
SUBSTITUTE HOUSE BILL 1186

State of Washington

60th Legislature

2007 Regular Session

By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Schual-Berke, Hunt, Dunshee, McDermott, Chase, Sommers, Kagi, Pettigrew, Darneille, Cody, Miloscia, Dickerson, Appleton, Green, Ormsby, Santos, Lantz, Kenney and Roberts)

READ FIRST TIME 2/28/07.

1 AN ACT Relating to judicial campaigns; amending RCW 42.17.390,
2 42.17.020, 42.52.180, 42.17.128, 42.17.130, 42.36.040, 29A.32.036,
3 29A.32.210, 29A.32.241, and 29A.32.250; adding new sections to chapter
4 42.17 RCW; adding new sections to chapter 29A.32 RCW; creating new
5 sections; prescribing penalties; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** INTENT. The intent of this act is to
8 protect the fairness of elections for the highest courts in Washington
9 state - the supreme court and court of appeals. Doing so will foster
10 the public's trust in the integrity and independence of our courts in
11 the face of increasingly large sums of money raised and spent by
12 special interest groups. That flood of money threatens the
13 impartiality, independence, and credibility of our judiciary. To
14 maintain public confidence in the judiciary, we must prevent not only
15 corruption, but the appearance of corruption, for the judiciary is the
16 one branch of government that must be uniquely impartial, independent,
17 and unbiased in order to best serve the residents of Washington. It
18 would be destructive for our democracy to allow our courts to become
19 influenced by large amounts of money, and for our citizens to think

1 that judicial decisions are influenced by those large amounts of money.
2 This act is necessary to ensure that our highest courts continue to be
3 unbiased and insulated from special interests.

4 Therefore, this act, the judicial election reform act, introduces
5 a voluntary pilot project to provide an alternative source of financing
6 candidates for the Washington supreme court and court of appeals who
7 demonstrate public support and voluntarily accept strict fund-raising
8 and spending limits.

9 NEW SECTION. **Sec. 2.** JUDICIAL ELECTION REFORM ACT FUND. (1) The
10 judicial election reform act fund is created in the state treasury.
11 All receipts required to be deposited into the fund under sections 3
12 through 17 of this act must be deposited into the fund. Expenditures
13 from the fund may be used only for the purposes of the judicial
14 elections reform act, sections 1 through 17 of this act. Only the
15 commission may authorize expenditures from the fund. The fund is
16 subject to allotment procedures under chapter 43.88 RCW, but an
17 appropriation is not required for expenditures.

18 (2) When the funds in the account have been fully distributed, the
19 commission and treasurer shall cease making any public funds
20 disbursements under this act. No candidates are authorized to receive
21 any disbursements of funds beyond those they are qualified for pursuant
22 to this act, nor are any candidates authorized to receive any further
23 disbursements of funds under this act when the appropriation has been
24 exhausted. Qualifying pending requests for funds in the account at the
25 time the account is nearing a zero balance will be addressed in the
26 order received, to the extent any funds are available. The commission
27 may adopt rules to address distribution of remaining funds in the
28 account for pending requests.

29 NEW SECTION. **Sec. 3.** VOLUNTARY LIMITATIONS ON CONTRIBUTIONS FOR
30 JUDICIAL CAMPAIGNS. A publicly financed candidate and a publicly
31 financed candidate's authorized committee shall:

32 (1) Only accept contributions from individuals, and only as
33 qualifying contributions under section 4 of this act or as seed money
34 under section 6 of this act;

35 (2) Not expend more than a total of one thousand dollars of the
36 candidate's personal funds and only during the qualifying period;

1 (3) Receive and expend seed money according to the provisions of
2 section 5 of this act;

3 (4) Collect at least the minimum number of qualifying contributions
4 under section 4 of this act;

5 (5) Expend only funds received from the judicial election reform
6 act fund after being certified as a publicly funded candidate;

7 (6) Sign a joint statement with the treasurer of the publicly
8 financed candidate's authorized committee, under oath, promising to
9 comply with the provisions of this chapter; and

10 (7) Comply with the provisions of this chapter to the extent
11 required for publicly funded candidates as prescribed by the
12 commission.

13 NEW SECTION. **Sec. 4.** APPLICATION FOR CERTIFICATION. A candidate
14 who wishes to receive public campaign funds must:

15 (1) File an application with the commission declaring his or her
16 intent to participate in the program as a candidate for the supreme
17 court or the court of appeals. The application must be filed before or
18 during the qualifying period. In the application, the candidate shall
19 affirm that only one political committee, identified with its
20 treasurer, shall handle all contributions, expenditures, and
21 obligations for the publicly financed candidate and that the candidate
22 will comply with the provisions set forth in this act and rules adopted
23 by the commission; and

24 (2) Obtain at least the minimum number of qualifying contributions
25 by the end of the qualifying period. Candidates for supreme court must
26 obtain at least five hundred qualifying contributions and candidates
27 for court of appeals must obtain at least one hundred qualifying
28 contributions. No payment, gift, or anything of value may be given in
29 exchange for a qualifying contribution. A qualifying contribution must
30 be:

31 (a) Made by a registered voter in the electoral district of the
32 office the candidate is seeking;

33 (b) Made by a person who is not given anything of value in exchange
34 for the qualifying contribution;

35 (c) In the sum of ten dollars, exactly;

36 (d) Received during the qualifying period by the candidate or on
37 behalf of the candidate; and

1 (e) Made by check, money order, or credit card.

2 NEW SECTION. **Sec. 5.** CERTIFICATION AS A PUBLICLY FINANCED
3 CANDIDATE. (1) Upon receipt of an application, the commission shall
4 determine whether or not the candidate has complied with the following
5 requirements:

6 (a) Signed and filed an application to participate;

7 (b) Submitted a report itemizing the qualifying contributions
8 received. The report must include the name, home address, telephone
9 number, and county of residence for each person who made a contribution
10 and the date the contribution was received, and any other information
11 required by the commission;

12 (c) Submitted a check or money order equal to the total qualifying
13 contributions received by the candidate and made out to the judicial
14 election reform act fund; and

15 (d) Submitted affidavits signed by persons collecting qualifying
16 contributions stating that, to the best of his or her knowledge, the
17 contribution was made by a registered voter in the electoral district
18 of the office the candidate is seeking.

19 (2) Once the requirements in subsection (1) of this section are
20 met, the commission must verify that:

21 (a) Pursuant to section 4 of this act, a sufficient number of
22 qualifying contributions were made by registered voters in the
23 electoral district of the office the candidate is seeking at the time
24 the contribution was made; and

25 (b) All seed money contributions meet, as reported, the
26 requirements of section 6 of this act.

