all offices listed in subsection (2) of this section  
26 must appear;

27 (4) In even-numbered years, a section explaining how voters may  
28 participate in the election campaign process; the address and telephone  
29 number of the public disclosure commission established under RCW  
30 42.17.350; and a summary of the disclosure requirements that apply when  
31 contributions are made to candidates and political committees;

32 (5) In even-numbered years the name, address, and telephone number  
33 of each political party with nominees listed in the pamphlet, if filed  
34 with the secretary of state by the state committee of a major political  
35 party or the presiding officer of the convention of a minor political  
36 party;

37 (6) In each odd-numbered year immediately before a year in which a  
38 president of the United States is to be nominated and elected,

1 information explaining the precinct caucus and convention process used  
2 by each major political party to elect delegates to its national  
3 presidential candidate nominating convention. The pamphlet must also  
4 provide a description of the statutory procedures by which minor  
5 political parties are formed and the statutory methods used by the  
6 parties to nominate candidates for president;

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

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

10 (9) A brief statement explaining the deletion and addition of  
11 language for proposed measures under section 6 of this act;

12 (10) Any additional information pertaining to elections as may be  
13 required by law or in the judgment of the secretary of state is deemed  
14 informative to the voters.

15 NEW SECTION. **Sec. 3.** (1) Explanatory statements prepared by the  
16 attorney general under section 5 (3) and (4) of this act must be  
17 written in clear and concise language, avoiding legal and technical  
18 terms when possible, and filed with the secretary of state.

19 (2) When the explanatory statement for a measure initiated by  
20 petition is filed with the secretary of state, the secretary of state  
21 shall immediately provide the text of the explanatory statement to the  
22 person proposing the measure and any others who have made written  
23 request for notification of the exact language of the explanatory  
24 statement. When the explanatory statement for a measure referred to  
25 the ballot by the legislature is filed with the secretary of state, the  
26 secretary of state shall immediately provide the text of the  
27 explanatory statement to the presiding officer of the senate and the  
28 presiding officer of the house of representatives and any others who  
29 have made written request for notification of the exact language of the  
30 explanatory statement.

31 (3) A person dissatisfied with the explanatory statement may appeal  
32 to the superior court of Thurston County within five days of the filing  
33 date. A copy of the petition and a notice of the appeal must be served  
34 on the secretary of state and the attorney general. The court shall  
35 examine the measure, the explanatory statement, and objections, and may  
36 hear arguments. The court shall render its decision and certify to and  
37 file with the secretary of state an explanatory statement it determines  
38 will meet the requirements of this chapter.

1 The decision of the superior court is final, and its explanatory  
2 statement is the established explanatory statement. The appeal must be  
3 heard without costs to either party.

4 NEW SECTION. **Sec. 4.** Committees shall write and submit arguments  
5 advocating the approval or rejection of each state-wide ballot issue  
6 and rebuttals of those arguments. The secretary of state, the  
7 presiding officer of the senate, and the presiding officer of the house  
8 of representatives shall appoint the initial two members of each  
9 committee. In making these committee appointments the secretary of  
10 state and presiding officers of the senate and house of representatives  
11 shall consider legislators, sponsors of initiatives and referendums,  
12 and other interested groups known to advocate or oppose the ballot  
13 measure.

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

17 After the committee submits its initial argument statements to the  
18 secretary of state, the secretary of state shall transmit the  
19 statements to the opposite committee. The opposite committee may then  
20 prepare rebuttal arguments. Rebuttals may not interject new points.

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

25 NEW SECTION. **Sec. 5.** The secretary of state shall determine the  
26 format and layout of the voters' pamphlet. The secretary of state  
27 shall print the pamphlet in clear, readable type on a size, quality,  
28 and weight of paper that in the judgment of the secretary of state best  
29 serves the voters. The pamphlet must contain a table of contents.  
30 Federal and state offices must appear in the pamphlet in the same  
31 sequence as they appear on the ballot. Measures and arguments must be  
32 printed in the order specified by RCW 29.79.300.

