

2SHB 1272 - H AMD 790

By Representative Bergquist

ADOPTED 01/24/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 29A.32.010 and 2003 c 111 s 801 are each amended to
4 read as follows:

5 The secretary of state shall, whenever at least one statewide
6 measure or office is scheduled to appear on the general election
7 ballot, print and distribute a voters' pamphlet.

8 The secretary of state shall distribute the voters' pamphlet to
9 each household in the state, to public libraries, and to any other
10 locations (~~(he or she)~~) the secretary deems appropriate. The
11 secretary of state shall also produce (~~(taped)~~) recorded or Braille
12 transcripts of the voters' pamphlet, publicize their availability,
13 and mail without charge a copy to any person who requests one.

14 The secretary of state may make the material required to be
15 distributed by this chapter available to the public in electronic
16 form. The secretary of state may provide the material in electronic
17 form to (~~(computer bulletin boards)~~) web based, print, and broadcast
18 news media(~~(, community computer networks,)~~) and similar services at
19 the cost of reproduction or transmission of the data.

20 **Sec. 2.** RCW 29A.32.020 and 2003 c 111 s 802 are each amended to
21 read as follows:

22 No person or entity may publish or distribute any campaign
23 material that is deceptively similar in design or appearance to a
24 voters' pamphlet that was published by the secretary of state during
25 the (~~(ten)~~) 10-year period before the publication or distribution of
26 the campaign material by the person or entity. The secretary of state
27 shall take reasonable measures to prevent or to stop violations of
28 this section. Such measures may include, among others, petitioning
29 the superior court for a temporary restraining order or other
30 appropriate injunctive relief. In addition, the secretary may request
31 the superior court to impose a civil fine on a violator of this

1 section. The court is authorized to levy on and recover from each
2 violator a civil fine not to exceed the greater of: (1) ~~((Two~~
3 ~~dollars))~~ \$5 for each copy of the deceptive material distributed, or
4 (2) ~~((one thousand dollars))~~ \$10,000. In addition, the violator is
5 liable for the state's legal expenses and other costs resulting from
6 the violation. Any funds recovered under this section must be
7 transmitted to the state treasurer for deposit in the general fund.

8 **Sec. 3.** RCW 29A.32.031 and 2023 c 109 s 8 are each amended to
9 read as follows:

10 The voters' pamphlet published or distributed under RCW
11 29A.32.010 must contain:

12 (1) Information about each ballot measure initiated by or
13 referred to the voters for their approval or rejection as required by
14 RCW 29A.32.070;

15 (2) In even-numbered years, statements, if submitted, from
16 candidates for the office of president and vice president of the
17 United States, United States senator, United States representative,
18 governor, lieutenant governor, secretary of state, state treasurer,
19 state auditor, attorney general, commissioner of public lands,
20 superintendent of public instruction, insurance commissioner, state
21 senator, state representative, justice of the supreme court, judge of
22 the court of appeals, or judge of the superior court. Candidates may
23 also submit campaign contact information and a photograph not more
24 than five years old in a format that the secretary of state
25 determines to be suitable for reproduction in the voters' pamphlet;

26 (3) In odd-numbered years, ~~((if))~~ statements, if submitted, from
27 candidates for any office ~~((voted upon statewide))~~ listed in
28 subsection (2) of this section that appears on the ballot due to a
29 vacancy ~~((, then statements and photographs for candidates for any~~
30 ~~vacant office listed in subsection (2) of this section must appear)).~~
31 Candidates may also submit campaign contact information and a
32 photograph not more than five years old in a format that the
33 secretary of state determines to be suitable for reproduction in the
34 voters' pamphlet;

35 (4) Contact information for the public disclosure commission
36 established under RCW 42.17A.100, including the following statement:
37 "For a list of the people and organizations that donated to state and
38 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."
39 The statement must be placed in a prominent position, such as ~~((on~~

1 ~~the cover or on~~) the first two pages of the voters' pamphlet. The
2 secretary of state may substitute such language as is necessary for
3 accuracy and clarity and consistent with the intent of this section;

4 (5) Contact information for major political parties;

5 (6) A brief statement explaining the deletion and addition of
6 language for proposed measures under RCW 29A.32.080;

7 (7) A list of all student engagement hubs as designated under RCW
8 29A.40.180;

9 (8) A page providing information about how to access the internet
10 presentation of the information created in RCW 44.48.160 about the
11 state budgets, including a uniform resource locator, a quick response
12 code, and a phone number for the legislative information center. The
13 uniform resource locator and quick response codes will lead the voter
14 to the internet information required in RCW 44.48.160; and

15 (9) Any additional information pertaining to elections as may be
16 required by law or in the judgment of the secretary of state is
17 deemed informative to the voters.