27 (3) The commission must determine if a candidate meets the
28 requirements for public financing within seven calendar days of the
29 filing of an application. If the requirements of subsection (2) of
30 this section are met, the commission must certify the candidate for
31 public financing. If the commission denies certification, it must
32 provide written reasons why certification is denied. Any candidate who
33 is denied certification may reapply one time by submitting the required
34 information or the number of qualifying contributions needed to
35 complete the certification within fourteen calendar days of the date of
36 the commission's decision.

1 (4) A candidate who is certified as a publicly financed candidate
2 may use that designation in campaign materials and will be so
3 designated in the state voters' pamphlet.

4 NEW SECTION. **Sec. 6.** SEED MONEY CONTRIBUTIONS. A publicly
5 financed candidate may accept contributions of no more than one hundred
6 dollars and only from individuals for seed money. Seed money is
7 limited to twenty-five thousand dollars for candidates for supreme
8 court justice and ten thousand dollars for candidates for court of
9 appeals judge. Seed money may be raised and spent only during the
10 qualifying period and may only be used for the purpose of raising
11 qualifying contributions. The candidate's personal funds are
12 considered seed money and must be spent during the qualifying period.
13 Any seed money not spent by the end of the qualifying period must be
14 paid to the judicial election reform act fund. Seed money
15 contributions and expenditures must be reported as required under RCW
16 42.17.080 and 42.17.090 or as determined by the commission by rule.

17 NEW SECTION. **Sec. 7.** CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S
18 AUTHORIZED COMMITTEE. A publicly financed candidate and the publicly
19 financed candidate's authorized committee shall file the reports
20 required pursuant to this chapter as determined by the commission.

21 NEW SECTION. **Sec. 8.** USES OF PUBLIC FUNDS. (1) Money in the
22 account of a publicly financed candidate's authorized committee may
23 only be used for purposes directly related to the candidate's campaign.
24 (2) Money in the account of a publicly financed candidate's
25 authorized committee may not be used to pay fines or civil penalties,
26 for costs or legal fees related to representation before the
27 commission, or for defense of an enforcement action under this chapter.
28 Nothing in this chapter prevents a publicly financed candidate from
29 having a legal defense fund.

30 NEW SECTION. **Sec. 9.** RETURN OF FUNDS. (1) If a candidate
31 attempts to qualify for the program but does not meet the threshold for
32 qualification, withdraws from the program before application, is denied
33 certification under section 5 of this act, or revokes participation
34 under section 10 of this act, the candidate must make an effort to

1 return all qualifying contributions to the individual donors within
2 thirty calendar days of receiving notice of nonqualification or making
3 or revoking a decision not to participate. With a donor's permission,
4 or if a donor cannot be located, the qualifying contribution shall
5 remain in, or be paid to, the judicial election reform act fund.

6 (2) Participating candidates must return all unused funds to the
7 judicial election reform act fund within thirty calendar days after the
8 general election.

9 NEW SECTION. **Sec. 10.** REVOCATION. (1) A publicly financed
10 candidate may revoke in writing to the commission a decision to
11 participate in the public financing program within five calendar days
12 of being certified as a publicly financed candidate. After a timely
13 revocation, that candidate may accept and expend money outside the
14 provisions of this act. Within twenty-four hours after revocation, a
15 candidate must return to the commission all money received from the
16 judicial election reform act fund.

17 (2) A publicly financed candidate who revokes a decision to
18 participate in the public financing program after the time period
19 established in subsection (1) of this section must return all money
20 received from the judicial election reform act fund and pay a fine of
21 one thousand dollars per day for each day beyond the allowed revocation
22 period and the day the candidate revokes.

23 NEW SECTION. **Sec. 11.** CAMPAIGN FUNDING. (1) Within five business
24 days after a publicly financed candidate's name is approved to appear
25 on the primary election ballot by the appropriate elections officer in
26 a contested election, and within five business days after a publicly
27 financed candidate's name is approved to appear on the general election
28 ballot in a contested election, the commission shall authorize the
29 state treasurer to distribute to the account of the authorized
30 committee of each certified publicly financed candidate revenue from
31 the judicial election reform act fund as follows:

32 (a) For the office of justice of the supreme court, an amount equal
33 to fifty times the filing fee as established in RCW 29A.24.091, for the
34 primary election, and an amount equal to one hundred times the filing
35 fee for the general election.

1 (b) For the office of appeals court judge, an amount equal to
2 twenty times the filing fee as established in RCW 29A.24.091 for the
3 primary election, and an amount equal to twenty times the filing fee
4 for the general election.

5 (2) Publicly financed candidates who are uncontested shall receive
6 funds as follows:

7 (a) An amount equal to four times the filing fee for the office of
8 supreme court justice; and

9 (b) An amount equal to the filing fee for the office of court of
10 appeals judge.

11 (3) A publicly financed candidate shall return within ten calendar
12 days to the judicial election reform act fund any amount distributed
13 for an election that is unspent and uncommitted as of the date the
14 candidate ceases to be a candidate or as of the date of the election,
15 whichever occurs first.

16 (4) The commission shall authorize and the state treasurer shall
17 distribute funds to publicly financed candidates in a manner that
18 ensures accountability and safeguards the integrity of the fund.

19 NEW SECTION. **Sec. 12.** FAIR FIGHT FUNDS. (1) When a report is
20 filed under this chapter or other evidence comes to the attention of
21 the commission indicating that a nonparticipating candidate has
22 received more money than his or her publicly financed opponent has
23 received in public funding, the commission shall notify the publicly
24 financed candidate of his or her eligibility for fair fight funds.

25 (a) A publicly financed candidate may receive fair fight funds
26 equal to the difference between the total amount received by the
27 nonparticipating candidate for each election and the amount received by
28 the publicly financed candidate for each election. If there are
29 multiple nonparticipating candidates who have received more money than
30 the participating candidate has received, the participating candidate
31 shall receive fair fight funds based on the difference between the
32 total amount received by the nonparticipating candidate who has
33 received the most money and the amount received by the publicly
34 financed candidate.

35 (b) The total amount a publicly financed candidate for the office
36 of supreme court justice may receive in fair fight funds is four
37 hundred eighty times the filing fee for that office. A publicly funded

1 candidate for the office of court of appeals judge may receive up to
2 eighty times the filing fee for that office. The amounts in this
3 subsection are a total for both the primary and general elections. A
4 participating candidate may determine when to access available fair
5 fight funds.

