
SENATE BILL 5449

State of Washington 55th Legislature 1997 Regular Session

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

Read first time 01/27/97. Referred to Committee on Government Operations.

1 AN ACT Relating to the state voters' pamphlet; adding new sections
2 to chapter 29.81 RCW; and repealing RCW 29.80.010, 29.80.020,
3 29.80.030, 29.80.040, 29.80.050, 29.80.060, 29.80.070, 29.80.080,
4 29.80.090, 29.81.010, 29.81.011, 29.81.012, 29.81.014, 29.81.020,
5 29.81.030, 29.81.040, 29.81.042, 29.81.043, 29.81.050, 29.81.052,
6 29.81.053, 29.81.060, 29.81.070, 29.81.080, 29.81.090, 29.81.100,
7 29.81.110, 29.81.120, 29.81.130, 29.81.140, 29.81.150, 29.81.160, and
8 29.81.180.

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

10 NEW SECTION. **Sec. 1.** When at least one state-wide measure or
11 office is scheduled to appear on the primary or general election
12 ballot, the secretary of state shall print and distribute a voters'
13 pamphlet.

14 The secretary of state shall distribute the voters' pamphlet to
15 each household and to state and county officers and public libraries,
16 and shall reserve a supply for additional distribution. The secretary
17 of state shall also produce taped or Braille transcripts of the voters'
18 pamphlet, publicize their availability, and mail without charge a copy
19 to any person who requests one.

1 The secretary of state may make the material required to be
2 distributed by this chapter available to the public in electronic form.
3 The secretary of state may provide the material in electronic form to
4 computer bulletin boards, print and broadcast news media, community
5 computer networks, and similar services at the cost of reproduction or
6 transmission of the data.

7 NEW SECTION. **Sec. 2.** The voters' pamphlet must contain:

8 (1) The serial designation or number, the ballot title, the
9 legislative title if any, and the full text and arguments advocating
10 voters' approval or rejection of each measure or bill;

11 (2) Written statements advocating the candidacies of nominees for
12 the office of president and vice-president of the United States, United
13 States senator, United States representative, governor, lieutenant
14 governor, secretary of state, state treasurer, state auditor, attorney
15 general, commissioner of public lands, superintendent of public
16 instruction, insurance commissioner, state senator, state
17 representative, justice of the supreme court, judge of the court of
18 appeals, or judge of the superior court. Candidates may also submit a
19 campaign mailing address and telephone number and a photograph not more
20 than five years old and of a size and quality that the secretary of
21 state determines to be suitable for reproduction in the voters'
22 pamphlet;

23 (3) In odd-numbered years, information about candidates who appear
24 on the ballot to fill a vacant state-wide elective office;

25 (4) In even-numbered years, a section explaining how voters may
26 participate in the election campaign process; the address and telephone
27 number of the public disclosure commission established under RCW
28 42.17.350; a summary of the disclosure requirements that apply when
29 contributions are made to candidates and political committees; and an
30 explanation of the federal income tax credits and deductions available
31 to persons who make contributions;

32 (5) In even-numbered years the name, address, and telephone number
33 of each political party with nominees listed in the pamphlet, if filed
34 with the secretary of state by the state committee of a major political
35 party or the presiding officer of the convention of a minor political
36 party;

37 (6) In each odd-numbered year immediately before a year in which a
38 president of the United States is to be nominated and elected,

1 information explaining the precinct caucus and convention process used
2 by each major political party to elect delegates to its national
3 presidential candidate nominating convention. The pamphlet must also
4 provide a description of the statutory procedures by which minor
5 political parties are formed and the statutory methods used by the
6 parties to nominate candidates for president;

7 (7) In even-numbered years, a description of the office of precinct
8 committee officer and its duties;

9 (8) An application form for an absentee ballot;

10 (9) A brief statement explaining the deletion and addition of
11 language for proposed measures under section 5 of this act;

12 (10) Any additional information pertaining to elections as may be
13 required by law or in the judgment of the secretary of state is deemed
14 informative to the voters.