18 **Sec. 4.** RCW 29A.32.060 and 2015 c 171 s 2 are each amended to
19 read as follows:

20 Committees shall write and submit arguments advocating the
21 approval or rejection of each statewide ballot issue and rebuttals of
22 those arguments. The secretary of state, the presiding officer of the
23 senate, and the presiding officer of the house of representatives
24 shall appoint the initial two members of each committee. In making
25 these committee appointments the secretary of state and presiding
26 officers of the senate and house of representatives shall consider
27 legislators, sponsors of initiatives and referendums, and other
28 interested groups known to advocate or oppose the ballot measure.
29 Committees must have the explanatory and fiscal impact statements
30 available before preparing their arguments.

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

34 After the committee submits its initial argument statements to
35 the secretary of state, the secretary of state shall transmit the
36 statements to the opposite committee. The opposite committee may then
37 prepare rebuttal arguments. Rebuttals may not interject new points.

38 The voters' pamphlet may contain only text argument statements
39 prepared according to this section. (~~Arguments may contain graphs~~

1 ~~and charts supported by factual statistical data and pictures or~~
2 ~~other illustrations. (Cartoons))~~ Graphs, charts, photographs,
3 cartoons, or caricatures are not permitted.

4 **Sec. 5.** RCW 29A.32.070 and 2023 c 109 s 2 are each amended to
5 read as follows:

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

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

18 The voters' pamphlet must provide the following information for
19 each statewide issue on the ballot:

20 (1) The legal identification of the measure by serial designation
21 or number;

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

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

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

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

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

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

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

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

39 (10) The full text of the measure.

1 **Sec. 6.** RCW 29A.32.090 and 2009 c 222 s 3 are each amended to
2 read as follows:

3 (1) ~~((1f))~~ All statements, arguments, and photographs submitted
4 are subject to review and approval, and must conform to the criteria
5 in this section. A statement or photograph may be rejected if in the
6 opinion of the secretary of state any argument or statement offered
7 for inclusion in the voters' pamphlet in support of or opposition to
8 a measure or candidate does not comply with the standards contained
9 in this section or administrative rules or contains obscene matter or
10 matter that is otherwise prohibited by law from distribution through
11 the mail(~~(7)~~). A person or committee that has submitted a statement
12 or photograph rejected by the secretary may edit their statement or
13 petition the superior court of Thurston county for a judicial
14 determination that the photograph, argument, or statement (~~may be~~
15 rejected)) complies with the standards and is acceptable for
16 publication (~~or edited to delete the matter~~)). The court shall not
17 enter such an order unless it concludes that the matter is compliant,
18 not obscene, or not otherwise prohibited for distribution through the
19 mail. The court may award reasonable attorneys' fees and costs to a
20 person or committee who receives such an order.

21 (2) Candidate statements may not:

22 (a) Ask for contributions; or

23 (b) Make commercial solicitations.

24 (3) Statements and arguments submitted in support of or
25 opposition to a measure, or in reply to the opposing statement, may
26 not:

27 (a) Ask for contributions; or

28 (b) Make commercial solicitations.

29 (4) A ~~((candidate's))~~ statement submitted for inclusion in the
30 voters' pamphlet shall not contain false or misleading statements
31 ~~((about the candidate's opponent))~~ that constitute libel or
32 defamation per se. A false or misleading statement shall be
33 considered "libel or defamation per se" if the statement tends to
34 expose the ~~((candidate))~~ opposition to hatred, contempt, ridicule, or
35 obloquy, or to deprive him or her of the benefit of public confidence
36 or social intercourse, or to injure him or her in his or her business
37 or occupation. If a candidate believes his or her opponent has
38 libeled or defamed him or her, the candidate may commence an action
39 under subsection ~~((3))~~ (5) of this section.

1 (~~(3)~~) (5)(a) A person who believes that he or she may be
2 defamed by an argument or statement offered for inclusion in the
3 voters' pamphlet in support of or opposition to a measure or
4 candidate may petition the superior court of Thurston county for a
5 judicial determination that the argument or statement may be rejected
6 for publication or edited to delete the defamatory statement.

