
HOUSE BILL 1186

State of Washington 60th Legislature 2007 Regular Session

By Representatives Schual-Berke, Hunt, Dunshee, McDermott, Chase, Sommers, Kagi, Pettigrew, Darneille, Cody, Miloscia, Dickerson, Appleton, Green, Ormsby, Santos, Lantz, Kenney and Roberts

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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 effective 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 maintain
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 establishes the judicial election reform act as
5 an alternative source of financing candidates for the Washington
6 supreme court and court of appeals who demonstrate public support and
7 voluntarily accept strict fund-raising and spending limits.

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

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

20 (1) Not accept contributions from a political committee, a
21 continuing political committee, a bona fide political party, a caucus
22 political committee, a union, a corporation, or any other group or
23 entity;

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

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

28 (4) Collect the minimum number of qualifying contributions under
29 section 4 of this act;

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

32 (6) Sign a joint statement with the treasurer of the publicly
33 financed candidate's authorized committee, under oath, promising to
34 comply with the requirements of this chapter; and

35 (7) Comply with the provisions of this chapter to the extent

1 required for publicly funded candidates as prescribed by the
2 commission.

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

5 (1) File an application with the commission declaring his or her
6 intent to participate in the program as a candidate for the supreme
7 court or the court of appeals. The application must be filed before or
8 during the qualifying period. In the application, the candidate shall
9 affirm that only one political committee, identified with its
10 treasurer, shall handle all contributions, expenditures, and
11 obligations for the publicly financed candidate and that the candidate
12 will comply with the requirements set forth in this act and rules
13 adopted by the commission; and

14 (2) Obtain the minimum number of qualifying contributions by the
15 end of the qualifying period. Candidates for supreme court must obtain
16 at least two hundred fifty qualifying contributions and candidates for
17 court of appeals must obtain at least one hundred qualifying
18 contributions. No payment, gift, or anything of value may be given in
19 exchange for a qualifying contribution. A qualifying contribution must
20 be:

21 (a) Made by a resident who at the time of the contribution resides
22 in the electoral district of the office the candidate is seeking;

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

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

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

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

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

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

34 (b) Submitted a report itemizing the qualifying contributions
35 received. The report must include the name, address, telephone number,

1 and county of residence for each person who made a contribution and the
2 date the contribution was made, and any other information required by
3 the commission;

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

7 (d) Submitted affidavits signed by persons collecting qualifying
8 contributions stating that, to the best of his or her knowledge, the
9 contribution was made by a resident in the electoral district of the
10 office the participating candidate is seeking.

11 (2) Once the requirements in subsection (1) of this section are
12 met, the commission must verify that a sample of the contributors were
13 residing in the electoral district of the office the candidate is
14 seeking at the time the contribution was made.

15 (3) If the requirements of subsection (2) of this section are met,
16 the commission must certify the candidate for public financing. If the
17 commission denies certification, it must provide written reasons why
18 certification is denied. Any candidate who is denied certification may
19 reapply one time within fourteen days of the commission's decision by
20 submitting the required information or the number of qualifying
21 contributions needed to complete the certification.

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

25 NEW SECTION. **Sec. 6.** SEED MONEY CONTRIBUTIONS. A publicly
26 financed candidate may accept contributions of no more than one hundred
27 dollars and only from individuals for seed money. Seed money is
28 limited to twenty-five thousand dollars for candidates for supreme
29 court justice and ten thousand dollars for candidates for court of
30 appeals judge. Seed money may be raised and spent only during the
31 qualifying period and may only be used for the purpose of raising
32 qualifying contributions. The candidate's personal money is considered
33 seed money and must be spent during the qualifying period. Any seed
34 money not spent by the end of the qualifying period must be paid to the
35 judicial election reform act fund.

1 NEW SECTION. **Sec. 7.** CONTROLS ON A PUBLICLY FINANCED CANDIDATE'S
2 AUTHORIZED COMMITTEE. (1) A publicly financed candidate and the
3 publicly financed candidate's authorized committee shall conduct all
4 financial activity through a single account. A publicly financed
5 candidate may not make any deposits into this account other than those
6 permitted by this act.

