
HOUSE BILL 1831

State of Washington

58th Legislature

2003 Regular Session

By Representatives Haigh, Hunt and Miloscia

Read first time 02/11/2003. Referred to Committee on State Government.

1 AN ACT Relating to hearings conducted by the secretary of state;
2 amending RCW 43.07.030, 42.17.130, and 42.52.180; adding a new section
3 to chapter 43.07 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that an active,
6 informed electorate provides a strong foundation for a democratic
7 republic and as such, efforts to fully inform voters are critical to
8 sustain our democratic form of government. The initiative process, a
9 constitutional embodiment of an active electorate, is cherished by
10 Washington's independent-minded citizens. Recent initiative history
11 demonstrates the willingness of the public to exercise its
12 constitutional right to legislate by initiative. The legislature finds
13 that as the state officer with the responsibility of certifying
14 initiatives to the ballot, the secretary of state should provide a
15 formal opportunity for the general public to hear information about a
16 ballot measure in a public setting with an opportunity for both
17 proponents and opponents of the measure to present their arguments.
18 The legislature intends for the secretary to be a facilitator in this

1 process and as such should maintain a neutral or nonbiased course of
2 action throughout the public hearing process.

3 **Sec. 2.** RCW 43.07.030 and 1982 c 35 s 186 are each amended to read
4 as follows:

5 The secretary of state shall:

6 (1) Keep a register of and attest the official acts of the
7 governor;

8 (2) Affix the state seal, with his attestation, to commissions,
9 pardons, and other public instruments to which the signature of the
10 governor is required, and also attestations and authentications of
11 certificates and other documents properly issued by the secretary;

12 (3) Record all articles of incorporation, deeds, or other papers
13 filed in the secretary of state's office;

14 (4) Receive and file all the official bonds of officers required to
15 be filed with the secretary of state;

16 (5) Take and file in the secretary of state's office receipts for
17 all books distributed by him;

18 (6) Hold public hearings on initiative measures certified to the
19 general election ballot;

20 (7) Certify to the legislature the election returns for all
21 officers required by the Constitution to be so certified, and certify
22 to the governor the names of all other persons who have received at any
23 election the highest number of votes for any office the incumbent of
24 which is to be commissioned by the governor;

25 ~~((7))~~ (8) Furnish, on demand, to any person paying the fees
26 therefor, a certified copy of all or any part of any law, record, or
27 other instrument filed, deposited, or recorded in the secretary of
28 state's office;

29 ~~((8))~~ (9) Present to the speaker of the house of representatives,
30 at the beginning of each regular session of the legislature during an
31 odd-numbered year, a full account of all purchases made and expenses
32 incurred by the secretary of state on account of the state;

33 ~~((9))~~ (10) File in his office an impression of each and every
34 seal in use by any state officer;

35 ~~((10))~~ (11) Keep a record of all fees charged or received by
36 the secretary of state.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.07 RCW
2 to read as follows:

3 (1) After the secretary of state certifies an initiative measure as
4 qualified for the general election ballot, the secretary of state, or
5 the secretary's designee, shall hold a public hearing on the measure in
6 each congressional district in the state. When two or more
7 congressional districts are in a compact geographical area, the
8 secretary of state may hold one hearing to serve these multiple
9 congressional districts. The secretary or a designee shall preside
10 over the hearings. The secretary may combine two or more initiative
11 measures in a single hearing.

12 (2) The hearings must be held between September 1st and October
13 15th, and the secretary of state shall give at least thirty days'
14 notice of them by notifying press, radio, and television in the
15 congressional districts, and by other means such as the secretary of
16 state's web site.

17 (3) At a minimum, the public hearings must include opportunity for
18 the following persons, or their designees, to present to attendees
19 arguments for and against each initiative measure, including fiscal and
20 policy impacts of the measure:

21 (a) Members of the committees appointed under RCW 29.81.240 to
22 prepare statements for the voters' pamphlet; and

23 (b) Registered voters in the congressional district.

24 (4) Elected and appointed state and local officials, with the
25 assistance of the employees of the official's office or agency and
26 under the supervision of the official, may use public facilities to
27 prepare or deliver written or verbal communications at the hearings,
28 consisting of information on the impact of a ballot measure that
29 foreseeably may affect a matter that falls within their constitutional
30 or statutory responsibilities. Copies of any written material may be
31 provided to the public at the hearing.

32 (5) Failure to hold hearings does not invalidate an initiative
33 measure for the ballot.