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

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

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

22 (~~(4)~~) (6) Parties to a dispute under this section may agree to
23 resolve the dispute by rephrasing the argument or statement, even if
24 the deadline for submission to the secretary has elapsed, unless the
25 secretary determines that the process of publication is too far
26 advanced to permit the change. The secretary shall promptly provide
27 any such revision to any committee entitled to submit a rebuttal
28 argument. If that committee has not yet submitted its rebuttal, its
29 deadline to submit a rebuttal is extended by five days. If it has
30 submitted a rebuttal, it may revise it to address the change within
31 five days of the filing of the revised argument with the secretary.

32 (~~(5)~~) (7) In an action under this section the committee or
33 candidate must be named as a defendant, and may be served with
34 process by certified mail directed to the address contained in the
35 secretary's records for that party. The secretary of state shall be a
36 nominal party to an action brought under subsection (~~(3)~~) (5) of
37 this section, solely for the purpose of determining the content of
38 the voters' pamphlet. The superior court shall give such an action
39 priority on its calendar.

1 **Sec. 7.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
2 read as follows:

3 (1) The maximum number of words for statements submitted by
4 candidates is as follows: State representative, (~~one hundred~~) 100
5 words; state senator, judge of the superior court, judge of the court
6 of appeals, justice of the supreme court, and all state offices voted
7 upon throughout the state, except that of governor, (~~two hundred~~)
8 200 words; president and vice president, United States senator,
9 United States representative, and governor, (~~three hundred~~) 300
10 words.

11 (2) Arguments written by committees under RCW 29A.32.060 may not
12 exceed (~~two hundred fifty~~) 250 words in length.

13 (3) Rebuttal arguments written by committees may not exceed
14 (~~seventy-five~~) 75 words in length.

15 (4) The secretary of state or county auditor shall allocate space
16 in the pamphlet based on the number of candidates or nominees for
17 each office.

18 **Sec. 8.** RCW 29A.32.210 and 2020 c 337 s 6 are each amended to
19 read as follows:

20 Before any primary or general election, or any special election
21 held under RCW 29A.04.321 or 29A.04.330, each county auditor shall
22 print and distribute a local voters' pamphlet. The pamphlet shall
23 provide information on all measures and candidates appearing on
24 ballots within that (~~jurisdiction~~) county. The format of any local
25 voters' pamphlet shall, whenever applicable, comply with the
26 provisions of this chapter regarding the publication of the state
27 candidates' and voters' pamphlets.

28 **Sec. 9.** RCW 29A.32.220 and 2003 c 111 s 814 are each amended to
29 read as follows:

30 (1) Not later than (~~ninety~~) 90 days before the publication and
31 distribution of a local voters' pamphlet by a county, the county
32 auditor shall notify each city, town, or special taxing district
33 (~~located wholly~~) with issues or offices appearing on ballots within
34 that county that a pamphlet will be produced.

35 (2) (~~If a~~) All voters' (~~pamphlet is~~) pamphlets published by
36 the county (~~for a primary or general election, the pamphlet shall be~~
37 ~~published for~~) pursuant to RCW 29A.32.210 must include the elective
38 offices and ballot measures of the county and (~~for~~) the elective

1 offices and ballot measures of each unit of local government
2 (~~located entirely~~) within the county which will appear on the
3 ballot at that primary or election. (~~However, the offices and~~
4 ~~measures of a first-class or code city shall not be included in the~~
5 ~~pamphlet if the city publishes and distributes its own voters'~~
6 ~~pamphlet for the primary or election for its offices and measures.~~
7 ~~The offices and measures of any other town or city are not required~~
8 ~~to appear in the county's pamphlet if the town or city is obligated~~
9 ~~by ordinance or charter to publish and distribute a voters' pamphlet~~
10 ~~for the primary or election for its offices and measures and it does~~
11 ~~so.~~)

12 If the required appearance in a county's voters' pamphlet of the
13 offices or measures of a unit of local government would create undue
14 financial hardship for the unit of government, the legislative
15 authority of the unit may petition the legislative authority of the
16 county to waive this requirement. The legislative authority of the
17 county may provide such a waiver if it does so not later than
18 (~~sixty~~) 60 days before the publication of the pamphlet and it finds
19 that the requirement would create such hardship.