33 The voters' pamphlet must provide the following information for  
34 each state-wide issue on the ballot:

35 (1) The legal identification of the measure by serial designation  
36 or number;

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

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

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

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

8 (6) An argument advocating the voters' approval of the measure  
9 together with any statement in rebuttal of the opposing argument;

10 (7) An argument advocating the voters' rejection of the measure  
11 together with any statement in rebuttal of the opposing argument;

12 (8) Each argument or rebuttal statement must be followed by the  
13 names of the committee members who submitted them, and may be followed  
14 by a telephone number that citizens may call to obtain information on  
15 the ballot measure;

16 (9) The full text of each measure.

17 NEW SECTION. **Sec. 6.** State-wide ballot measures that amend  
18 existing law must be printed in the voters' pamphlet so that language  
19 proposed for deletion is enclosed by double parentheses and has a line  
20 through it. Proposed new language must be underlined. A statement  
21 explaining the deletion and addition of language must appear as  
22 follows: "Any language in double parentheses with a line through it is  
23 existing state law and will be taken out of the law if this measure is  
24 approved by voters. Any underlined language does not appear in current  
25 state law but will be added to the law if this measure is approved by  
26 voters."

27 NEW SECTION. **Sec. 7.** The secretary of state shall adopt rules  
28 setting deadlines for submitting candidate statements, candidate  
29 photographs, arguments, rebuttals, and explanatory statements. The  
30 secretary of state shall also adopt rules setting deadlines for filing  
31 ballot titles for referendum bills or constitutional amendments if none  
32 have been provided by the legislature.

33 NEW SECTION. **Sec. 8.** (1) If in the opinion of the secretary of  
34 state any argument or statement offered for inclusion in the voters'  
35 pamphlet in support of or opposition to a measure or candidate contains  
36 obscene matter or matter that is otherwise prohibited by law from

1 distribution through the mail, the secretary may petition the superior  
2 court of Thurston County for a judicial determination that the argument  
3 or statement may be rejected for publication or edited to delete the  
4 matter. The court shall not enter such an order unless it concludes  
5 that the matter is obscene or otherwise prohibited for distribution  
6 through the mail.

7 (2)(a) A person who believes that he or she may be defamed by an  
8 argument or statement offered for inclusion in the voters' pamphlet in  
9 support of or opposition to a measure or candidate may petition the  
10 superior court of Thurston County for a judicial determination that the  
11 argument or statement may be rejected for publication or edited to  
12 delete the defamatory statement.

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

16 (c) An action under this subsection (2) must be filed and served no  
17 later than the tenth day after the deadline for the submission of the  
18 argument or statement to the secretary of state.

19 (d) If the secretary of state notifies a person named or identified  
20 in an argument or statement of the contents of the argument or  
21 statement within three days after the deadline for submission to the  
22 secretary, then neither the state nor the secretary is liable for  
23 damages resulting from publication of the statement unless the  
24 secretary publishes the statement in violation of an order entered  
25 under this section. Nothing in this section creates a duty on the part  
26 of the secretary of state to identify, locate, or notify the person.

27 (3) Parties to a dispute under this section may agree to resolve  
28 the dispute by rephrasing the argument or statement, even if the  
29 deadline for submission to the secretary has elapsed, unless the  
30 secretary determines that the process of publication is too far  
31 advanced to permit the change. The secretary shall promptly provide  
32 any such revision to any committee entitled to submit a rebuttal  
33 argument. If that committee has not yet submitted its rebuttal, its  
34 deadline to submit a rebuttal is extended by five days. If it has  
35 submitted a rebuttal, it may revise it to address the change within  
36 five days of the filing of the revised argument with the secretary.