7 (2) A publicly financed candidate or the treasurer of the publicly
8 financed candidate's authorized committee shall pay money from the
9 authorized committee's account directly to any person providing goods
10 or services valued over one hundred dollars to the campaign and shall
11 identify, on reports filed under RCW 42.17.080, the full name and
12 street address of the person and the nature of the goods or services
13 and compensation for which payment has been made. An authorized
14 committee may establish one or more petty cash accounts that in the
15 aggregate shall not exceed one thousand dollars at any time. A single
16 expenditure may not be made from a petty cash account exceeding one
17 hundred dollars. Expenditures from any petty cash accounts must also
18 be included in reports filed under RCW 42.17.080.

19 NEW SECTION. **Sec. 8.** PROHIBITED USES OF PUBLIC FUNDS. Money in
20 the account of a publicly financed candidate's authorized committee may
21 not be used to pay fines or civil penalties, for costs or legal fees
22 related to representation before the commission, or for defense of an
23 enforcement action under this chapter. Nothing in this chapter
24 prevents a publicly financed candidate from having a legal defense
25 fund.

26 NEW SECTION. **Sec. 9.** REVOCATION. A publicly financed candidate
27 may revoke in writing to the commission a decision to participate in
28 the public financing program within five days of being certified as a
29 publicly financed candidate. After a timely revocation, that candidate
30 may accept and expend money outside the limits of this act. Within
31 twenty-four hours after revocation, a candidate must return to the
32 commission all money received from the judicial election reform act
33 fund.

34 NEW SECTION. **Sec. 10.** CAMPAIGN FUNDING. (1) Within five business
35 days after a publicly financed candidate's name is approved to appear

1 on the primary election ballot in a contested election, and within five
2 business days after a publicly financed candidate's name is approved to
3 appear on the general election ballot in a contested election, the
4 commission shall distribute to the account of the authorized committee
5 of each certified publicly financed candidate revenue from the judicial
6 election reform act fund as follows:

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

11 (b) For the office of appeals court judge, an amount equal to ten
12 times the filing fee as established in RCW 29A.24.091 for the primary
13 election, and an amount equal to twenty times the filing fee for the
14 general election.

15 (2) Publicly financed candidates who are uncontested shall receive
16 funds equal to the amount of qualifying contributions raised by that
17 candidate's committee.

18 (3) Within ten days of election certification, a publicly financed
19 candidate shall return to the judicial election reform act fund any
20 amount distributed for an election that is unspent and uncommitted at
21 the date of the election, or at the time the individual ceases to be a
22 candidate.

23 (4) The commission shall distribute funds to publicly financed
24 candidates in a manner that ensures accountability and safeguards the
25 integrity of the fund.

26 NEW SECTION. **Sec. 11.** FAIR FIGHT FUNDS. (1) When a report is
27 filed during a primary or general election period, or other information
28 comes to the attention of the commission, indicating that a
29 nonparticipating candidate has raised more money than his or her
30 publicly financed opponent has received in public funding, the
31 commission shall authorize and allocate fair fight funds from the
32 judicial election reform act fund to the account of the authorized
33 committee of the publicly financed candidate. A publicly financed
34 candidate may receive fair fight funds equal to the difference between
35 the total amount raised by the nonparticipating candidate and the
36 amount received by the publicly financed candidate, but no more than
37 two times the amount distributed under section 10 of this act. If

1 there are multiple nonparticipating candidates who have raised more
2 money than the participating candidate has received, the participating
3 candidate shall receive fair fight funds based on the difference
4 between the total amount raised by the nonparticipating candidate who
5 has raised the most money and the amount received by the publicly
6 financed candidate.

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

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

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

25 (d) Expenditures or electioneering communications made by a
26 nonparticipating candidate before the primary or general election
27 period that consist of a contract, promise, or agreement to make an
28 expenditure during that primary or general election period resulting in
29 an extension of credit shall be considered as though made during the
30 primary or general election period respectively, and the commission
31 shall provide fair fight funds pursuant to subsection (1) of this
32 section.

33 (e) Expenditures or electioneering communications for or against a
34 publicly financed candidate promoting or opposing two or more
35 candidates who are not running for the same office shall be allocated
36 by the commission among candidates for different offices based on the
37 relative size or length and relative prominence of the reference to
38 candidates for different offices.

1 (f) For purposes of this section, expenditures made by a
2 nonparticipating candidate and independent expenditures and
3 electioneering communications are deemed to have been made on the day
4 the expenditure, independent expenditure, or electioneering
5 communication appears and not the day it is paid.

