

2 **SB 5643** - H COMM AMD **ADOPTED 04/07/99**
3 By Committee on State Government

4

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** The secretary of state shall, whenever at
8 least one state-wide measure or office is scheduled to appear on the
9 general election ballot, print and distribute a voters' pamphlet.

10 The secretary of state shall distribute the voters' pamphlet to
11 each household in the state, to public libraries, and to any other
12 locations he or she deems appropriate. The secretary of state shall
13 also produce taped or Braille transcripts of the voters' pamphlet,
14 publicize their availability, and mail without charge a copy to any
15 person who requests one.

16 The secretary of state may make the material required to be
17 distributed by this chapter available to the public in electronic form.
18 The secretary of state may provide the material in electronic form to
19 computer bulletin boards, print and broadcast news media, community
20 computer networks, and similar services at the cost of reproduction or
21 transmission of the data.

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

23 (1) Information about each ballot measure initiated by or referred
24 to the voters for their approval or rejection as required by section 5
25 of this act;

26 (2) In even-numbered years, statements, if submitted, advocating
27 the candidacies of nominees for the office of president and vice-
28 president of the United States, United States senator, United States
29 representative, governor, lieutenant governor, secretary of state,
30 state treasurer, state auditor, attorney general, commissioner of
31 public lands, superintendent of public instruction, insurance
32 commissioner, state senator, state representative, justice of the
33 supreme court, judge of the court of appeals, or judge of the superior
34 court. Candidates may also submit a campaign mailing address and
35 telephone number and a photograph not more than five years old and of

1 a size and quality that the secretary of state determines to be
2 suitable for reproduction in the voters' pamphlet;

3 (3) In odd-numbered years, if any office voted upon state-wide
4 appears on the ballot due to a vacancy, then statements and photographs
5 for candidates for any vacant office listed in subsection (2) of this
6 section must appear;

7 (4) In even-numbered years, a section explaining how voters may
8 participate in the election campaign process; the address and telephone
9 number of the public disclosure commission established under RCW
10 42.17.350; and a summary of the disclosure requirements that apply when
11 contributions are made to candidates and political committees;

12 (5) In even-numbered years the name, address, and telephone number
13 of each political party with nominees listed in the pamphlet, if filed
14 with the secretary of state by the state committee of a major political
15 party or the presiding officer of the convention of a minor political
16 party;

17 (6) In each odd-numbered year immediately before a year in which a
18 president of the United States is to be nominated and elected,
19 information explaining the precinct caucus and convention process used
20 by each major political party to elect delegates to its national
21 presidential candidate nominating convention. The pamphlet must also
22 provide a description of the statutory procedures by which minor
23 political parties are formed and the statutory methods used by the
24 parties to nominate candidates for president;

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

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

28 (9) A brief statement explaining the deletion and addition of
29 language for proposed measures under section 6 of this act;

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

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

37 (2) When the explanatory statement for a measure initiated by
38 petition is filed with the secretary of state, the secretary of state

1 shall immediately provide the text of the explanatory statement to the
2 person proposing the measure and any others who have made written
3 request for notification of the exact language of the explanatory
4 statement. When the explanatory statement for a measure referred to
5 the ballot by the legislature is filed with the secretary of state, the
6 secretary of state shall immediately provide the text of the
7 explanatory statement to the presiding officer of the senate and the
8 presiding officer of the house of representatives and any others who
9 have made written request for notification of the exact language of the
10 explanatory statement.

11 (3) A person dissatisfied with the explanatory statement may appeal
12 to the superior court of Thurston County within five days of the filing
13 date. A copy of the petition and a notice of the appeal must be served
14 on the secretary of state and the attorney general. The court shall
15 examine the measure, the explanatory statement, and objections, and may
16 hear arguments. The court shall render its decision and certify to and
17 file with the secretary of state an explanatory statement it determines
18 will meet the requirements of this chapter.

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

22 NEW SECTION. **Sec. 4.** Committees shall write and submit arguments
23 advocating the approval or rejection of each state-wide ballot issue
24 and rebuttals of those arguments. The secretary of state, the
25 presiding officer of the senate, and the presiding officer of the house
26 of representatives shall appoint the initial two members of each
27 committee. In making these committee appointments the secretary of
28 state and presiding officers of the senate and house of representatives
29 shall consider legislators, sponsors of initiatives and referendums,
30 and other interested groups known to advocate or oppose the ballot
31 measure.

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

35 After the committee submits its initial argument statements to the
36 secretary of state, the secretary of state shall transmit the
37 statements to the opposite committee. The opposite committee may then
38 prepare rebuttal arguments. Rebuttals may not interject new points.

