

SENATE BILL REPORT

SB 6123

As of March 18, 2009

Title: An act relating to legal notices for constitutional amendments and state measures.

Brief Description: Concerning legal notices for constitutional amendments and state measures.

Sponsors: Senator Prentice; by request of Secretary of State.

Brief History:

Committee Activity: Ways & Means: 3/17/09.

SENATE COMMITTEE ON WAYS & MEANS

Staff: Steve Jones (786-7440)

Background: The State Constitution provides that a constitutional amendment may be proposed by a two-thirds vote of each house of the Legislature and submitted to the voters of the state at the next general election. The Constitution also provides for direct legislation by the people through the initiative and referendum process.

The Constitution requires public notice of proposed constitutional amendments, initiatives, and referenda. The Secretary of State is required by the Constitution to send a copy of the proposed amendment, initiative, or referendum, with arguments for and against the proposal, to every residence in the state. The State Constitution also requires notice of proposed constitutional amendments be published in every legal newspaper in the state at least four times during the four weeks preceding the election. The constitutional requirement for publication of legal notice of constitutional amendments is supplemented by statutes requiring, within available funds, publication of notice of initiatives and referenda and an equivalent amount of radio and television advertisements. The published notices are required by statute to contain the measure's ballot title, a summary of the law as it currently exists and the effect of the proposal if adopted, and the total number of votes cast for and against the measure in the Legislature.

By statute, a legal newspaper is any newspaper that publishes general interest news in the English language at least weekly and has been approved as a legal newspaper by a superior court.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The statutory requirements for legal advertising of proposed constitutional amendments, initiatives, and referenda are repealed. This legislation implements proposed Senate Joint Resolution 8217, which deletes from the State Constitution the requirement for publication of notice of proposed constitutional amendments in every legal newspaper in the state. Under SJR 8217, the Legislature is directed to provide public notice of proposed constitutional amendments in a manner that would provide each voter with an opportunity to study the proposal.

Appropriation: None.

Fiscal Note: Requested on March 14, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect if Senate Joint Resolution 8217 is approved at the next general election.

Staff Summary of Public Testimony: PRO: The Secretary of State is proposing unpleasant budget reductions because of the state's fiscal condition. The administration of the state's elections is the subject of very prescriptive statutes, so budget reductions can be achieved only by modifying the statutes. The Secretary of State's Office spends a great deal of money purchasing legal advertising on state ballot measures; these expenditures largely duplicate the information that is already being distributed to the public in the Voters' Pamphlet.

CON: With legal advertising, the amount of money is not significant, but the principle of an educated electorate is significantly larger. Voter access to information is the key issue. More money could be saved by eliminating the mailing of Voters' Pamphlets to every household in the state. Instead, the Voters' Pamphlets should be distributed via newspaper inserts at a significant cost savings. Legal advertising of initiatives and referenda is already limited to the availability of state appropriations, so amending the statute is unnecessary. Radio and television advertising should be retained because it is the most efficient method for reaching the largest number of voters. In purchasing advertising, the state should not discriminate between print advertising and broadcast advertising. Access to internet information is not universal, particularly for the socially disadvantaged, who are less likely to own a computer. Radio advertising is a very effective way to reach Spanish-speaking citizens.

Persons Testifying: PRO: Secretary of State Sam Reed; Katie Blinn, Shane Hamlin, Secretary of State's Office.

CON: Roland Thompson, Allied Daily Newspapers; Mark Allen, State Association of Broadcasters; Bill Will, Washington Newspaper Publishers Association.