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

9 NEW SECTION. **Sec. 12.** REPORTS. (1)(a) Any nonparticipating
10 candidate who has a publicly financed opponent shall report total
11 income, expenses, and obligations to the commission electronically
12 within twenty-four hours after the total amount of campaign
13 expenditures or obligations made, or funds raised or borrowed, exceeds
14 eighty percent of the amount authorized for publicly financed
15 candidates under section 10 of this act.

16 (b) Any person making independent expenditures or electioneering
17 communications in excess of three thousand dollars in support of or
18 opposition to a publicly financed candidate, or in support of a
19 candidate opposing a publicly financed candidate, shall report the
20 total funds received, spent, or obligated for those expenditures to the
21 commission electronically within twenty-four hours after the total
22 amount of expenditures or obligations made, or funds raised or
23 borrowed, for the purpose of making the independent expenditures or
24 electioneering communications, exceeds the amount authorized for the
25 publicly financed candidate under section 10 of this act.

26 (c) Once a nonparticipating candidate or person making an
27 independent expenditure or electioneering communication files the
28 reports required under (a) and (b) of this subsection, he or she shall
29 comply with an expedited reporting schedule by filing additional
30 reports after receiving each additional amount in excess of one
31 thousand dollars or after making or obligating to make each additional
32 expenditure or expenditures in excess of one thousand dollars.

33 (d) The commission shall adopt in rule procedures for the reporting
34 requirements of this subsection.

35 (2) Publicly financed candidates shall report in accordance with
36 procedures developed by the commission. A publicly financed candidate
37 who revokes his or her participation in the program, who ceases to be

1 a candidate, or who loses an election shall file a final report with
2 the commission and return any unspent revenues received from the
3 judicial election reform act fund. In developing reporting procedures
4 for publicly financed candidates, the commission shall use existing
5 campaign reporting procedures when practical.

6 (3) The commission shall ensure prompt public access to the reports
7 received under this section.

8 NEW SECTION. **Sec. 13.** PUBLIC DEBATES. Publicly financed
9 candidates in contested races must participate in two public debates
10 during a primary election period and two public debates during a
11 general election period. The debates shall be conducted at times
12 decided by the commission and in accordance with rules prescribed by
13 the commission. Nonparticipating candidates shall be invited to
14 participate in the debates.

15 NEW SECTION. **Sec. 14.** CONTRIBUTION LIMITS ON INDEPENDENT
16 EXPENDITURES. (1) Political committees that make independent
17 expenditures or electioneering communications in support of or
18 opposition to a candidate for supreme court or court of appeals shall
19 not accept contributions in excess of one thousand dollars in the
20 aggregate in a calendar year from any person.

21 (2) No person may contribute more than five thousand dollars in the
22 aggregate in a calendar year to a political committee that makes
23 independent expenditures or electioneering communications in support of
24 or opposition to a candidate for supreme court or court of appeals.

25 (3) No person may contribute in the aggregate more than five
26 thousand dollars in a calendar year to all political committees that
27 make independent expenditures or electioneering communications in
28 support of or opposition to a candidate for supreme court or court of
29 appeals.

30 (4) A political committee must segregate funds for independent
31 expenditures or electioneering communications in support of or
32 opposition to a candidate for supreme court or court of appeals in a
33 separate account and must register and report as a separate political
34 committee if the political committee has additional political
35 activities reportable under this chapter.

1 (5) The commission shall adopt rules for reporting the contribution
2 limits of this section.

3 NEW SECTION. **Sec. 15.** PROHIBITION ON GENERAL TREASURY FUNDS. No
4 corporation formed under the laws of this or any other state, limited
5 liability partnership, association, or labor organization may make a
6 contribution or expenditure from its general treasury funds for the
7 purpose of influencing an election for supreme court justice or court
8 of appeals judge. No person shall accept a contribution from a
9 corporation, limited liability partnership, association, or labor
10 organization for the purpose of influencing an election for supreme
11 court justice or court of appeals judge.