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

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

13 The voters' pamphlet must provide the following information for
14 each state-wide issue on the ballot:

15 (1) The legal identification of the measure by serial designation
16 or number;

17 (2) The official ballot title of the measure;

18 (3) A statement prepared by the attorney general explaining the law
19 as it presently exists;

20 (4) A statement prepared by the attorney general explaining the
21 effect of the proposed measure if it becomes law;

22 (5) The total number of votes cast for and against the measure in
23 the senate and house of representatives, if the measure has been passed
24 by the legislature;

25 (6) An argument advocating the voters' approval of the measure
26 together with any statement in rebuttal of the opposing argument;

27 (7) An argument advocating the voters' rejection of the measure
28 together with any statement in rebuttal of the opposing argument;

29 (8) Each argument or rebuttal statement must be followed by the
30 names of the committee members who submitted them, and may be followed
31 by a telephone number that citizens may call to obtain information on
32 the ballot measure;

33 (9) The full text of each measure.

34 NEW SECTION. **Sec. 6.** State-wide ballot measures that amend
35 existing law must be printed in the voters' pamphlet so that language
36 proposed for deletion is enclosed by double parentheses and has a line
37 through it. Proposed new language must be underlined. A statement

1 explaining the deletion and addition of language must appear as
2 follows: "Any language in double parentheses with a line through it is
3 existing state law and will be taken out of the law if this measure is
4 approved by voters. Any underlined language does not appear in current
5 state law but will be added to the law if this measure is approved by
6 voters."

7 NEW SECTION. **Sec. 7.** The secretary of state shall adopt rules
8 setting deadlines for submitting candidate statements, candidate
9 photographs, arguments, rebuttals, and explanatory statements. The
10 secretary of state shall also adopt rules setting deadlines for filing
11 ballot titles for referendum bills or constitutional amendments if none
12 have been provided by the legislature.

13 NEW SECTION. **Sec. 8.** (1) If in the opinion of the secretary of
14 state any argument or statement offered for inclusion in the voters'
15 pamphlet in support of or opposition to a measure or candidate contains
16 obscene matter or matter that is otherwise prohibited by law from
17 distribution through the mail, the secretary may petition the superior
18 court of Thurston County for a judicial determination that the argument
19 or statement may be rejected for publication or edited to delete the
20 matter. The court shall not enter such an order unless it concludes
21 that the matter is obscene or otherwise prohibited for distribution
22 through the mail.

23 (2)(a) A person who believes that he or she may be defamed by an
24 argument or statement offered for inclusion in the voters' pamphlet in
25 support of or opposition to a measure or candidate may petition the
26 superior court of Thurston County for a judicial determination that the
27 argument or statement may be rejected for publication or edited to
28 delete the defamatory statement.

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

32 (c) An action under this subsection (2) must be filed and served no
33 later than the tenth day after the deadline for the submission of the
34 argument or statement to the secretary of state.

35 (d) If the secretary of state notifies a person named or identified
36 in an argument or statement of the contents of the argument or
37 statement within three days after the deadline for submission to the

1 secretary, then neither the state nor the secretary is liable for
2 damages resulting from publication of the argument or statement unless
3 the secretary publishes the argument or statement in violation of an
4 order entered under this section. Nothing in this section creates a
5 duty on the part of the secretary of state to identify, locate, or
6 notify the person.

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

17 (4) In an action under this section the committee or candidate must
18 be named as a defendant, and may be served with process by certified
19 mail directed to the address contained in the secretary's records for
20 that party. The secretary of state shall be a nominal party to an
21 action brought under subsection (2) of this section, solely for the
22 purpose of determining the content of the voters' pamphlet. The
23 superior court shall give such an action priority on its calendar.

24 NEW SECTION. **Sec. 9.** (1) An argument or statement submitted to
25 the secretary of state for publication in the voters' pamphlet is not
26 available for public inspection or copying until:

27 (a) In the case of candidate statements, (i) all statements by all
28 candidates who have filed for a particular office have been received,
29 except those who informed the secretary that they will not submit
30 statements, or (ii) the deadline for submission of statements has
31 elapsed;

32 (b) In the case of arguments supporting or opposing a measure, (i)
33 the arguments on both sides have been received, unless a committee was
34 not appointed for one side, or (ii) the deadline for submission of
35 arguments has elapsed; and

36 (c) In the case of rebuttal arguments, (i) the rebuttals on both
37 sides have been received, unless a committee was not appointed for one
38 side, or (ii) the deadline for submission of arguments has elapsed.

1 (2) Nothing in this section prohibits the secretary from releasing
2 information under section 8(2)(d) of this act.

3 NEW SECTION. **Sec. 10.** All photographs of candidates submitted for
4 publication must conform to standards established by the secretary of
5 state by rule. No photograph may reveal clothing or insignia
6 suggesting the holding of a public office.

