

# HOUSE BILL REPORT

## HB 1212

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**As Passed House:**  
March 1, 2019

**Title:** An act relating to prohibiting the names of county auditors and the secretary of state in their official capacity on election materials.

**Brief Description:** Prohibiting the names of county auditors and the secretary of state in their official capacity on election materials.

**Sponsors:** Representatives Shea and McCaslin.

**Brief History:**

**Committee Activity:**

State Government & Tribal Relations: 1/22/19, 2/6/19 [DP].

**Floor Activity:**

Passed House: 3/1/19, 95-0.

**Brief Summary of Bill**

- Prohibits the name of the Secretary of State from appearing in the state voters' pamphlet in his or her official capacity in any year.
- Prohibits, in any year, the name of the county auditor from appearing in the local voters' pamphlet in his or her official capacity, on the ballot security or return envelope, or any voting instructions or materials included with the ballot.
- Clarifies that the name of the Secretary of State and county auditor may only be included in the voter's pamphlet as part of the information normally included for candidates during a year that he or she is a candidate for office.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

**Majority Report:** Do pass. Signed by 9 members: Representatives Gregerson, Chair; Pellicciotti, Vice Chair; Walsh, Ranking Minority Member; Goehner, Assistant Ranking Minority Member; Appleton, Dolan, Hudgins, Mosbrucker and Smith.

**Staff:** Desiree Omli (786-7105).

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*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.*

## **Background:**

### Voters' Pamphlets.

The Secretary of State (Secretary) is required to publish a voters' pamphlet for each general election in which at least one statewide measure or office will appear on the ballot. The Secretary determines the format and layout of the voters' pamphlet.

State voters' pamphlets must contain, if provided, a candidate's statement, photograph, and contact information. For each statewide issue on the ballot, the state voter's pamphlet must contain an explanatory statement of the issue, argument statements for and against the proposed measure, and a fiscal impact statement. Contact information for the Public Disclosure Commission and for major political parties must also be included.

The name of the Secretary may not appear in the state voters' pamphlet in his or her official capacity, if he or she is a candidate for office in the same year.

Counties and first class or code cities are authorized to publish a local voters' pamphlet containing information on election measures and candidates within that jurisdiction. The local voters' pamphlet may include candidate statements and photographs, and must contain explanatory statements on ballot measures and argument statements for and against each measure.

A county auditor's name may not appear in the local voters' pamphlet in his or her official capacity when he or she is a candidate for office in the same year.

### Ballot Envelopes.

The county auditor prepares and mails ballots to all registered voters in the county. The ballot is sent with a security envelope, a return envelope, a declaration that the voter must sign, and instructions on obtaining election information and marking and returning the ballot. The county auditor's name may not appear on the security or return envelope, or on any voting instructions or materials sent to each voter in a year the auditor is a candidate for office.

## **Summary of Bill:**

The name of the Secretary may not appear in the state voters' pamphlet in his or her official capacity in any year, even if he or she is not a candidate for office in the same year the pamphlet is published. His or her name may only appear during a year that the Secretary is a candidate for office as part of the information normally included for candidates.

A county auditor's name may not appear in the local voters' pamphlet in his or her official capacity in any year, even if he or she is a candidate for office in the same year the pamphlet is published. His or her name may only appear during a year that the auditor is a candidate for office as part of the information normally included for candidates. In addition, the county auditor's name may not appear on any security or return envelope, voting instructions, or materials included with the ballot in any year.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) We have a long standing policy in the state to not use public resources for electioneering; this would be an extension of that. A few years ago, law was enacted to prohibit this during an election year. That issue arose when an auditor and the Secretary of State were on the ballot. There might need to be an amendment to clarify that the prohibition applies to "all election materials" because there was a situation when an auditor put their name on the mailing envelope, because it was not specifically called out in statute, even though the statute says "all materials."

(Opposed) None.

**Persons Testifying:** Representative Shea, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.