12 NEW SECTION. **Sec. 16.** IMPLEMENTATION AND ENFORCEMENT DUTIES. The
13 commission shall:

14 (1) Prescribe forms for reports, statements, notices, and other
15 documents as required by this chapter;

16 (2) Prepare and publish instructions setting forth methods of
17 bookkeeping and preservation of records to facilitate compliance with
18 this chapter and explaining the duties of persons and committees under
19 this chapter;

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

22 (4) Enforce the provisions of this chapter, ensure that money
23 transferred from the judicial election reform act fund into the account
24 of an authorized committee of a publicly financed candidate is spent as
25 specified, and monitor reports filed and financial records of
26 candidates as needed to ensure that fair fight funds are paid promptly
27 to opposing qualified candidates under section 11 of this act.

28 **Sec. 17.** RCW 42.17.390 and 2006 c 315 s 2 are each amended to read
29 as follows:

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

33 (1) If the court finds that the violation of any provision of this
34 chapter by any candidate or political committee probably affected the
35 outcome of any election, the result of said election may be held void

1 and a special election held within sixty days of such finding. Any
2 action to void an election shall be commenced within one year of the
3 date of the election in question. It is intended that this remedy be
4 imposed freely in all appropriate cases to protect the right of the
5 electorate to an informed and knowledgeable vote.

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

12 (3) Any person who violates any of the provisions of this chapter
13 may be subject to a civil penalty of not more than ten thousand dollars
14 for each such violation. However, a person or entity who violates RCW
15 42.17.640 may be subject to a civil penalty of ten thousand dollars or
16 three times the amount of the contribution illegally made or accepted,
17 whichever is greater.

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

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

25 (6) The court may enjoin any person to prevent the doing of any act
26 herein prohibited, or to compel the performance of any act required
27 herein.

28 (7)(a) The civil penalty for a violation of a contribution or
29 expenditure limit established under section 3 of this act by or on
30 behalf of a publicly financed candidate is ten times the amount by
31 which the expenditures or contributions exceed the applicable limit.
32 If the violation occurs within five days of an election, the civil
33 penalty is twenty times the amount by which the expenditures or
34 contributions exceed the applicable limit. A publicly financed
35 candidate found to have knowingly committed a violation of the
36 expenditure or contribution limits under section 3 of this act shall
37 pay the applicable fines, turn over all money in the candidate's

1 authorized committee account to the judicial election reform act fund,
2 and will cease to be a publicly funded candidate.

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

11 (c) All civil penalties collected under this subsection will be
12 deposited into the judicial election reform act fund.

13
14 **Sec. 18.** RCW 42.17.020 and 2005 c 445 s 6 are each amended to read
15 as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

20 (2) "Agency" includes all state agencies and all local agencies.
21 "State agency" includes every state office, department, division,
22 bureau, board, commission, or other state agency. "Local agency"
23 includes every county, city, town, municipal corporation, quasi-
24 municipal corporation, or special purpose district, or any office,
25 department, division, bureau, board, commission, or agency thereof, or
26 other local public agency.

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

31 (4) "Ballot proposition" means any "measure" as defined by RCW
32 29A.04.091, or any initiative, recall, or referendum proposition
33 proposed to be submitted to the voters of the state or any municipal
34 corporation, political subdivision, or other voting constituency from
35 and after the time when the proposition has been initially filed with
36 the appropriate election officer of that constituency prior to its
37 circulation for signatures.

1 (5) "Benefit" means a commercial, proprietary, financial, economic,
2 or monetary advantage, or the avoidance of a commercial, proprietary,
3 financial, economic, or monetary disadvantage.

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

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

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

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

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

16 (8) "Treasurer" and "deputy treasurer" mean the individuals
17 appointed by a candidate or political committee, pursuant to RCW
18 42.17.050, to perform the duties specified in that section.

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

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

24 (b) Announces publicly or files for office;

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

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

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

32 (11) "Commercial advertiser" means any person who sells the service
33 of communicating messages or producing printed material for broadcast
34 or distribution to the general public or segments of the general public
35 whether through the use of newspapers, magazines, television and radio
36 stations, billboard companies, direct mail advertising companies,
37 printing companies, or otherwise.

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

1 (13) "Compensation" unless the context requires a narrower meaning,
2 includes payment in any form for real or personal property or services
3 of any kind: PROVIDED, That for the purpose of compliance with RCW
4 42.17.241, the term "compensation" shall not include per diem
5 allowances or other payments made by a governmental entity to reimburse
6 a public official for expenses incurred while the official is engaged
7 in the official business of the governmental entity.

8 (14) "Contested election" means an election in which there are two
9 or more candidates running for the same office.