7 NEW SECTION. **Sec. 11.** (1) The maximum number of words for
8 statements submitted by candidates is as follows: State
9 representative, one hundred words; state senator, judge of the superior
10 court, judge of the court of appeals, justice of the supreme court, and
11 all state offices voted upon throughout the state, except that of
12 governor, two hundred words; president and vice-president, United
13 States senator, United States representative, and governor, three
14 hundred words.

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

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

19 (4) The secretary of state shall allocate space in the pamphlet
20 based on the number of candidates or nominees for each office.

21 NEW SECTION. **Sec. 12.** The secretary of state, as chief election
22 officer, shall adopt rules consistent with this chapter to facilitate
23 and clarify procedures related to the voters' pamphlet.

24 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
25 each repealed:

26 (1) RCW 29.80.010 and 1987 c 295 s 17, 1984 c 54 s 1, 1977 ex.s. c
27 361 s 106, 1975-'76 2nd ex.s. c 4 s 2, 1973 c 4 s 8, & 1965 c 9 s
28 29.80.010;

29 (2) RCW 29.80.020 and 1984 c 54 s 2, 1971 ex.s. c 145 s 1, 1971 c
30 81 s 78, & 1965 c 9 s 29.80.020;

31 (3) RCW 29.80.030 and 1979 ex.s. c 57 s 4 & 1965 c 9 s 29.80.030;

32 (4) RCW 29.80.040 and 1984 c 54 s 3, 1971 ex.s. c 145 s 2, & 1965
33 c 9 s 29.80.040;

34 (5) RCW 29.80.050 and 1971 ex.s. c 145 s 3 & 1965 c 9 s 29.80.050;

35 (6) RCW 29.80.060 and 1965 c 9 s 29.80.060;

- 1 (7) RCW 29.80.070 and 1965 c 9 s 29.80.070;
- 2 (8) RCW 29.80.080 and 1981 c 243 s 1;
- 3 (9) RCW 29.80.090 and 1984 c 54 s 7;
- 4 (10) RCW 29.81.010 and 1984 c 54 s 4, 1973 1st ex.s. c 143 s 1, &
5 1965 c 9 s 29.81.010;
- 6 (11) RCW 29.81.011 and 1984 c 54 s 5;
- 7 (12) RCW 29.81.012 and 1984 c 54 s 6 & 1969 ex.s. c 72 s 1;
- 8 (13) RCW 29.81.014 and 1977 c 56 s 1;
- 9 (14) RCW 29.81.020 and 1973 1st ex.s. c 143 s 2 & 1965 c 9 s
10 29.81.020;
- 11 (15) RCW 29.81.030 and 1973 1st ex.s. c 143 s 3 & 1965 c 9 s
12 29.81.030;
- 13 (16) RCW 29.81.040 and 1973 1st ex.s. c 143 s 4, 1971 ex.s. c 145
14 s 4, & 1965 c 9 s 29.81.040;
- 15 (17) RCW 29.81.042 and 1973 1st ex.s. c 143 s 6;
- 16 (18) RCW 29.81.043 and 1973 1st ex.s. c 143 s 7;
- 17 (19) RCW 29.81.050 and 1973 1st ex.s. c 143 s 5 & 1965 c 9 s
18 29.81.050;
- 19 (20) RCW 29.81.052 and 1973 1st ex.s. c 143 s 8;
- 20 (21) RCW 29.81.053 and 1973 1st ex.s. c 143 s 9;
- 21 (22) RCW 29.81.060 and 1965 c 9 s 29.81.060;
- 22 (23) RCW 29.81.070 and 1965 c 9 s 29.81.070;
- 23 (24) RCW 29.81.080 and 1965 c 9 s 29.81.080;
- 24 (25) RCW 29.81.090 and 1979 ex.s. c 57 s 5 & 1965 c 9 s 29.81.090;
- 25 (26) RCW 29.81.100 and 1973 c 4 s 9, 1971 ex.s. c 145 s 5, & 1965
26 c 9 s 29.81.100;
- 27 (27) RCW 29.81.110 and 1965 c 9 s 29.81.110;
- 28 (28) RCW 29.81.120 and 1971 ex.s. c 145 s 6 & 1965 c 9 s 29.81.120;
- 29 (29) RCW 29.81.130 and 1965 c 9 s 29.81.130;
- 30 (30) RCW 29.81.140 and 1971 ex.s. c 145 s 7 & 1965 c 9 s 29.81.140;
- 31 (31) RCW 29.81.150 and 1965 c 9 s 29.81.150;
- 32 (32) RCW 29.81.160 and 1965 c 9 s 29.81.160; and
- 33 (33) RCW 29.81.180 and 1981 c 243 s 2.

34 NEW SECTION. **Sec. 14.** Sections 1 through 12 of this act are added
35 to chapter 29.81 RCW."

1 Correct the title.

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