34 (6) The secretary may adopt rules in accordance with this section
35 to ensure that the public hearings are carried out in an organized,
36 objective manner.

1 **Sec. 4.** RCW 42.17.130 and 1979 ex.s. c 265 s 2 are each amended to
2 read as follows:

3 No elective official nor any employee of his office nor any person
4 appointed to or employed by any public office or agency may use or
5 authorize the use of any of the facilities of a public office or
6 agency, directly or indirectly, for the purpose of assisting a campaign
7 for election of any person to any office or for the promotion of or
8 opposition to any ballot proposition. Facilities of public office or
9 agency include, but are not limited to, use of stationery, postage,
10 machines, and equipment, use of employees of the office or agency
11 during working hours, vehicles, office space, publications of the
12 office or agency, and clientele lists of persons served by the office
13 or agency: PROVIDED, That the foregoing provisions of this section
14 shall not apply to the following activities:

15 (1) Action taken at an open public meeting by members of an elected
16 legislative body to express a collective decision, or to actually vote
17 upon a motion, proposal, resolution, order, or ordinance, or to support
18 or oppose a ballot proposition so long as (a) any required notice of
19 the meeting includes the title and number of the ballot proposition,
20 and (b) members of the legislative body or members of the public are
21 afforded an approximately equal opportunity for the expression of an
22 opposing view;

23 (2) A statement by an elected official in support of or in
24 opposition to any ballot proposition at an open press conference or in
25 response to a specific inquiry;

26 (3) Activities (~~(which)~~) that are part of the normal and regular
27 conduct of the office or agency, including making an objective and fair
28 presentation of facts relevant to the impact a ballot proposition may
29 have on the office or agency; and

30 (4) Activities in compliance with section 3 of this act by an
31 elected official, an employee of the official's office, or a person
32 appointed to or employed by a public office or agency.

33 **Sec. 5.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to read
34 as follows:

35 (1) No state officer or state employee may use or authorize the use
36 of facilities of an agency, directly or indirectly, for the purpose of
37 assisting a campaign for election of a person to an office or for the

1 promotion of or opposition to a ballot proposition. Knowing
2 acquiescence by a person with authority to direct, control, or
3 influence the actions of the state officer or state employee using
4 public resources in violation of this section constitutes a violation
5 of this section. Facilities of an agency include, but are not limited
6 to, use of stationery, postage, machines, and equipment, use of state
7 employees of the agency during working hours, vehicles, office space,
8 publications of the agency, and clientele lists of persons served by
9 the agency.

10 (2) This section shall not apply to the following activities:

11 (a) Action taken at an open public meeting by members of an elected
12 legislative body to express a collective decision, or to actually vote
13 upon a motion, proposal, resolution, order, or ordinance, or to support
14 or oppose a ballot proposition as long as (i) required notice of the
15 meeting includes the title and number of the ballot proposition, and
16 (ii) members of the legislative body or members of the public are
17 afforded an approximately equal opportunity for the expression of an
18 opposing view;

19 (b) Use of public facilities by state officers for the preparation
20 or delivery of objective and neutral written or verbal communications
21 initiated by them consisting of explanatory information on the impact
22 of any ballot proposition that foreseeably may affect a matter that
23 falls within their constitutional or statutory responsibilities;

24 (c) A statement by an elected official in support of or in
25 opposition to any ballot proposition at an open press conference or in
26 response to a specific inquiry. For the purposes of this subsection,
27 it is not a violation of this section for an elected official to
28 respond to an inquiry regarding a ballot proposition, to make
29 incidental remarks concerning a ballot proposition in an official
30 communication, or otherwise comment on a ballot proposition without an
31 actual, measurable expenditure of public funds. The ethics boards
32 shall adopt by rule a definition of measurable expenditure;

33 ~~((e))~~ (d) Activities that are part of the normal and regular
34 conduct of the office or agency; ~~(and~~

35 ~~(d))~~ (e) De minimis use of public facilities by statewide elected
36 officials and legislators incidental to the preparation or delivery of
37 permissible communications(~~, including written and verbal~~

1 ~~communications initiated by them of their views on ballot propositions~~
2 ~~that foreseeably may affect a matter that falls within their~~
3 ~~constitutional or statutory responsibilities)); and~~

4 (f) Activities of an elected official or state employee in
5 compliance with section 3 of this act.

6 (3) As to state officers and employees, this section operates to
7 the exclusion of RCW 42.17.130.

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