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

13 (~~(15)~~) (16)(a) "Contribution" includes:

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

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

21 (iii) The financing by a person of the dissemination, distribution,
22 or republication, in whole or in part, of broadcast, written, graphic,
23 or other form of political advertising or electioneering communication
24 prepared by a candidate, a political committee, or its authorized
25 agent;

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

29 (b) "Contribution" does not include:

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

32 (ii) Ordinary home hospitality;

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

36 (iv) A news item, feature, commentary, or editorial in a regularly
37 scheduled news medium that is of primary interest to the general

1 public, that is in a news medium controlled by a person whose business
2 is that news medium, and that is not controlled by a candidate or a
3 political committee;

4 (v) An internal political communication primarily limited to the
5 members of or contributors to a political party organization or
6 political committee, or to the officers, management staff, or
7 stockholders of a corporation or similar enterprise, or to the members
8 of a labor organization or other membership organization;

9 (vi) The rendering of personal services of the sort commonly
10 performed by volunteer campaign workers, or incidental expenses
11 personally incurred by volunteer campaign workers not in excess of
12 fifty dollars personally paid for by the worker. "Volunteer services,"
13 for the purposes of this section, means services or labor for which the
14 individual is not compensated by any person;

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

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

22 (A) A political party or caucus political committee if the person
23 paying for the services is the regular employer of the person rendering
24 such services; or

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

29 (c) Contributions other than money or its equivalent are deemed to
30 have a monetary value equivalent to the fair market value of the
31 contribution. Services or property or rights furnished at less than
32 their fair market value for the purpose of assisting any candidate or
33 political committee are deemed a contribution. Such a contribution
34 must be reported as an in-kind contribution at its fair market value
35 and counts towards any applicable contribution limit of the provider.

36 ((+16+)) (17) "Elected official" means any person elected at a
37 general or special election to any public office, and any person
38 appointed to fill a vacancy in any such office.

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

8 (~~(18)~~) (19) "Election campaign" means any campaign in support of
9 or in opposition to a candidate for election to public office and any
10 campaign in support of, or in opposition to, a ballot proposition.

11 (~~(19)~~) (20) "Election cycle" means the period beginning on the
12 first day of December after the date of the last previous general
13 election for the office that the candidate seeks and ending on November
14 30th after the next election for the office. In the case of a special
15 election to fill a vacancy in an office, "election cycle" means the
16 period beginning on the day the vacancy occurs and ending on November
17 30th after the special election.

18 (~~(20)~~) (21) "Electioneering communication" means any broadcast,
19 cable, or satellite television or radio transmission, United States
20 postal service mailing, billboard, newspaper, or periodical that:

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

24 (b) Is broadcast, transmitted, mailed, erected, distributed, or
25 otherwise published within sixty days before any election for that
26 office in the jurisdiction in which the candidate is seeking election;
27 and

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

32 (~~(21)~~) (22) "Electioneering communication" does not include:

33 (a) Usual and customary advertising of a business owned by a
34 candidate, even if the candidate is mentioned in the advertising when
35 the candidate has been regularly mentioned in that advertising
36 appearing at least twelve months preceding his or her becoming a
37 candidate;

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

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

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

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

10 (iii) Not a medium controlled by a candidate or a political
11 committee;

12 (d) Slate cards and sample ballots;

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

17 (f) Public service announcements;

18 (g) A mailed internal political communication primarily limited to
19 the members of or contributors to a political party organization or
20 political committee, or to the officers, management staff, or
21 stockholders of a corporation or similar enterprise, or to the members
22 of a labor organization or other membership organization;

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

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

27 (~~(+22+)~~) (23) "Expenditure" includes a payment, contribution,
28 subscription, distribution, loan, advance, deposit, or gift of money or
29 anything of value, and includes a contract, promise, or agreement,
30 whether or not legally enforceable, to make an expenditure. The term
31 "expenditure" also includes a promise to pay, a payment, or a transfer
32 of anything of value in exchange for goods, services, property,
33 facilities, or anything of value for the purpose of assisting,
34 benefiting, or honoring any public official or candidate, or assisting
35 in furthering or opposing any election campaign. For the purposes of
36 this chapter, agreements to make expenditures, contracts, and promises
37 to pay may be reported as estimated obligations until actual payment is

1 made. The term "expenditure" shall not include the partial or complete
2 repayment by a candidate or political committee of the principal of a
3 loan, the receipt of which loan has been properly reported.