37 (4) In an action under this section the committee or candidate must  
38 be named as a defendant, and may be served with process by certified  
39 mail directed to the address contained in the secretary's records for

1 that party. The secretary of state shall be a nominal party to an  
2 action brought under subsection (2) of this section, solely for the  
3 purpose of determining the content of the voters' pamphlet. The  
4 superior court shall give such an action priority on its calendar.

5 NEW SECTION. **Sec. 9.** (1) An argument or statement submitted to  
6 the secretary of state for publication in the voters' pamphlet is not  
7 available for public inspection or copying until:

8 (a) In the case of candidate statements, (i) all statements by all  
9 candidates who have filed for a particular office have been received,  
10 except those who informed the secretary that they will not submit  
11 statements, or (ii) the deadline for submission of statements has  
12 elapsed;

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

17 (c) In the case of rebuttal arguments, (i) the rebuttals on both  
18 sides have been received, unless a committee was not appointed for one  
19 side, or (ii) the deadline for submission of arguments has elapsed.

20 (2) Nothing in this section prohibits the secretary from releasing  
21 information under section 8(2)(d) of this act.

22 NEW SECTION. **Sec. 10.** All photographs of candidates submitted for  
23 publication must conform to standards established by the secretary of  
24 state by rule. No photograph may reveal clothing or insignia  
25 suggesting the holding of a public office.

26 NEW SECTION. **Sec. 11.** (1) The maximum number of words for  
27 statements submitted by candidates is as follows: State  
28 representative, one hundred words; state senator, judge of the superior  
29 court, judge of the court of appeals, justice of the supreme court, and  
30 all state offices voted upon throughout the state, except that of  
31 governor, two hundred words; president and vice-president, United  
32 States senator, United States representative, and governor, three  
33 hundred words.

34 (2) Arguments written by committees under section 3 of this act may  
35 not exceed two hundred fifty words in length.

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

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

5 NEW SECTION. **Sec. 12.** The secretary of state, as chief election  
6 officer, shall adopt rules consistent with this chapter to facilitate  
7 and clarify procedures related to the voters' pamphlet.

8 NEW SECTION. **Sec. 13.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c  
11 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s  
12 29.80.010;

13 (2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c  
14 81 s 78, & 1965 c 9 s 29.80.020;

15 (3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;

16 (4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965  
17 c 9 s 29.80.040;

18 (5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;

19 (6) RCW 29.80.060 and 1965 c 9 s 29.80.060;

20 (7) RCW 29.80.070 and 1965 c 9 s 29.80.070;

21 (8) RCW 29.80.080 and 1981 c 243 s 1;

22 (9) RCW 29.80.090 and 1984 c 54 s 7;

23 (10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, &  
24 1965 c 9 s 29.81.010;

25 (11) RCW 29.81.011 and 1984 c 54 s 5;

26 (12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;

27 (13) RCW 29.81.014 and 1977 c 56 s 1;

28 (14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s  
29 29.81.020;

30 (15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s  
31 29.81.030;

32 (16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145  
33 s 4, & 1965 c 9 s 29.81.040;

34 (17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;

35 (18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;

36 (19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s  
37 29.81.050;

- 1 (20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;  
2 (21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;  
3 (22) RCW 29.81.060 and 1965 c 9 s 29.81.060;  
4 (23) RCW 29.81.070 and 1965 c 9 s 29.81.070;  
5 (24) RCW 29.81.080 and 1965 c 9 s 29.81.080;  
6 (25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;  
7 (26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965  
8 c 9 s 29.81.100;  
9 (27) RCW 29.81.110 and 1965 c 9 s 29.81.110;  
10 (28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;  
11 (29) RCW 29.81.130 and 1965 c 9 s 29.81.130;  
12 (30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;  
13 (31) RCW 29.81.150 and 1965 c 9 s 29.81.150;  
14 (32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and  
15 (33) RCW 29.81.180 and 1981 c 243 s 2.

16 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act are added  
17 to chapter 29.81 RCW.

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