

# SENATE BILL REPORT

## SB 6797

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As of February 9, 2010

**Title:** An act relating to voters' pamphlets.

**Brief Description:** Concerning voters' pamphlets.

**Sponsors:** Senators Tom, Gordon and Fairley.

**Brief History:**

**Committee Activity:** Government Operations & Elections: 2/02/10, 2/04/10 [DPS-WM].  
Ways & Means: 2/08/10.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 6797 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; Roach, Ranking Minority Member; Benton, McDermott, Pridemore and Swecker.

**Staff:** Alison Mendiola (786-7483)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Steve Jones (786-7440)

**Background:** For counties with a population of 100,000 or more a voters' pamphlet may be published by a county for primary and general elections. The pamphlet is to include: (1) elective offices and ballot measures of the county, and (2) elective offices and ballot measures of each unit of local government located entirely within the county that will appear on the ballot in that primary election.

The offices and measures of a first-class or code city are not required to be included in the county pamphlet if the city publishes and distributes its own pamphlet for the primary election.

The offices and measures of any other town or city are not required to appear in the county's pamphlet if the town or city is obligated by ordinance or charter to publish and distribute a voters' pamphlet for the primary election for its office and does so.

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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.*

If the required appearance in a county's voters' pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit can petition the legislative authority of the county to waive this requirement. If the legislative authority finds publishing would create an undue hardship, the waiver may be provided so long as it is not later than 60 days before the publication of the pamphlet.

**Summary of Bill (Recommended Substitute):** For counties with a population of 100,000 or more, a voter's pamphlet is to be published by a county for primary, special, and general elections. If a city or town publishes its own pamphlet for a primary, special, or general election, then that city or town's offices and measures will not be included in the county voters' pamphlet.

The financial hardship exception is eliminated.

**EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS & ELECTIONS COMMITTEE (Recommended Substitute):** Counties with a population of 100,000 or more are required to publish a voters' pamphlet for all elections.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Government Operations & Elections):** PRO: When voters received their ballot for the upcoming election, they were shocked not to see school levies listed and thought it was a mistake, only to discover all measures on a ballot are not required to be published in a voters' pamphlet. Even when they are published the law doesn't extend to special elections, and junior taxing districts have a way of opting out. Given the recent Supreme Court ruling, it seems that democracy is up for sale. A healthy debate is a good thing. Finding a con statement may be a challenge, but perhaps that can be delegated to the elections department in that county. Fire chiefs are concerned that this is not the time to stop communicating with voters. If there is no pamphlet, the fire chiefs spend money doing a public campaign, which is one-sided.

CON: Creating a voter's pamphlet is very expensive - but it's also more about the timing now that the primary elections have been moved up. In Thurston County it costs \$20,000 per election. If a county, like King County, doesn't do a pamphlet for special elections, then it's up to the districts to decide if they want to participate. Full disclosure of what a voter is going to see on his or her ballot is important, but there is also the reality of the timing, getting attorneys to approve of pro/con statements, and the cost. Some counties have never published a voters' pamphlet. One county even had to borrow money recently to make payroll.

**Persons Testifying (Government Operations & Elections):** PRO: Senator Tom, prime sponsor; Mike Brown, Washington Fire Chiefs.

CON: Kim Wyman, Washington State Association of County Auditors; Evelyn Arnold, King County Elections; Jerry Pettit, Kittitas County Auditor; James McMahan, County Auditors.

**Staff Summary of Public Testimony on Recommended Substitute (Ways & Means):**

CON: County officials recognize the benefits of a more informed electorate, but are opposed to this bill unless funding is provided. Also, the timelines are too short to allow for the production of these voters' pamphlets.

**Persons Testifying (Ways & Means):** CON: Debbie Wilke, Washington Association of County Officials.