4 ~~((+23+))~~ (24) "Final report" means the report described as a final
5 report in RCW 42.17.080(2).

6 ~~((+24+))~~ (25) "General election" for the purposes of RCW 42.17.640
7 means the election that results in the election of a person to a state
8 office. It does not include a primary.

9 ~~((+25+))~~ (26) "Gift," is as defined in RCW 42.52.010.

10 ~~((+26+))~~ (27) "Immediate family" includes the spouse, dependent
11 children, and other dependent relatives, if living in the household.
12 For the purposes of RCW 42.17.640 through 42.17.790, "immediate family"
13 means an individual's spouse, and child, stepchild, grandchild, parent,
14 stepparent, grandparent, brother, half brother, sister, or half sister
15 of the individual and the spouse of any such person and a child,
16 stepchild, grandchild, parent, stepparent, grandparent, brother, half
17 brother, sister, or half sister of the individual's spouse and the
18 spouse of any such person.

19 ~~((+27+))~~ (28) "Incumbent" means a person who is in present
20 possession of an elected office.

21 ~~((+28+))~~ (29) "Independent expenditure" means an expenditure that
22 has each of the following elements:

23 (a) It is made in support of or in opposition to a candidate for
24 office by a person who is not (i) a candidate for that office, (ii) an
25 authorized committee of that candidate for that office, (iii) a person
26 who has received the candidate's encouragement or approval to make the
27 expenditure, if the expenditure pays in whole or in part for political
28 advertising supporting that candidate or promoting the defeat of any
29 other candidate or candidates for that office, or (iv) a person with
30 whom the candidate has collaborated for the purpose of making the
31 expenditure, if the expenditure pays in whole or in part for political
32 advertising supporting that candidate or promoting the defeat of any
33 other candidate or candidates for that office;

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

1 (c) The expenditure, alone or in conjunction with another
2 expenditure or other expenditures of the same person in support of or
3 opposition to that candidate, has a value of five hundred dollars or
4 more. A series of expenditures, each of which is under five hundred
5 dollars, constitutes one independent expenditure if their cumulative
6 value is five hundred dollars or more.

7 ~~((+29+))~~ (30)(a) "Intermediary" means an individual who transmits
8 a contribution to a candidate or committee from another person unless
9 the contribution is from the individual's employer, immediate family as
10 defined for purposes of RCW 42.17.640 through 42.17.790, or an
11 association to which the individual belongs.

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

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

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

19 ~~((+30+))~~ (31) "Legislation" means bills, resolutions, motions,
20 amendments, nominations, and other matters pending or proposed in
21 either house of the state legislature, and includes any other matter
22 that may be the subject of action by either house or any committee of
23 the legislature and all bills and resolutions that, having passed both
24 houses, are pending approval by the governor.

25 ~~((+31+))~~ (32) "Lobby" and "lobbying" each mean attempting to
26 influence the passage or defeat of any legislation by the legislature
27 of the state of Washington, or the adoption or rejection of any rule,
28 standard, rate, or other legislative enactment of any state agency
29 under the state Administrative Procedure Act, chapter 34.05 RCW.
30 Neither "lobby" nor "lobbying" includes an association's or other
31 organization's act of communicating with the members of that
32 association or organization.

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

35 ~~((+33+))~~ (34) "Lobbyist's employer" means the person or persons by
36 whom a lobbyist is employed and all persons by whom he or she is
37 compensated for acting as a lobbyist.

1 ~~((34))~~ (35) "Nonparticipating candidate" means a candidate for
2 supreme court justice or court of appeals judge who is on the ballot
3 but has chosen not to apply for public funds from the judicial election
4 reform act fund or a candidate who is on the ballot and has applied but
5 has not been certified to receive public funds from the judicial
6 election reform act fund.

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

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

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

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

15 (d) Makes a recommendation regarding whether a candidate should be
16 supported or opposed prior to a contribution being made by a subsidiary
17 corporation or local unit with respect to that candidate or that
18 candidate's opponent; or

19 (e) Directly or indirectly collaborates or consults with a
20 subsidiary corporation or local unit on matters relating to the support
21 of or opposition to a candidate, including, but not limited to, the
22 amount of a contribution, when a contribution should be given, and what
23 assistance, services or independent expenditures, or electioneering
24 communications, if any, will be made or should be made in support of or
25 opposition to a candidate.