20 (3) If a city, town, or district is located within more than one
21 county, (~~the respective county auditors may enter into an interlocal~~
22 ~~agreement to permit the distribution of each county's local voters'~~
23 ~~pamphlet into those parts of the city, town, or district located~~
24 ~~outside of that county~~) all appropriate information for that
25 jurisdiction must appear in the local voters' pamphlet for each of
26 the counties containing the jurisdiction. Arguments, candidate
27 statements, and photographs must be submitted to the county auditor
28 of the county that accepted any resolutions or candidate filings for
29 that jurisdiction. The auditor that receives this information shall
30 provide it to the other county auditors after reviewing and accepting
31 the submissions.

32 (~~(4) If a first-class or code city authorizes the production and~~
33 ~~distribution of a local voters' pamphlet, the city clerk of that city~~
34 ~~shall notify any special taxing district located wholly within that~~
35 ~~city that a pamphlet will be produced. Notification shall be provided~~
36 ~~in the manner required or provided for in subsection (1) of this~~
37 ~~section.~~

38 (~~5) A unit of local government located within a county and the~~
39 ~~county may enter into an interlocal agreement for the publication of~~

1 ~~a voters' pamphlet for offices or measures not required by subsection~~
2 ~~(2) of this section to appear in a county's pamphlet.)~~)

3 **Sec. 10.** RCW 29A.32.230 and 2023 c 394 s 10 are each amended to
4 read as follows:

5 ((The)) (1) The secretary of state, in consultation with county
6 ~~((auditor or, if applicable, the city clerk of a first-class or code~~
7 ~~city)) auditors, shall~~~~((, in consultation with the participating~~
8 ~~jurisdictions,))~~ adopt and publish administrative rules necessary to
9 facilitate ~~((the provisions of any ordinance authorizing))~~ production
10 of a local voters' pamphlet. ~~((Any amendment to such a rule shall~~
11 ~~also be adopted and published. Copies of the rules shall identify the~~
12 ~~date they were adopted or last amended and shall be made available to~~
13 ~~any person upon request. One copy of the rules adopted by a county~~
14 ~~auditor and one copy of any amended rules shall be submitted to the~~
15 ~~county legislative authority. One copy of the rules adopted by a city~~
16 ~~clerk and one copy of any amended rules shall be submitted to the~~
17 ~~city legislative authority.))~~ These rules shall include but not be
18 limited to the following:

19 ~~((1) Deadlines for decisions by cities, towns, or special taxing~~
20 ~~districts on being included in the pamphlet;~~

21 ~~(2))~~ (a) Limits on the length and deadlines for submission of
22 arguments for and against each measure;

23 ~~((3))~~ (b) The basis for rejection of any explanatory or
24 candidates' statement or argument deemed to be ~~((libelous or~~
25 ~~otherwise inappropriate. Any statements by a candidate shall be~~
26 ~~limited to those about the candidate himself or herself))~~
27 noncompliant with this section or administrative rules adopted in
28 accordance with this section;

29 ~~((4))~~ (c) Limits on the length of candidates' statements;

30 ~~((5))~~ (d) Deadlines for submission of candidates' statements
31 not sooner than 11 days following the deadline for filing
32 declarations of candidacy under RCW 29A.24.050;

33 ~~((6))~~ (e) Standards related to acceptable candidate
34 photographs;

35 (f) Standards related to statements for and against any measure;
36 and

37 (g) An appeal process in the case of the rejection of any
38 statement or argument.

39 (2) Candidate statements may not:

1 (a) Ask for contributions; or
2 (b) Make commercial solicitations.
3 (3) Statements and arguments submitted in support of or
4 opposition to a measure, or in reply to the opposing statement, may
5 not:

6 (a) Ask for contributions; or
7 (b) Make commercial solicitations.
8 (4) The county auditor shall adopt and publish local
9 administrative rules necessary to facilitate production of a local
10 voters' pamphlet. Copies of the rules must identify the date they
11 were adopted or last amended and must be made available to any person
12 upon request.