6 (2)(a) Independent expenditures and electioneering communications
7 opposing a publicly financed candidate shall be considered as
8 contributions to each opposing candidate and the commission shall
9 authorize fair fight funds pursuant to subsection (1) of this section
10 to the publicly financed candidate.

11 (b) Independent expenditures and electioneering communications
12 supporting one or more nonparticipating opponents of a publicly
13 financed candidate shall be treated as contributions to those
14 nonparticipating candidates and the commission shall provide fair fight
15 funds pursuant to subsection (1) of this section to the publicly
16 financed candidate.

17 (c) Independent expenditures and electioneering communications
18 supporting a publicly financed candidate shall be considered, for every
19 opposing publicly financed candidate, as though the independent
20 expenditures or electioneering communications were a contribution to a
21 nonparticipating opponent and the commission shall authorize fair fight
22 funds pursuant to subsection (1) of this section to each opposing
23 publicly financed candidate.

24 (d) For purposes of this section, expenditures made by a
25 nonparticipating candidate and independent expenditures and
26 electioneering communications are deemed to have been made the day the
27 independent expenditure or electioneering communication was contracted
28 for, agreed to, or otherwise obligated.

29 (3) If adequate funding is not available to fully equalize funding
30 for publicly financed candidates under this section, the commission may
31 authorize a lesser amount.

32 NEW SECTION. **Sec. 13.** REPORTS. (1)(a) Any nonparticipating
33 candidate who has a publicly financed opponent shall report total
34 contributions received to the commission electronically within twenty-
35 four hours after the total amount of contributions received exceeds
36 eighty percent of the amount authorized for publicly financed
37 candidates under section 11 of this act.

1 (b) Any person making independent expenditures or electioneering
2 communications in excess of three thousand dollars in support of or
3 opposition to a publicly financed candidate, or in support of a
4 candidate opposing a publicly financed candidate, shall file with the
5 commission the report adopted by the commission by rule. The report
6 shall be filed within twenty-four hours of the date the independent
7 expenditure or electioneering communication is contracted for, agreed
8 to, or otherwise obligated.

9 (c) The commission may adopt rules implementing the provisions of
10 this section, including rules that determine (i) whether filing under
11 this section satisfies the filing requirements under other provisions
12 of this chapter, and (ii) when the reporting requirements of this
13 section are no longer warranted because a publicly financed candidate
14 has received the maximum amount of fair fight funds permitted by this
15 section.

16 (2) Publicly financed candidates shall report in accordance with
17 rules adopted by the commission. A publicly financed candidate who
18 revokes his or her participation in the program, who ceases to be a
19 candidate, or who loses an election shall file a final report with the
20 commission and return any unspent disbursements received from the
21 judicial election reform act fund. In developing reporting
22 requirements for publicly financed candidates, the commission shall use
23 existing campaign reporting procedures when determined practicable by
24 the commission.

25 (3) Any person who fails to report a contribution or expenditure as
26 required by this section shall be subject to a civil penalty of ten
27 times the amount of each contribution or expenditure not reported.

28 (4) The commission shall ensure prompt public access to the reports
29 received under this section.

30 NEW SECTION. **Sec. 14.** PUBLIC FORUMS. Publicly financed
31 candidates in contested races must participate in one public forum
32 during a primary election period and one public forum during a general
33 election period. The commission shall seek sponsorship of the forums
34 with a nonpartisan organization active in providing information to
35 voters on candidates or encouraging informed participation in voting.
36 The forums shall be conducted at times decided by the commission and in

1 accordance with rules prescribed by the commission. Nonparticipating
2 candidates may be invited to participate in the forums.

3 NEW SECTION. **Sec. 15.** DISQUALIFICATION FROM PROGRAM. If the
4 commission finds that a publicly financed candidate or the publicly
5 financed candidate's committee is accepting and expending money outside
6 the provisions of this act, the candidate shall be disqualified from
7 the program, shall be subject to a civil penalty under RCW 42.17.390,
8 and shall return all money received from the judicial election reform
9 act fund.

10 NEW SECTION. **Sec. 16.** IMPLEMENTATION AND ENFORCEMENT DUTIES. The
11 commission shall:

12 (1) Prescribe forms for reports, statements, notices, and other
13 documents as required by this act;

14 (2) Prepare and publish instructions to facilitate compliance with
15 this act and explaining the duties of persons and committees under this
16 act;

17 (3) Adopt rules to carry out the policies of this act. These rules
18 are not subject to the time restrictions of RCW 42.17.370(1); and

19 (4) Enforce the provisions of this act, ensure that money
20 transferred from the judicial election reform act fund into the account
21 of an authorized committee of a publicly financed candidate is spent as
22 specified, and monitor reports filed and financial records of
23 candidates as needed to ensure that fair fight funds are promptly
24 authorized to opposing qualified candidates under section 12 of this
25 act.

26 NEW SECTION. **Sec. 17.** EXPEDITED ADMINISTRATIVE REVIEW. (1) The
27 commission shall develop an expedited administrative review process
28 that is not subject to the adjudicative proceedings of chapter 34.05
29 RCW. However, commission findings are subject to judicial review under
30 RCW 34.05.570(4).

31 (2) The following individuals may seek expedited administrative
32 review of commission decisions:

33 (a) Candidates and potential candidates whom the commission finds
34 ineligible to participate in the program;

35 (b) Publicly financed candidates who are denied fair fight funds;

1 (c) Opponents of a publicly financed candidate who disagree with a
2 decision by the commission to grant fair fight funds to a participating
3 candidate.

4 (3) In an expedited administrative review process, the commission
5 shall issue a final decision no more than five calendar days after
6 review is requested.

7 (4) The commission may adopt rules to implement this section.

8 (5) Any petition for judicial review of a final decision in an
9 expedited administrative review must be filed within five calendar days
10 of the final decision. In any judicial review, the court shall not
11 grant a stay or temporary relief unless it finds the conditions
12 specified in RCW 34.05.550(3) (a), (b), and (c).

13 **Sec. 18.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
14 as follows:

15 One or more of the following civil remedies and sanctions may be
16 imposed by court order in addition to any other remedies provided by
17 law:

18 (1) If the court finds that the violation of any provision of this
19 chapter by any candidate or political committee probably affected the
20 outcome of any election, the result of said election may be held void
21 and a special election held within sixty days of such finding. Any
22 action to void an election shall be commenced within one year of the
23 date of the election in question. It is intended that this remedy be
24 imposed freely in all appropriate cases to protect the right of the
25 electorate to an informed and knowledgeable vote.

