

HOUSE OF REPRESENTATIVES

Olympia, Washington

Bil Analysis

Bil No. HB 1840

Revising laws on the state voters pamphlet.

Brief title

Hearing Date 2/19/99

Reps Miloscand McIntire

Sponsor(s)

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State Government Committee

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BACKGROUND:

Separate chapters of law require the Secretary of State to prepare state candidates' pamphlets and voters' pamphlets and distribute copies of the pamphlets to each place of residence in the state. Whenever possible, the state candidates pamphlet combined with the state voters pamphlet. Taped transcripts and Braille transcripts of the pamphlets are distributed at no cost.

The Secretary of State is authorized to adopt rules relating to candidates' pamphlets and voters' pamphlets. The Secretary of State is authorized to delete material from a pamphlet that is obscene, defamatory, or contains any language that may not be circulated through the mails.

1. Candidates' pamphlets.

Candidates' pamphlets prepared with information each federal and state office included the ballot at each general election. The odd-numbered information of the nominees for the following offices is included in candidates' pamphlets: President and Vice President, United States Senator, United States Representative, Governor, Lieutenant Governor, Secretary of State, Attorney General, Commissioner of Public Lands, Superintendent of Public Instruction, State Commissioner of State, Treasurer, State Auditor, Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge. A state candidate's pamphlet in an even-numbered year also includes descriptions of the office of precinct committee officer. Major political parties are not to have their officials appear on the upcoming general election ballot.

A state candidates' pamphlet is only prepared for general election odd-numbered years for vacant state-wide offices held in the election.

Statements in the candidates' pamphlet by nominees for all offices are included, and for president and vice president to be accompanied by a fee ranging from \$200 for a candidate for Governor or for Congress to \$25 for a candidate for the House of Representatives.

2. Voters pamphlets.

A voters pamphlet prepared for any election when a state ballot measure is placed before voters and includes the format of the state ballot proposition including the text of the measure, explanatory statements by the Attorney General for and against the measure are composed by separate committees appointed to write these arguments. Voters pamphlets in odd-numbered years also includes sections explaining the precinct system and convention processes by each major political party and the national presidential and gubernatorial convention.

SUMMARY:

Statutes relating to voters pamphlets and candidate pamphlets repealed and replaced with a single act of law providing voters pamphlets. The basic requirements of existing law are retained, except as follows:

1) Pamphlets to be available to the public in electronic form. The Secretary of State may provide the material in electronic form on computer networks and similar services at the cost of reproduction or transmission of data.

2) Nominees are no longer required to pay fees when filing their statements.

3) The maximum number of persons who may be appointed to committees to prepare arguments for or against state ballot measures increased to three persons.

4) More clearly authorized the Secretary of State to determine the format and layout of the pamphlets. Some statutory details about the layout of pamphlets no longer included in statute.

5) Two different procedures created to determine which matters may be revised or deleted from the pamphlet. In the Secretary of State's office, revising or deleting a general submitted inclusion or argument statement that the Secretary of State determines to be obscene, libelous or defamatory:

(a) The Secretary of State may petition the Thurston County Superior Court to determine if the matter should be deleted, revised, or if it is obscene or otherwise prohibited from being distributed through the mail, and the court may order that the deleted, revised, or if it concludes it is obscene or prohibited from being distributed through the mail and

(b) A person who has been defamed may appeal to the Thurston County Superior Court and the court may order that the deleted, revised, or if it concludes it is untrue and the petition is not a defamatory one. The Secretary of State may notify persons about being identified in arguments, statements, but a duty is not established to make this notification. The state and Secretary of State do not incur liability for matters included in the statements or arguments unless the Secretary of State publishes a statement or argument in violation of a court order.

6) A photograph submitted by a nominee for inclusion in the pamphlet may not reveal anything

orinsuggestingholdingpublicoffice.

FISCANOTE:Notrequested.

EFFECTIVE DATE:Ninetdaysafteradjournmentofsessionwhichbillpassed.