13 **Sec. 11.** RCW 29A.32.241 and 2020 c 208 s 12 are each amended to
14 read as follows:

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

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

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

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

24 (d) Candidate statements and photographs;

25 (e) The text of each measure accompanied by an explanatory
26 statement prepared by the prosecuting attorney for any county measure
27 or by the attorney for the jurisdiction submitting the measure if
28 other than a county measure. All explanatory statements for city,
29 town, or district measures not approved by the attorney for the
30 jurisdiction submitting the measure shall be reviewed and approved by
31 the county prosecuting attorney or city attorney, when applicable,
32 before inclusion in the pamphlet;

33 ~~((e))~~ (f) The arguments for and against each measure submitted
34 by committees selected pursuant to RCW 29A.32.280; and

35 ~~((f))~~ (g) A list of all student engagement hubs in the county
36 as designated under RCW 29A.40.180 ~~(; and~~

37 ~~(g) For partisan primary elections, information on how to vote~~
38 ~~the applicable ballot format and an explanation that minor political~~

1 ~~party candidates and independent candidates will appear only on the~~
2 ~~general election ballot).~~

3 (2) The county auditor's name may not appear in the local voters'
4 pamphlet in ~~((his or her))~~ an official capacity if the county auditor
5 is a candidate for office during the same year. ~~((His or her))~~ The
6 auditor's name may only be included as part of the information
7 normally included for candidates.

8 **Sec. 12.** RCW 29A.32.250 and 2003 c 111 s 817 are each amended to
9 read as follows:

10 ~~((If the legislative authority of a county or first-class or code~~
11 ~~city provides for the inclusion of candidates in the local voters'~~
12 ~~pamphlet, the pamphlet))~~ Local voters' pamphlets shall include
13 ~~((the))~~ candidate statements ~~((from candidates))~~ accepted by the
14 county auditor and may also include ~~((those))~~ candidates' photographs
15 accepted by the county auditor.

16 **Sec. 13.** RCW 29A.32.260 and 2022 c 193 s 2 are each amended to
17 read as follows:

18 As soon as practicable before the primary, special election, or
19 general election, the county auditor~~((, or if applicable, the city~~
20 ~~clerk of a first-class or code city, as appropriate,))~~ shall mail the
21 local voters' pamphlet to every residence in each jurisdiction ~~((that~~
22 ~~has included information))~~ within the county that is participating in
23 the associated primary or election and for which election information
24 is included in the pamphlet. The county auditor ~~((or city clerk, as~~
25 ~~appropriate,))~~ may choose to mail the pamphlet to each registered
26 voter in each jurisdiction ~~((that has included information in the~~
27 ~~pamphlet))~~ within the county that is participating in the associated
28 primary or election and for which election information is included in
29 the pamphlet, if in ~~((his or her))~~ the auditor's judgment, a more
30 economical and effective distribution of the pamphlet would result.
31 The county auditor shall either mail or send a printable electronic
32 version of the state and local voters' pamphlets to any service or
33 overseas voter registered in the jurisdiction who has requested them.

34 **Sec. 14.** RCW 29A.32.280 and 2015 c 146 s 3 are each amended to
35 read as follows:

36 (1) For each measure from a unit of local government ~~((that is))~~
37 included in a local voters' pamphlet, the legislative authority of

1 that jurisdiction shall, not later than the resolution deadline,
2 formally appoint a committee to prepare arguments advocating voters'
3 approval of the measure and shall formally appoint a committee to
4 prepare arguments advocating voters' rejection of the measure.

5 (2) The authority shall appoint persons that reside within the
6 jurisdictional boundaries and are known to favor the measure to serve
7 on the committee advocating approval and shall, whenever possible,
8 appoint persons that reside within the jurisdictional boundaries and
9 are known to oppose the measure to serve on the committee advocating
10 rejection.

11 (3) Each committee shall have not more than three members,
12 however, a committee may seek the advice of any person or persons.

13 (4) If the legislative authority of a unit of local government
14 fails to make such appointments by the prescribed deadline, the
15 county auditor shall ((whenever possible make the appointments))
16 issue a media release and publish information on the auditor's
17 election website announcing the opportunity to form committees and
18 provide statements. If the legislative authority is unable to make
19 appointments, the auditor shall make appointments on a first-come,
20 first-served basis if qualified committee members contact the auditor
21 by the appropriate deadline.

22 (5) If no statement is produced, the auditor shall include a
23 statement in the pamphlet stating that no person in the jurisdiction
24 contacted the auditor to provide a statement, and there are no
25 statements for that measure.

26 NEW SECTION. Sec. 15. This act takes effect January 1, 2025."

27 Correct the title.

EFFECT: Updates certain amendatory sections to reflect changes made in legislation enacted in 2023. Changes the effective date to January 1, 2025.

--- END ---