26 (2) If any lobbyist or sponsor of any grass roots lobbying campaign
27 violates any of the provisions of this chapter, his or her registration
28 may be revoked or suspended and he or she may be enjoined from
29 receiving compensation or making expenditures for lobbying: PROVIDED,
30 HOWEVER, That imposition of such sanction shall not excuse said
31 lobbyist from filing statements and reports required by this chapter.

32 (3) Any person who violates any of the provisions of this chapter
33 may be subject to a civil penalty of not more than ten thousand dollars
34 for each such violation. However, a person or entity who violates RCW
35 42.17.640 and 42.17.645 may be subject to a civil penalty of ten
36 thousand dollars or three times the amount of the contribution
37 illegally made or accepted, whichever is greater.

1 (4) Any person who fails to file a properly completed statement or
2 report within the time required by this chapter may be subject to a
3 civil penalty of ten dollars per day for each day each such delinquency
4 continues.

5 (5) Any person who fails to report a contribution or expenditure as
6 required by this chapter may be subject to a civil penalty equivalent
7 to the amount not reported as required.

8 (6) The court may enjoin any person to prevent the doing of any act
9 herein prohibited, or to compel the performance of any act required
10 herein.

11 (7)(a) The civil penalty for a violation of a contribution or
12 expenditure limit established under section 3 of this act by or on
13 behalf of a publicly financed candidate is ten times the amount by
14 which the expenditures or contributions exceed the applicable limit.
15 If the violation occurs within five days of an election, the civil
16 penalty is twenty times the amount by which the expenditures or
17 contributions exceed the applicable limit. A publicly financed
18 candidate found to have knowingly committed a violation of the
19 expenditure or contribution limits under section 3 of this act shall
20 pay the applicable fines, surrender all money in the candidate's
21 authorized committee account to the judicial election reform act fund,
22 and will cease to be a publicly funded candidate.

23 (b) In addition to any other penalties imposed by law, the civil
24 penalty for a violation by or on behalf of a publicly financed
25 candidate of a reporting requirement imposed by this chapter is one
26 hundred dollars per day. A civil penalty imposed under this subsection
27 (7)(b) may not exceed twice the amount of expenditures or contributions
28 not reported in a timely manner. The candidate and the candidate's
29 authorized committee are jointly and severally responsible for a civil
30 penalty imposed under this subsection.

31 (c) The civil penalty for a violation of the revocation requirement
32 imposed by this act is one thousand dollars per day for each day past
33 the period allowed for a timely revocation.

34 (d) The civil penalty for a violation of the reporting provisions
35 in section 13 of this act shall be ten times the amount not reported.

36 (e) All civil penalties collected under this subsection will be
37 deposited into the judicial election reform act fund.

1 **Sec. 19.** RCW 42.17.020 and 2005 c 445 s 6 are each amended to read
2 as follows:

3 The definitions in this section apply throughout this chapter
4 unless the context clearly requires otherwise.

5 (1) "Actual malice" means to act with knowledge of falsity or with
6 reckless disregard as to truth or falsity.

7 (2) "Agency" includes all state agencies and all local agencies.
8 "State agency" includes every state office, department, division,
9 bureau, board, commission, or other state agency. "Local agency"
10 includes every county, city, town, municipal corporation, quasi-
11 municipal corporation, or special purpose district, or any office,
12 department, division, bureau, board, commission, or agency thereof, or
13 other local public agency.

14 (3) "Authorized committee" means the political committee authorized
15 by a candidate, or by the public official against whom recall charges
16 have been filed, to accept contributions or make expenditures on behalf
17 of the candidate or public official.

18 (4) "Ballot proposition" means any "measure" as defined by RCW
19 29A.04.091, or any initiative, recall, or referendum proposition
20 proposed to be submitted to the voters of the state or any municipal
21 corporation, political subdivision, or other voting constituency from
22 and after the time when the proposition has been initially filed with
23 the appropriate election officer of that constituency prior to its
24 circulation for signatures.

25 (5) "Benefit" means a commercial, proprietary, financial, economic,
26 or monetary advantage, or the avoidance of a commercial, proprietary,
27 financial, economic, or monetary disadvantage.

28 (6) "Bona fide political party" means:

29 (a) An organization that has filed a valid certificate of
30 nomination with the secretary of state under chapter 29A.20 RCW;

31 (b) The governing body of the state organization of a major
32 political party, as defined in RCW 29A.04.086, that is the body
33 authorized by the charter or bylaws of the party to exercise authority
34 on behalf of the state party; or

35 (c) The county central committee or legislative district committee
36 of a major political party. There may be only one legislative district
37 committee for each party in each legislative district.

1 (7) "Depository" means a bank designated by a candidate or
2 political committee pursuant to RCW 42.17.050.

3 (8) "Treasurer" and "deputy treasurer" mean the individuals
4 appointed by a candidate or political committee, pursuant to RCW
5 42.17.050, to perform the duties specified in that section.

6 (9) "Candidate" means any individual who seeks nomination for
7 election or election to public office. An individual seeks nomination
8 or election when he or she first:

9 (a) Receives contributions or makes expenditures or reserves space
10 or facilities with intent to promote his or her candidacy for office;

11 (b) Announces publicly or files for office;

12 (c) Purchases commercial advertising space or broadcast time to
13 promote his or her candidacy; or

14 (d) Gives his or her consent to another person to take on behalf of
15 the individual any of the actions in (a) or (c) of this subsection.

16 (10) "Caucus political committee" means a political committee
17 organized and maintained by the members of a major political party in
18 the state senate or state house of representatives.

19 (11) "Commercial advertiser" means any person who sells the service
20 of communicating messages or producing printed material for broadcast
21 or distribution to the general public or segments of the general public
22 whether through the use of newspapers, magazines, television and radio
23 stations, billboard companies, direct mail advertising companies,
24 printing companies, or otherwise.

25 (12) "Commission" means the agency established under RCW 42.17.350.

26 (13) "Compensation" unless the context requires a narrower meaning,
27 includes payment in any form for real or personal property or services
28 of any kind: PROVIDED, That for the purpose of compliance with RCW
29 42.17.241, the term "compensation" shall not include per diem
30 allowances or other payments made by a governmental entity to reimburse
31 a public official for expenses incurred while the official is engaged
32 in the official business of the governmental entity.

33 (14) "Contested election" means an election in which there are two
34 or more candidates running for the same office whose names will appear
35 on the ballot.

36 (15) "Continuing political committee" means a political committee
37 that is an organization of continuing existence not established in
38 anticipation of any particular election campaign.