26 ~~((35))~~ (37) "Person" includes an individual, partnership, joint
27 venture, public or private corporation, association, federal, state, or
28 local governmental entity or agency however constituted, candidate,
29 committee, political committee, political party, executive committee
30 thereof, or any other organization or group of persons, however
31 organized.

32 ~~((36))~~ (38) "Person in interest" means the person who is the
33 subject of a record or any representative designated by that person,
34 except that if that person is under a legal disability, the term
35 "person in interest" means and includes the parent or duly appointed
36 legal representative.

37 ~~((37))~~ (39) "Political advertising" includes any advertising
38 displays, newspaper ads, billboards, signs, brochures, articles,

1 tabloids, flyers, letters, radio or television presentations, or other
2 means of mass communication, used for the purpose of appealing,
3 directly or indirectly, for votes or for financial or other support or
4 opposition in any election campaign.

5 ~~((+38+))~~ (40) "Political committee" means any person (except a
6 candidate or an individual dealing with his or her own funds or
7 property) having the expectation of receiving contributions or making
8 expenditures in support of, or opposition to, any candidate or any
9 ballot proposition.

10 ~~((+39+))~~ (41) "Primary" for the purposes of RCW 42.17.640 means the
11 procedure for nominating a candidate to state office under chapter
12 29A.52 RCW or any other primary for an election that uses, in large
13 measure, the procedures established in chapter 29A.52 RCW.

14 ~~((+40+))~~ (42) "Public office" means any federal, state, judicial,
15 county, city, town, school district, port district, special district,
16 or other state political subdivision elective office.

17 ~~((+41+))~~ (43) "Public record" includes any writing containing
18 information relating to the conduct of government or the performance of
19 any governmental or proprietary function prepared, owned, used, or
20 retained by any state or local agency regardless of physical form or
21 characteristics. For the office of the secretary of the senate and the
22 office of the chief clerk of the house of representatives, public
23 records means legislative records as defined in RCW 40.14.100 and also
24 means the following: All budget and financial records; personnel
25 leave, travel, and payroll records; records of legislative sessions;
26 reports submitted to the legislature; and any other record designated
27 a public record by any official action of the senate or the house of
28 representatives.

29 ~~((+42+))~~ (44) "Publicly financed candidate" means a candidate who
30 becomes certified to receive public campaign funds under section 4 of
31 this act.

32 (45) "Qualifying contribution" means a contribution of exactly ten
33 dollars, made by a resident who at the time of the contribution resides
34 in the electoral district of the office the candidate is seeking, and
35 is received during the qualifying period.

36 (46) "Qualifying period" means the period beginning one hundred
37 twenty days before the first day a candidate may file for office and
38 ending on the close of the regular filing period for the office.

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

4 ~~((43))~~ (48) "Seed money" means a contribution of no more than one
5 hundred dollars, made by an individual, and received during the
6 qualifying period.

7 (49) "Sponsor of an electioneering communications, independent
8 expenditures, or political advertising" means the person paying for the
9 electioneering communication, independent expenditure, or political
10 advertising. If a person acts as an agent for another or is reimbursed
11 by another for the payment, the original source of the payment is the
12 sponsor.

13 ~~((44))~~ (50) "State legislative office" means the office of a
14 member of the state house of representatives or the office of a member
15 of the state senate.

16 ~~((45))~~ (51) "State office" means state legislative office or the
17 office of governor, lieutenant governor, secretary of state, attorney
18 general, commissioner of public lands, insurance commissioner,
19 superintendent of public instruction, state auditor, or state
20 treasurer.

21 ~~((46))~~ (52) "State official" means a person who holds a state
22 office.

23 ~~((47))~~ (53) "Surplus funds" mean, in the case of a political
24 committee or candidate, the balance of contributions that remain in the
25 possession or control of that committee or candidate subsequent to the
26 election for which the contributions were received, and that are in
27 excess of the amount necessary to pay remaining debts incurred by the
28 committee or candidate prior to that election. In the case of a
29 continuing political committee, "surplus funds" mean those
30 contributions remaining in the possession or control of the committee
31 that are in excess of the amount necessary to pay all remaining debts
32 when it makes its final report under RCW 42.17.065.

