H-0487.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**HOUSE BILL 1229**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Johnson, S. Hunt, Zeiger, Appleton, Robinson, Haler, Van De Wege, Short, Riccelli, Pike, MacEwen, Kretz, Buys, McBride, Fagan, Orwall, Ortiz-Self, Bergquist, Walkinshaw, Holy, Rodne, Sawyer, Caldier, Kagi, Magendanz, Vick, Ormsby, and Wilson

AN ACT Relating to information about initiatives; amending RCW 29A.32.090; adding new sections to chapter 29A.72 RCW; and adding a new section to chapter 29A.32 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

The office of financial management, in consultation with the secretary of state, department of revenue, other state agencies, selected local governments and associations of local governments, and legislative fiscal staff, when appropriate, shall prepare a fiscal note for each initiative to the people the petition for which has been filed with the secretary of state under RCW 29A.72.160(2) and for each initiative to the legislature that will appear on the ballot, including a separate fiscal note for any alternative measure appearing on the ballot that is proposed by the legislature. A fiscal note must describe any projected increases or decreases in revenues, costs, expenditures, or indebtedness that the state and local governments will experience if the initiative or alternative measure were approved by state voters. A fiscal note must include a summary not exceeding one hundred words and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts. Fiscal notes must be written in clear and concise language and avoid legal and technical terms when possible, and may include easy to understand graphics. Where appropriate, a fiscal note may include both estimated dollar amounts and a description placing the estimated dollar amounts into context.

Fiscal notes must be available online from the secretary of state's web site and be included in the state voters' pamphlet.

NEW SECTION. **Sec.**  A new section is added to chapter 29A.32 RCW to read as follows:

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

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

Both the committee advocating approval of an initiative and the committee advocating rejection of an initiative may submit responses to a fiscal note prepared under section 1 of this act. Each response must be in two parts, with the first part being an argument not to exceed two hundred fifty words in length, and the second part being a rebuttal to the first part prepared by the other side not to exceed seventy-five words in length. The responses must be prepared and processed in a similar manner to the preparation and processing of arguments under RCW 29A.32.100.

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

(1) If in the opinion of the secretary of state any argument or statement offered for inclusion in the voters' pamphlet in support of or opposition to a measure or candidate, or any response to a fiscal note, contains obscene matter or matter that is otherwise prohibited by law from distribution through the mail, the secretary may petition the superior court of Thurston county for a judicial determination that the argument, response, or statement may be rejected for publication or edited to delete the matter. The court shall not enter such an order unless it concludes that the matter is obscene or otherwise prohibited for distribution through the mail.

(2) A candidate's argument, response, or statement submitted for inclusion in the voters' pamphlet shall not contain false or misleading arguments, responses, or statements about the candidate's opponent. A false or misleading argument, response, or statement shall be considered "libel or defamation per se" if the argument, response, or statement tends to expose the candidate to hatred, contempt, ridicule, or obloquy, or to deprive him or her of the benefit of public confidence or social intercourse, or to injure him or her in his or her business or occupation. If a candidate believes his or her opponent has libeled or defamed him or her, the candidate may commence an action under subsection (3) of this section.

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

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

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

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

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

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

**--- END ---**