

SENATE BILL REPORT

SB 5449

As of February 18, 1997

Title: An act relating to the state voters' pamphlet.

Brief Description: Updating laws on the state voters' pamphlet.

Sponsors: Senators Horn, McDonald, Fraser, Swecker, Haugen, Hale, Sellar, Franklin and Wood; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations: 2/18/97.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Staff: Kathleen Healy (786-7403)

Background: Preceding any general election or an election that is to be held to fill a vacancy in the office of U.S. Senator or any state office elected on a statewide basis, the Secretary of State is required to publish and mail a Candidate's Pamphlet to each individual place of residence. Preceding any general election at which any initiative measure, referendum measure, or amendment to the state Constitution is to be submitted to the people, the Secretary of State is required to publish and mail a Voter's Pamphlet to each individual place of residence in the state. The two pamphlets must be consolidated into a single pamphlet whenever possible.

The format of the Voter's Pamphlet is prescribed and includes a space for statements made for and against a measure and rebuttals. These statements are drafted by two committees. Two members of each drafting committee are appointed by an appointing committee consisting of the Secretary of State and the presiding officers of the Senate and the House. The two members of each drafting committee then select a third. In the case of constitutional amendments and referendum bills, the appointing committee is required, if possible, to appoint legislators who either favored or opposed the bill to the appropriate committee. Each drafting committee may appoint up to five additional persons to serve as nonvoting advisory members of the committee.

The Secretary of State may reject statements submitted for ballot measures if they contain any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter which may not be circulated in the mails. A rejection may be appealed to a board of censors consisting of the Lieutenant Governor, the Attorney General and the Superintendent of Public Instruction which may decide the issue by majority vote.

For proposed amendments to the state Constitution, the method for identifying deleted and new language is prescribed.

The Secretary of State is required to distribute two copies of the voter's pamphlets to each state officer, each member of a state board, each county officer, each judge of the supreme and superior courts, each public library, and each member of the Legislature. Three copies must be sent to each voting precinct in the state through the county auditors and to each educational, charitable, penal and reformatory institution of the state.

The Candidate's Pamphlet includes statements and photographs submitted to the Secretary of State by candidates for federal, legislative and all state offices. Standards regarding the length of statements and age of photographs are prescribed. No provision is made for the inclusion of statements or photographs of presidential and vice presidential candidates.

The Secretary of State may reject candidates' statements which contain obscene, profane, libelous or defamatory matter or any language or matter which may not be circulated in the mails. A nominee may not submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance. A rejection of a statement or photograph may be appealed to a board of censors consisting of the Lieutenant Governor, the Attorney General and the Superintendent of Public Instruction. The decision of the board is final.

Nominees pay for their prorated space in the Candidate's Pamphlet. A fee schedule and page allocation based on the office are prescribed.

To the extent possible, the Secretary of State prints and distributes Candidate's Pamphlets so that candidates do not appear in a pamphlet going to a county where such candidate is not to be voted for.

Summary of Bill: The provisions governing the publication and distribution of state Voter's Pamphlets and state Candidate's Pamphlets by the Secretary of State are consolidated. A single Voter's Pamphlet, including both candidate and ballot measure information, is published and distributed to each household, state and county officers, and public libraries preceding any primary and general election when at least one statewide measure or office is scheduled to appear on the ballot.

The format for ballot measures includes both the ballot title and the legislative title, if any. A committee of the Secretary of State and the presiding officers of the Senate and House appoint two members of each drafting committee to prepare statements for and against ballot measures, including referendum bills and state constitutional amendments. The appointing committee must consider, but need not appoint legislators to any of these committees. The initial two members of each committee may select up to four additional members.

Arguments prepared by committees for or against ballot measures may contain graphs and charts supported by factual statistical data and picture or other illustrations, but not cartoons or caricatures. The Secretary of State may reject statements which contain obscene, profane, libelous, or defamatory material, or material prohibited from mail circulation. A rejection may be appealed to the Secretary of State, and the Office of Administrative Hearings must adjudicate the appeal under the Administrative Procedure Act.

Standards regarding the printing of amendments to the state Constitution, reflecting deletions and additions, are modified and made applicable to all ballot measures.

The Secretary of State is given broader discretion to establish, by rule, deadlines for submission of materials, and to determine the format and printing standards for the pamphlet.

The fee schedule for nominees to appear in the Voter's Pamphlet is repealed. Redundant sections of law are repealed.

Appropriation: None.

Fiscal Note: Not requested.

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