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**SUBSTITUTE HOUSE BILL 1559**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on State Government (originally sponsored by Representative McDermott)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to information about initiatives; amending RCW  
2 29.81.280; adding new sections to chapter 29.79 RCW; and adding a new  
3 section to chapter 29.81 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 29.79 RCW  
6 to read as follows:

7 The office of financial management, in consultation with the  
8 secretary of state, 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 note  
11 for each initiative to the people the petition for which has been filed  
12 with the secretary of state under RCW 29.79.140(2) and for each  
13 initiative to the legislature that will appear on the ballot, including  
14 a separate fiscal note for any alternative measure appearing on the  
15 ballot that is proposed by the legislature. A fiscal note must  
16 describe any projected increases or decreases in revenues, costs,  
17 expenditures, or indebtedness that the state and local governments will  
18 experience if the initiative or alternative measure were approved by  
19 state voters. A fiscal note must include a summary not exceeding one

1 hundred words and a more detailed statement that includes the  
2 assumptions that were made to develop the fiscal impacts. Fiscal notes  
3 must be written in clear and concise language and avoid legal and  
4 technical terms when possible, and may include easy to understand  
5 graphics. Where appropriate, a fiscal note may include both estimated  
6 dollar amounts and a description placing the estimated dollar amounts  
7 into context.

8 Fiscal notes must be available on-line from the secretary of  
9 state's web site and be included in the state voters' pamphlet.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 29.81 RCW  
11 to read as follows:

12 In addition to other information on an initiative required to be  
13 included in the voters' pamphlet, the secretary of state shall include  
14 the fiscal note and responses to the fiscal note prepared for the  
15 initiative under section 1 of this act. This additional information  
16 must be presented highlighting the executive summary.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 29.79 RCW  
18 to read as follows:

19 Both the committee advocating approval of an initiative and the  
20 committee advocating rejection of an initiative may submit responses to  
21 a fiscal note prepared under section 1 of this act. Each response must  
22 be in two parts, with the first part being an argument not to exceed  
23 two hundred fifty words in length, and the second part being a rebuttal  
24 to the first part prepared by the other side not to exceed seventy-five  
25 words in length. The responses must be prepared and processed in a  
26 similar manner to the preparation and processing of arguments under RCW  
27 29.81.290.

28 **Sec. 4.** RCW 29.81.280 and 1999 c 260 s 8 are each amended to read  
29 as follows:

30 (1) If in the opinion of the secretary of state any argument or  
31 statement offered for inclusion in the voters' pamphlet in support of  
32 or opposition to a measure or candidate, or any response to a fiscal  
33 note, contains obscene matter or matter that is otherwise prohibited by  
34 law from distribution through the mail, the secretary may petition the  
35 superior court of Thurston County for a judicial determination that the  
36 argument, response, or statement may be rejected for publication or

1 edited to delete the matter. The court shall not enter such an order  
2 unless it concludes that the matter is obscene or otherwise prohibited  
3 for distribution through the mail.

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

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

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

18 (d) If the secretary of state notifies a person named or identified  
19 in an argument, response, or statement of the contents of the argument,  
20 response, or statement within three days after the deadline for  
21 submission to the secretary, then neither the state nor the secretary  
22 is liable for damages resulting from publication of the argument,  
23 response, or statement unless the secretary publishes the argument,  
24 response, or statement in violation of an order entered under this  
25 section. Nothing in this section creates a duty on the part of the  
26 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, response, or statement, even if  
29 the 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 or rebuttal response. If that committee has not yet submitted  
34 its rebuttal, its deadline to submit a rebuttal is extended by five  
35 days. If it has submitted a rebuttal, it may revise it to address the  
36 change within five days of the filing of the revised argument with the  
37 secretary.

38 (4) In an action under this section the committee or candidate must  
39 be named as a defendant, and may be served with process by certified

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

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