1 (~~(15)~~) (16)(a) "Contribution" includes:

2 (i) A loan, gift, deposit, subscription, forgiveness of
3 indebtedness, donation, advance, pledge, payment, transfer of funds
4 between political committees, or anything of value, including personal
5 and professional services for less than full consideration;

6 (ii) An expenditure made by a person in cooperation, consultation,
7 or concert with, or at the request or suggestion of, a candidate, a
8 political committee, or their agents;

9 (iii) The financing by a person of the dissemination, distribution,
10 or republication, in whole or in part, of broadcast, written, graphic,
11 or other form of political advertising or electioneering communication
12 prepared by a candidate, a political committee, or its authorized
13 agent;

14 (iv) Sums paid for tickets to fund-raising events such as dinners
15 and parties, except for the actual cost of the consumables furnished at
16 the event.

17 (b) "Contribution" does not include:

18 (i) Standard interest on money deposited in a political committee's
19 account;

20 (ii) Ordinary home hospitality;

21 (iii) A contribution received by a candidate or political committee
22 that is returned to the contributor within five business days of the
23 date on which it is received by the candidate or political committee;

24 (iv) A news item, feature, commentary, or editorial in a regularly
25 scheduled news medium that is of primary interest to the general
26 public, that is in a news medium controlled by a person whose business
27 is that news medium, and that is not controlled by a candidate or a
28 political committee;

29 (v) An internal political communication primarily limited to the
30 members of or contributors to a political party organization or
31 political committee, or to the officers, management staff, or
32 stockholders of a corporation or similar enterprise, or to the members
33 of a labor organization or other membership organization;

34 (vi) The rendering of personal services of the sort commonly
35 performed by volunteer campaign workers, or incidental expenses
36 personally incurred by volunteer campaign workers not in excess of
37 fifty dollars personally paid for by the worker. "Volunteer services,"

1 for the purposes of this section, means services or labor for which the
2 individual is not compensated by any person;

3 (vii) Messages in the form of reader boards, banners, or yard or
4 window signs displayed on a person's own property or property occupied
5 by a person. However, a facility used for such political advertising
6 for which a rental charge is normally made must be reported as an in-
7 kind contribution and counts towards any applicable contribution limit
8 of the person providing the facility;

9 (viii) Legal or accounting services rendered to or on behalf of:

10 (A) A political party or caucus political committee if the person
11 paying for the services is the regular employer of the person rendering
12 such services; or

13 (B) A candidate or an authorized committee if the person paying for
14 the services is the regular employer of the individual rendering the
15 services and if the services are solely for the purpose of ensuring
16 compliance with state election or public disclosure laws.

17 (c) Contributions other than money or its equivalent are deemed to
18 have a monetary value equivalent to the fair market value of the
19 contribution. Services or property or rights furnished at less than
20 their fair market value for the purpose of assisting any candidate or
21 political committee are deemed a contribution. Such a contribution
22 must be reported as an in-kind contribution at its fair market value
23 and counts towards any applicable contribution limit of the provider.

24 ~~((+16+))~~ (17) "Elected official" means any person elected at a
25 general or special election to any public office, and any person
26 appointed to fill a vacancy in any such office.

27 ~~((+17+))~~ (18) "Election" includes any primary, general, or special
28 election for public office and any election in which a ballot
29 proposition is submitted to the voters: PROVIDED, That an election in
30 which the qualifications for voting include other than those
31 requirements set forth in Article VI, section 1 (Amendment 63) of the
32 Constitution of the state of Washington shall not be considered an
33 election for purposes of this chapter.

34 ~~((+18+))~~ (19) "Election campaign" means any campaign in support of
35 or in opposition to a candidate for election to public office and any
36 campaign in support of, or in opposition to, a ballot proposition.

37 ~~((+19+))~~ (20) "Election cycle" means the period beginning on the
38 first day of December after the date of the last previous general

1 election for the office that the candidate seeks and ending on November
2 30th after the next election for the office. In the case of a special
3 election to fill a vacancy in an office, "election cycle" means the
4 period beginning on the day the vacancy occurs and ending on November
5 30th after the special election.

6 ~~((+20+))~~ (21) "Electioneering communication" means any broadcast,
7 cable, or satellite television or radio transmission, United States
8 postal service mailing, billboard, newspaper, or periodical that:

9 (a) Clearly identifies a candidate for a state, local, or judicial
10 office either by specifically naming the candidate, or identifying the
11 candidate without using the candidate's name;

12 (b) Is broadcast, transmitted, mailed, erected, distributed, or
13 otherwise published within sixty days before any election for that
14 office in the jurisdiction in which the candidate is seeking election;
15 and

16 (c) Either alone, or in combination with one or more communications
17 identifying the candidate by the same sponsor during the sixty days
18 before an election, has a fair market value of five thousand dollars or
19 more.

20 ~~((+21+))~~ (22) "Electioneering communication" does not include:

21 (a) Usual and customary advertising of a business owned by a
22 candidate, even if the candidate is mentioned in the advertising when
23 the candidate has been regularly mentioned in that advertising
24 appearing at least twelve months preceding his or her becoming a
25 candidate;

26 (b) Advertising for candidate debates or forums when the
27 advertising is paid for by or on behalf of the debate or forum sponsor,
28 so long as two or more candidates for the same position have been
29 invited to participate in the debate or forum;

30 (c) A news item, feature, commentary, or editorial in a regularly
31 scheduled news medium that is:

32 (i) Of primary interest to the general public;

33 (ii) In a news medium controlled by a person whose business is that
34 news medium; and

35 (iii) Not a medium controlled by a candidate or a political
36 committee;

37 (d) Slate cards and sample ballots;

1 (e) Advertising for books, films, dissertations, or similar works
2 (i) written by a candidate when the candidate entered into a contract
3 for such publications or media at least twelve months before becoming
4 a candidate, or (ii) written about a candidate;

5 (f) Public service announcements;

6 (g) A mailed internal political communication primarily limited to
7 the members of or contributors to a political party organization or
8 political committee, or to the officers, management staff, or
9 stockholders of a corporation or similar enterprise, or to the members
10 of a labor organization or other membership organization;

11 (h) An expenditure by or contribution to the authorized committee
12 of a candidate for state, local, or judicial office; or

13 (i) Any other communication exempted by the commission through rule
14 consistent with the intent of this chapter.