15 NEW SECTION. **Sec. 3.** Committees shall write and submit arguments
16 advocating the approval or rejection of each state-wide ballot issue
17 and rebuttals of those arguments. The secretary of state, the
18 presiding officer of the senate, and the presiding officer of the house
19 of representatives shall appoint the initial two members of each
20 committee. In making these committee appointments the secretary of
21 state and presiding officers of the senate and house of representatives
22 shall consider legislators, sponsors of initiatives and referendums,
23 and other interested groups known to advocate or oppose the ballot
24 measure.

25 The initial two members may select up to four additional members,
26 and the committee shall elect a chairperson. The remaining committee
27 member or members may fill vacancies through appointment.

28 After the committee submits its initial argument statements to the
29 secretary of state, the secretary of state shall transmit the
30 statements to the opposite committee. The opposite committee may then
31 prepare rebuttal arguments. Rebuttals may not interject new points.

32 The voters' pamphlet may contain only argument statements prepared
33 according to this section. Arguments may contain graphs and charts
34 supported by factual statistical data and pictures or other
35 illustrations. Cartoons or caricatures are not permitted.

36 The secretary of state shall adopt rules setting deadlines for
37 submitting arguments and rebuttals.

1 NEW SECTION. **Sec. 4.** The secretary of state shall determine the
2 format of the voters' pamphlet. The secretary of state shall print the
3 pamphlet in clear, readable type on a size, quality, and weight of
4 paper that in the judgment of the secretary of state best serves the
5 voters. The pamphlet must contain a table of contents. Federal and
6 state offices must appear in the pamphlet in the same sequence as they
7 appear on the general election ballot. Measures and arguments must be
8 printed in the order specified by RCW 29.79.300.

9 The voters' pamphlet must list information about each state-wide
10 issue on the ballot in the following order:

11 (1) Beginning on the top one-third of the first two facing pages
12 relating to a specific measure must appear:

13 (a) The legal identification of the measure by serial designation
14 or number;

15 (b) The official ballot title of the measure;

16 (c) A statement prepared by the attorney general explaining the law
17 as it presently exists;

18 (d) A statement prepared by the attorney general explaining the
19 effect of the proposed measure if it becomes law;

20 (e) The total number of votes cast for and against the measure in
21 the state senate and house of representatives, if the measure has been
22 passed by the legislature;

23 (f) A heavy double-ruled line across both pages to set the above
24 items apart from the remaining text.

25 (2) The lower portion of the left-hand page of the two facing pages
26 is for the argument advocating the voters' approval of the measure
27 together with any statement in rebuttal of the opposing argument.

28 (3) The lower portion of the right-hand page of the two facing
29 pages is for the argument advocating the voters' rejection of the
30 measure together with any statement in rebuttal of the opposing
31 argument.

32 (4) Each argument or rebuttal statement must be followed by the
33 names and city addresses of the committee members who submitted them,
34 and may be followed by a telephone number that citizens may call to
35 obtain information on the ballot measure.

36 (5) The full text of each measure must be published as required in
37 section 5 of this act.

1 NEW SECTION. **Sec. 5.** State-wide ballot measures that change
2 existing law must be printed in the voters' pamphlet so that language
3 proposed for deletion is enclosed by double parentheses and has a line
4 through it. Proposed new language must be underlined. A statement
5 explaining the deletion and addition of language must appear as
6 follows: "All words in double parentheses with a line through them are
7 state law at the present time and will be taken out of the law if this
8 measure is approved by voters. All words underlined do not appear in
9 current state law but will be added to the law if this measure is
10 approved by voters."

11 NEW SECTION. **Sec. 6.** To ensure the efficient composition,
12 publication, and distribution of the voters' pamphlet, all committee
13 and candidate material must be submitted to the secretary of state
14 before deadlines established by rule by the secretary of state.

15 NEW SECTION. **Sec. 7.** The secretary of state shall reject
16 statements that in the secretary's opinion contain obscene, profane,
17 libelous, or defamatory material, or material prohibited from mail
18 circulation by federal law.

19 If a statement or photograph submitted is rejected by the secretary
20 of state, the committee or nominee may appeal to the secretary of state
21 within five days. The office of administrative hearings shall
22 adjudicate the appeal under RCW 34.05.413 through 34.05.476.

