

SENATE BILL REPORT

SB 5643

As Passed Senate, March 11, 1999

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

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

Sponsors: Senators Gardner, Horn, McDonald and Oke; by request of Secretary of State.

Brief History:

Committee Activity: State & Local Government: 2/10/99, 2/15/99 [DP].
Passed Senate, 3/11/99, 46-0.

SENATE COMMITTEE ON STATE & LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Patterson, Chair; Gardner, Vice Chair; Hale, Haugen, Horn, Kline and McCaslin.

Staff: Karen Kirkpatrick (786-7403)

Background: Current law sets standards for the formatting, content, printing, and distribution of voter's and candidate's pamphlets. Provisions relating to the contents, submissions, rejection of statements, publication, and distribution of voter's pamphlets are addressed independently of similar provisions relating to candidate's pamphlets although the two pamphlets must be consolidated into a single pamphlet whenever possible.

The Secretary of State's Office is requesting this legislation to combine the chapters into one law and provide greater efficiency and responsiveness through simplified language, a more effective format, a more flexible schedule of deadlines for submissions, and a simplified process for committee creation.

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, public library, and other location deemed appropriate preceding any general election when at least one statewide measure or office is scheduled to appear on the ballot.

The Secretary of State is directed to determine the format and layout of the voters' pamphlet. Information regarding candidates, participation process, party information, and an application form for an absentee ballot must be included in the pamphlet in specified years. The pamphlet must provide legal identification of measures by serial number and ballot title, Attorney General's statements regarding the current law and effect of proposed measure, total number of votes cast if passed by the Legislature, arguments for and against measures

and rebuttal statements, names of the committee members who submitted the statements, and the full text of each measure.

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 appointing, 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 pictures or other illustrations, but not cartoons or caricatures. The Secretary of State may petition the court for a judicial determination that a statement may be rejected if, in the secretary's opinion, a statement contains matter that is obscene or otherwise prohibited from mail circulation. A person who believes he or she may be defamed by a statement may also petition the court for a judicial determination that the statement may be rejected.

The Secretary of State is given discretion to establish, by rule, deadlines for submission of materials, standards for candidate photographs, and determine the format and printing standards for the pamphlet. Standards for printing amendments to the state Constitution, reflecting deletions and additions, are modified and made applicable to all ballot measures.

Chapters relating to voter's pamphlets and candidate's pamphlets are repealed.

Other clarifying and technical changes are made.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This legislation would replace the candidate's and voter's pamphlet provisions with one, simpler and more effective, law. It would reflect changes in technologies and processes and bring the law into conformance with current practice. It would create greater flexibility with respect to deadlines and simplify the committee process.

Testimony Against: None.

Testified: Shawn Merchant, Office of Secretary of State (pro).

House Amendment(s): The provision requiring the pamphlet to contain statements advocating candidacies of certain nominees is clarified to apply only if statements are submitted. The provision requiring the pamphlet to contain statements and photographs for candidates for statewide office in odd-numbered years is clarified to apply only when there are candidates for vacant offices. The provision that neither the state nor the secretary is liable for damages resulting from publication of a statement under specified conditions is clarified to apply to arguments contained in the pamphlet as well as statements.