15 ~~((+22+))~~ (23) "Expenditure" includes a payment, contribution,
16 subscription, distribution, loan, advance, deposit, or gift of money or
17 anything of value, and includes a contract, promise, or agreement,
18 whether or not legally enforceable, to make an expenditure. The term
19 "expenditure" also includes a promise to pay, a payment, or a transfer
20 of anything of value in exchange for goods, services, property,
21 facilities, or anything of value for the purpose of assisting,
22 benefiting, or honoring any public official or candidate, or assisting
23 in furthering or opposing any election campaign. For the purposes of
24 this chapter, agreements to make expenditures, contracts, and promises
25 to pay may be reported as estimated obligations until actual payment is
26 made. The term "expenditure" shall not include the partial or complete
27 repayment by a candidate or political committee of the principal of a
28 loan, the receipt of which loan has been properly reported.

29 ~~((+23+))~~ (24) "Final report" means the report described as a final
30 report in RCW 42.17.080(2).

31 ~~((+24+))~~ (25) "General election" for the purposes of RCW 42.17.640
32 means the election that results in the election of a person to a state
33 office. It does not include a primary.

34 ~~((+25+))~~ (26) "Gift," is as defined in RCW 42.52.010.

35 ~~((+26+))~~ (27) "Immediate family" includes the spouse, dependent
36 children, and other dependent relatives, if living in the household.
37 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
38 means an individual's spouse, and child, stepchild, grandchild, parent,

1 stepparent, grandparent, brother, half brother, sister, or half sister
2 of the individual and the spouse of any such person and a child,
3 stepchild, grandchild, parent, stepparent, grandparent, brother, half
4 brother, sister, or half sister of the individual's spouse and the
5 spouse of any such person.

6 ~~((+27))~~ (28) "Incumbent" means a person who is in present
7 possession of an elected office.

8 ~~((+28))~~ (29) "Independent expenditure" means an expenditure that
9 has each of the following elements:

10 (a) It is made in support of or in opposition to a candidate for
11 office by a person who is not (i) a candidate for that office, (ii) an
12 authorized committee of that candidate for that office, (iii) a person
13 who has received the candidate's encouragement or approval to make the
14 expenditure, if the expenditure pays in whole or in part for political
15 advertising supporting that candidate or promoting the defeat of any
16 other candidate or candidates for that office, or (iv) a person with
17 whom the candidate has collaborated for the purpose of making the
18 expenditure, if the expenditure pays in whole or in part for political
19 advertising supporting that candidate or promoting the defeat of any
20 other candidate or candidates for that office;

21 (b) The expenditure pays in whole or in part for political
22 advertising that either specifically names the candidate supported or
23 opposed, or clearly and beyond any doubt identifies the candidate
24 without using the candidate's name; and

25 (c) The expenditure, alone or in conjunction with another
26 expenditure or other expenditures of the same person in support of or
27 opposition to that candidate, has a value of five hundred dollars or
28 more. A series of expenditures, each of which is under five hundred
29 dollars, constitutes one independent expenditure if their cumulative
30 value is five hundred dollars or more.

31 ~~((+29))~~ (30)(a) "Intermediary" means an individual who transmits
32 a contribution to a candidate or committee from another person unless
33 the contribution is from the individual's employer, immediate family as
34 defined for purposes of RCW 42.17.640 through 42.17.790, or an
35 association to which the individual belongs.

36 (b) A treasurer or a candidate is not an intermediary for purposes
37 of the committee that the treasurer or candidate serves.

1 (c) A professional fund-raiser is not an intermediary if the fund-
2 raiser is compensated for fund-raising services at the usual and
3 customary rate.

4 (d) A volunteer hosting a fund-raising event at the individual's
5 home is not an intermediary for purposes of that event.

6 ~~((+30+))~~ (31) "Legislation" means bills, resolutions, motions,
7 amendments, nominations, and other matters pending or proposed in
8 either house of the state legislature, and includes any other matter
9 that may be the subject of action by either house or any committee of
10 the legislature and all bills and resolutions that, having passed both
11 houses, are pending approval by the governor.

12 ~~((+31+))~~ (32) "Lobby" and "lobbying" each mean attempting to
13 influence the passage or defeat of any legislation by the legislature
14 of the state of Washington, or the adoption or rejection of any rule,
15 standard, rate, or other legislative enactment of any state agency
16 under the state Administrative Procedure Act, chapter 34.05 RCW.
17 Neither "lobby" nor "lobbying" includes an association's or other
18 organization's act of communicating with the members of that
19 association or organization.

20 ~~((+32+))~~ (33) "Lobbyist" includes any person who lobbies either in
21 his or her own or another's behalf.

22 ~~((+33+))~~ (34) "Lobbyist's employer" means the person or persons by
23 whom a lobbyist is employed and all persons by whom he or she is
24 compensated for acting as a lobbyist.

25 ~~((+34+))~~ (35) "Nonparticipating candidate" means a candidate for
26 supreme court justice or court of appeals judge who is on the ballot
27 but has chosen not to apply for public funds from the judicial election
28 reform act fund or a candidate who is on the ballot and has applied but
29 has not been certified to receive public funds from the judicial
30 election reform act fund.

31 (36) "Participate" means that, with respect to a particular
32 election, an entity:

33 (a) Makes either a monetary or in-kind contribution to a candidate;

34 (b) Makes an independent expenditure or electioneering
35 communication in support of or opposition to a candidate;

36 (c) Endorses a candidate prior to contributions being made by a
37 subsidiary corporation or local unit with respect to that candidate or
38 that candidate's opponent;

1 (d) Makes a recommendation regarding whether a candidate should be
2 supported or opposed prior to a contribution being made by a subsidiary
3 corporation or local unit with respect to that candidate or that
4 candidate's opponent; or

5 (e) Directly or indirectly collaborates or consults with a
6 subsidiary corporation or local unit on matters relating to the support
7 of or opposition to a candidate, including, but not limited to, the
8 amount of a contribution, when a contribution should be given, and what
9 assistance, services or independent expenditures, or electioneering
10 communications, if any, will be made or should be made in support of or
11 opposition to a candidate.

12 (~~(+35+)~~) (37) "Person" includes an individual, partnership, joint
13 venture, public or private corporation, association, federal, state, or
14 local governmental entity or agency however constituted, candidate,
15 committee, political committee, political party, executive committee
16 thereof, or any other organization or group of persons, however
17 organized.

18 (~~(+36+)~~) (38) "Person in interest" means the person who is the
19 subject of a record or any representative designated by that person,
20 except that if that person is under a legal disability, the term
21 "person in interest" means and includes the parent or duly appointed
22 legal representative.