23 NEW SECTION. **Sec. 8.** (1) The maximum number of words for
24 statements submitted by candidates is determined according to the
25 offices sought as follows: State representative, one hundred words;
26 state senator, judge of the superior court, judge of the court of
27 appeals, justice of the supreme court, and all state offices voted upon
28 throughout the state, except that of governor, two hundred words;
29 president and vice-president, United States senator, United States
30 representative, and governor, three hundred words.

31 (2) Arguments written by committees under section 3 of this act may
32 not exceed two hundred fifty words in length.

33 (3) Rebuttal arguments written by committees may not exceed
34 seventy-five words in length.

35 (4) The secretary of state shall allocate space in the pamphlet to
36 candidates or nominees according to the respective offices sought.

1 Candidates or nominees will equally share prorated space based on the
2 number of words allowed in the statement for that office.

3 NEW SECTION. **Sec. 9.** (1) Explanatory statements prepared by the
4 attorney general under section 4(1) (c) and (d) of this act must be
5 written in clear and concise language, avoiding legal and technical
6 terms when possible, and filed with the secretary of state.

7 (2) When the explanatory statement for a measure initiated by
8 petition is filed with the secretary of state, the secretary of state
9 shall immediately provide the text of the explanatory statement to the
10 person proposing the measure and any others who have made written
11 request for notification of the exact language of the explanatory
12 statement. When the explanatory statement for a measure referred to
13 the ballot by the legislature is filed with the secretary of state, the
14 secretary of state shall immediately provide the text of the
15 explanatory statement to the presiding officer of the state senate and
16 the presiding officer of the house of representatives and any others
17 who have made written request for notification of the exact language of
18 the explanatory statement.

19 (3) A person dissatisfied with the explanatory statement may appeal
20 to the superior court of Thurston county within ten days of the filing
21 date. A copy of the petition and a notice of the appeal must be served
22 on the secretary of state and the attorney general. The court shall
23 examine the measure, the explanatory statement, and objections, and may
24 hear arguments. The court shall render its decision and certify to and
25 file with the secretary of state an explanatory statement it determines
26 will meet the requirements of this chapter.

27 The decision of the superior court is final, and its explanatory
28 statement is the established explanatory statement. The appeal must be
29 heard without costs to either party.

30 NEW SECTION. **Sec. 10.** The secretary of state, as chief election
31 officer, shall adopt rules consistent with this chapter to facilitate
32 and clarify procedures related to the voters' pamphlet.

33 NEW SECTION. **Sec. 11.** The following acts or parts of acts are
34 each repealed:

1 (1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c
2 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s
3 29.80.010;
4 (2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c
5 81 s 78, & 1965 c 9 s 29.80.020;
6 (3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;
7 (4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965
8 c 9 s 29.80.040;
9 (5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;
10 (6) RCW 29.80.060 and 1965 c 9 s 29.80.060;
11 (7) RCW 29.80.070 and 1965 c 9 s 29.80.070;
12 (8) RCW 29.80.080 and 1981 c 243 s 1;
13 (9) RCW 29.80.090 and 1984 c 54 s 7;
14 (10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, &
15 1965 c 9 s 29.81.010;
16 (11) RCW 29.81.011 and 1984 c 54 s 5;
17 (12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;
18 (13) RCW 29.81.014 and 1977 c 56 s 1;
19 (14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s
20 29.81.020;
21 (15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s
22 29.81.030;
23 (16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145
24 s 4, & 1965 c 9 s 29.81.040;
25 (17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;
26 (18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;
27 (19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s
28 29.81.050;
29 (20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;
30 (21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;
31 (22) RCW 29.81.060 and 1965 c 9 s 29.81.060;
32 (23) RCW 29.81.070 and 1965 c 9 s 29.81.070;
33 (24) RCW 29.81.080 and 1965 c 9 s 29.81.080;
34 (25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;
35 (26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965
36 c 9 s 29.81.100;
37 (27) RCW 29.81.110 and 1965 c 9 s 29.81.110;
38 (28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;
39 (29) RCW 29.81.130 and 1965 c 9 s 29.81.130;

1 (30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;
2 (31) RCW 29.81.150 and 1965 c 9 s 29.81.150;
3 (32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and
4 (33) RCW 29.81.180 and 1981 c 243 s 2.

5 NEW SECTION. **Sec. 12.** Sections 1 through 10 of this act are added
6 to chapter 29.81 RCW.

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