23 (~~(+37+)~~) (39) "Political advertising" includes any advertising
24 displays, newspaper ads, billboards, signs, brochures, articles,
25 tabloids, flyers, letters, radio or television presentations, or other
26 means of mass communication, used for the purpose of appealing,
27 directly or indirectly, for votes or for financial or other support or
28 opposition in any election campaign.

29 (~~(+38+)~~) (40) "Political committee" means any person (except a
30 candidate or an individual dealing with his or her own funds or
31 property) having the expectation of receiving contributions or making
32 expenditures in support of, or opposition to, any candidate or any
33 ballot proposition.

34 (~~(+39+)~~) (41) "Primary" for the purposes of RCW 42.17.640 means the
35 procedure for nominating a candidate to state office under chapter
36 29A.52 RCW or any other primary for an election that uses, in large
37 measure, the procedures established in chapter 29A.52 RCW.

1 ~~((40))~~ (42) "Public office" means any federal, state, judicial,
2 county, city, town, school district, port district, special district,
3 or other state political subdivision elective office.

4 ~~((41))~~ (43) "Public record" includes any writing containing
5 information relating to the conduct of government or the performance of
6 any governmental or proprietary function prepared, owned, used, or
7 retained by any state or local agency regardless of physical form or
8 characteristics. For the office of the secretary of the senate and the
9 office of the chief clerk of the house of representatives, public
10 records means legislative records as defined in RCW 40.14.100 and also
11 means the following: All budget and financial records; personnel
12 leave, travel, and payroll records; records of legislative sessions;
13 reports submitted to the legislature; and any other record designated
14 a public record by any official action of the senate or the house of
15 representatives.

16 ~~((42))~~ (44) "Publicly financed candidate" means a candidate who
17 becomes certified to receive public campaign funds under section 4 of
18 this act.

19 (45) "Qualifying contribution" means a contribution of exactly ten
20 dollars, made by a registered voter of the electoral district of the
21 office the candidate is seeking, and is received during the qualifying
22 period.

23 (46) "Qualifying period" means the period beginning February 1st of
24 the election year and ending on the close of the regular filing period
25 for the office.

26 (47) "Recall campaign" means the period of time beginning on the
27 date of the filing of recall charges under RCW 29A.56.120 and ending
28 thirty days after the recall election.

29 ~~((43))~~ (48) "Seed money" means a contribution of no more than one
30 hundred dollars, made by an individual, and received during the
31 qualifying period.

32 (49) "Sponsor of an electioneering communications, independent
33 expenditures, or political advertising" means the person paying for the
34 electioneering communication, independent expenditure, or political
35 advertising. If a person acts as an agent for another or is reimbursed
36 by another for the payment, the original source of the payment is the
37 sponsor.

1 (~~(44)~~) (50) "State legislative office" means the office of a
2 member of the state house of representatives or the office of a member
3 of the state senate.

4 (~~(45)~~) (51) "State office" means state legislative office or the
5 office of governor, lieutenant governor, secretary of state, attorney
6 general, commissioner of public lands, insurance commissioner,
7 superintendent of public instruction, state auditor, or state
8 treasurer.

9 (~~(46)~~) (52) "State official" means a person who holds a state
10 office.

11 (~~(47)~~) (53) "Surplus funds" mean, in the case of a political
12 committee or candidate, the balance of contributions that remain in the
13 possession or control of that committee or candidate subsequent to the
14 election for which the contributions were received, and that are in
15 excess of the amount necessary to pay remaining debts incurred by the
16 committee or candidate prior to that election. In the case of a
17 continuing political committee, "surplus funds" mean those
18 contributions remaining in the possession or control of the committee
19 that are in excess of the amount necessary to pay all remaining debts
20 when it makes its final report under RCW 42.17.065.

21 (~~(48)~~) (54) "Uncontested election" means an election in which a
22 candidate running for a specified office has no opponent on the ballot.

23 (55) "Writing" means handwriting, typewriting, printing,
24 photostating, photographing, and every other means of recording any
25 form of communication or representation, including, but not limited to,
26 letters, words, pictures, sounds, or symbols, or combination thereof,
27 and all papers, maps, magnetic or paper tapes, photographic films and
28 prints, motion picture, film and video recordings, magnetic or punched
29 cards, discs, drums, diskettes, sound recordings, and other documents
30 including existing data compilations from which information may be
31 obtained or translated.

32 As used in this chapter, the singular shall take the plural and any
33 gender, the other, as the context requires.

34 **Sec. 20.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to
35 read as follows:

36 (1) No state officer or state employee may use or authorize the use
37 of facilities of an agency, directly or indirectly, for the purpose of

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

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

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

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

29 (c) Activities that are part of the normal and regular conduct of
30 the office or agency; (~~and~~)

31 (d) De minimis use of public facilities by statewide elected
32 officials and legislators incidental to the preparation or delivery of
33 permissible communications, including written and verbal communications
34 initiated by them of their views on ballot propositions that
35 foreseeably may affect a matter that falls within their constitutional
36 or statutory responsibilities; and

37 (e) Activities that are undertaken by a public agency in

1 implementation of sections 1 through 17 of this act, the judicial
2 elections reform act.

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

5 **Sec. 21.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
6 as follows:

7 Except as provided in sections 1 through 17 of this act, public
8 funds, whether derived through taxes, fees, penalties, or any other
9 sources, shall not be used to finance political campaigns for state or
10 local office.

11 **Sec. 22.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to read
12 as follows:

13 Except as provided in sections 1 through 17 of this act, no
14 elective official nor any employee of his (~~(or her))~~) or her office
15 nor any person appointed to or employed by any public office or agency
16 may use or authorize the use of any of the facilities of a public
17 office or agency, directly or indirectly, for the purpose of assisting
18 a campaign for election of any person to any office or for the
19 promotion of or opposition to any ballot proposition. Facilities of a
20 public office or agency include, but are not limited to, use of
21 stationery, postage, machines, and equipment, use of employees of the
22 office or agency during working hours, vehicles, office space,
23 publications of the office or agency, and clientele lists of persons
24 served by the office or agency. However, this does not apply to the
25 following activities:

26 (1) Action taken at an open public meeting by members of an elected
27 legislative body or by an elected board, council, or commission of a
28 special purpose district including, but not limited to, fire districts,
29 public hospital districts, library districts, park districts, port
30 districts, public utility districts, school districts, sewer districts,
31 and water districts, to express a collective decision, or to actually
32 vote upon a motion, proposal, resolution, order, or ordinance, or to
33 support or oppose a ballot proposition so long as (a) any required
34 notice of the meeting includes the title and number of the ballot
35 proposition, and (b) members of the legislative body, members of the

1 board, council, or commission of the special purpose district, or
2 members of the public are afforded an approximately equal opportunity
3 for the expression of an opposing view;

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

7 (3) Activities which are part of the normal and regular conduct of
8 the office or agency.

9 **Sec. 23.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
10 as follows:

11 Prior to declaring as a candidate for public office or while
12 campaigning for public office as defined by RCW 42.17.020 (~~((5) and~~
13 ~~(25))~~) (9) and (42) no public discussion or expression of an opinion by
14 a person subsequently elected to a public office, on any pending or
15 proposed quasi-judicial actions, shall be a violation of the appearance
16 of fairness doctrine.

17 **Sec. 24.** RCW 29A.32.036 and 2004 c 271 s 122 are each amended to
18 read as follows:

19 If the secretary of state prints and distributes a voters' pamphlet
20 for a primary in an even-numbered year, it must contain:

21 (1) A description of the office of precinct committee officer and
22 its duties;

23 (2) An explanation that, for partisan offices, only voters who
24 choose to affiliate with a major political party may vote in that
25 party's primary election, and that voters must limit their
26 participation in a partisan primary to one political party; ~~((and))~~

27 (3) An explanation that minor political party candidates and
28 independent candidates will appear only on the general election ballot;
29 and

30 (4) Candidates' statements, if submitted, advocating the
31 candidacies of nominees for justice of the supreme court, and judge of
32 the court of appeals. Submitted statements must be factual and
33 neutral. Candidates may also submit a campaign mailing address and
34 telephone number and a photograph not more than five years old and of
35 a size and quality that the secretary of state determines to be
36 suitable for reproduction in the voters' pamphlet.

1 NEW SECTION. **Sec. 25.** A new section is added to chapter 29A.32
2 RCW to read as follows:

3 The secretary of state must make available on its web site an
4 electronic primary voters' pamphlet that contains information on all
5 judicial races taking part in the primary election. Judicial
6 candidates must be allowed to submit statements advocating their
7 candidacies. Candidates may also submit a campaign mailing address,
8 telephone number, web site, electronic mail address, and a digital
9 photograph of a size and quality that the secretary of state determines
10 to be suitable for reproduction in the electronic primary voters'
11 pamphlet.

12 **Sec. 26.** RCW 29A.32.210 and 2003 c 111 s 813 are each amended to
13 read as follows:

14 At least ninety days before any primary or general election, or at
15 least forty days before any special election held under RCW
16 (~~29A.04.320~~) 29A.04.321 or 29A.04.330, the legislative authority of
17 any county or first-class or code city may adopt an ordinance
18 authorizing the publication and distribution of a local voters'
19 pamphlet. The pamphlet shall provide information on all measures
20 within that jurisdiction, information on all judicial candidates within
21 that jurisdiction, and may, if specified in the ordinance, include
22 information on nonjudicial candidates within that jurisdiction. If
23 both a county and a first-class or code city within that county
24 authorize a local voters' pamphlet for the same election, the pamphlet
25 shall be produced jointly by the county and the first-class or code
26 city. If no agreement can be reached between the county and first-
27 class or code city, the county and first-class or code city may each
28 produce a pamphlet. Any ordinance adopted authorizing a local voters'
29 pamphlet may be for a specific primary, special election, or general
30 election or for any future primaries or elections. The format of any
31 local voters' pamphlet shall, whenever applicable, comply with the
32 provisions of this chapter regarding the publication of the state
33 candidates' and voters' pamphlets.

34 **Sec. 27.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to
35 read as follows:

1 The local voters' pamphlet shall include but not be limited to the
2 following:

3 (1) Appearing on the cover, the words "official local voters'
4 pamphlet," the name of the jurisdiction producing the pamphlet, and the
5 date of the election or primary;

6 (2) A list of jurisdictions that have measures or candidates in the
7 pamphlet;

8 (3) Statements from judicial candidates within that jurisdiction
9 and may include their photographs;

10 (4) Information on how a person may register to vote and obtain an
11 absentee ballot;

12 ((+4)) (5) The text of each measure accompanied by an explanatory
13 statement prepared by the prosecuting attorney for any county measure
14 or by the attorney for the jurisdiction submitting the measure if other
15 than a county measure. All explanatory statements for city, town, or
16 district measures not approved by the attorney for the jurisdiction
17 submitting the measure shall be reviewed and approved by the county
18 prosecuting attorney or city attorney, when applicable, before
19 inclusion in the pamphlet;

20 ((+5)) (6) The arguments for and against each measure submitted by
21 committees selected pursuant to RCW 29A.32.280; and

22 ((+6)) (7) For partisan primary elections, information on how to
23 vote the applicable ballot format and an explanation that minor
24 political party candidates and independent candidates will appear only
25 on the general election ballot.

26 **Sec. 28.** RCW 29A.32.250 and 2003 c 111 s 817 are each amended to
27 read as follows:

28 If the legislative authority of a county or first-class or code
29 city provides for the inclusion of candidates in the local voters'
30 pamphlet, the pamphlet shall include the statements from candidates,
31 including judicial candidates, and may also include those candidates'
32 photographs.

33 NEW SECTION. **Sec. 29.** A new section is added to chapter 29A.32
34 RCW to read as follows:

35 Each county auditor must make available on the county's web site an
36 electronic primary voters' pamphlet that contains information on all

1 judicial races within its jurisdiction taking part in the primary
2 election. Judicial candidates must be allowed to submit statements
3 advocating their candidacies. Candidates may also submit a campaign
4 mailing address, telephone number, web site, electronic mail address,
5 and a digital photograph of a size and quality that the county auditor
6 determines to be suitable for reproduction in the electronic primary
7 voters' pamphlet.

8 NEW SECTION. **Sec. 30.** Sections 1 through 17 of this act may be
9 known and cited as the judicial elections reform act.

10 NEW SECTION. **Sec. 31.** Sections 1 through 17 of this act are each
11 added to chapter 42.17 RCW.

12 NEW SECTION. **Sec. 32.** Captions used in this act are not part of
13 the law.

14 NEW SECTION. **Sec. 33.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 34.** This act expires January 1, 2013. By
19 January 1, 2012, the public disclosure commission shall report to the
20 governor and to the legislature on the effectiveness of the judicial
21 election reform act.

22 NEW SECTION. **Sec. 35.** If specific funding for the purposes of
23 this act, referencing this act by bill or chapter number, is not
24 provided by June 30, 2007, in the omnibus appropriations act, this act
25 is null and void.

--- END ---