33 ~~((48))~~ (54) "Uncontested election" means an election in which a
34 candidate running for a specified office has no opponent.

35 (55) "Writing" means handwriting, typewriting, printing,
36 photostating, photographing, and every other means of recording any
37 form of communication or representation, including, but not limited to,
38 letters, words, pictures, sounds, or symbols, or combination thereof,

1 and all papers, maps, magnetic or paper tapes, photographic films and
2 prints, motion picture, film and video recordings, magnetic or punched
3 cards, discs, drums, diskettes, sound recordings, and other documents
4 including existing data compilations from which information may be
5 obtained or translated.

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

8 **Sec. 19.** RCW 42.52.180 and 1995 c 397 s 30 are each amended to
9 read as follows:

10 (1) No state officer or state employee may use or authorize the use
11 of facilities of an agency, directly or indirectly, for the purpose of
12 assisting a campaign for election of a person to an office or for the
13 promotion of or opposition to a ballot proposition. Knowing
14 acquiescence by a person with authority to direct, control, or
15 influence the actions of the state officer or state employee using
16 public resources in violation of this section constitutes a violation
17 of this section. Facilities of an agency include, but are not limited
18 to, use of stationery, postage, machines, and equipment, use of state
19 employees of the agency during working hours, vehicles, office space,
20 publications of the agency, and clientele lists of persons served by
21 the agency.

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

23 (a) Action taken at an open public meeting by members of an elected
24 legislative body to express a collective decision, or to actually vote
25 upon a motion, proposal, resolution, order, or ordinance, or to support
26 or oppose a ballot proposition as long as (i) required notice of the
27 meeting includes the title and number of the ballot proposition, and
28 (ii) members of the legislative body or members of the public are
29 afforded an approximately equal opportunity for the expression of an
30 opposing view;

31 (b) A statement by an elected official in support of or in
32 opposition to any ballot proposition at an open press conference or in
33 response to a specific inquiry. For the purposes of this subsection,
34 it is not a violation of this section for an elected official to
35 respond to an inquiry regarding a ballot proposition, to make
36 incidental remarks concerning a ballot proposition in an official

1 communication, or otherwise comment on a ballot proposition without an
2 actual, measurable expenditure of public funds. The ethics boards
3 shall adopt by rule a definition of measurable expenditure;

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

6 (d) De minimis use of public facilities by statewide elected
7 officials and legislators incidental to the preparation or delivery of
8 permissible communications, including written and verbal communications
9 initiated by them of their views on ballot propositions that
10 foreseeably may affect a matter that falls within their constitutional
11 or statutory responsibilities; and

12 (e) Activities that are undertaken by a public agency in
13 implementation of sections 2 through 16 of this act, the judicial
14 elections reform act.

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

17 **Sec. 20.** RCW 42.17.128 and 1993 c 2 s 24 are each amended to read
18 as follows:

19 Except as provided in sections 2 through 16 of this act, public
20 funds, whether derived through taxes, fees, penalties, or any other
21 sources, shall not be used to finance political campaigns for state or
22 local office.

23 **Sec. 21.** RCW 42.17.130 and 2006 c 215 s 2 are each amended to read
24 as follows:

25 Except as provided in sections 2 through 16 of this act, no
26 elective official nor any employee of his (~~{or her}~~) or her office
27 nor any person appointed to or employed by any public office or agency
28 may use or authorize the use of any of the facilities of a public
29 office or agency, directly or indirectly, for the purpose of assisting
30 a campaign for election of any person to any office or for the
31 promotion of or opposition to any ballot proposition. Facilities of a
32 public office or agency include, but are not limited to, use of
33 stationery, postage, machines, and equipment, use of employees of the
34 office or agency during working hours, vehicles, office space,
35 publications of the office or agency, and clientele lists of persons

1 served by the office or agency. However, this does not apply to the
2 following activities:

3 (1) Action taken at an open public meeting by members of an elected
4 legislative body or by an elected board, council, or commission of a
5 special purpose district including, but not limited to, fire districts,
6 public hospital districts, library districts, park districts, port
7 districts, public utility districts, school districts, sewer districts,
8 and water districts, to express a collective decision, or to actually
9 vote upon a motion, proposal, resolution, order, or ordinance, or to
10 support or oppose a ballot proposition so long as (a) any required
11 notice of the meeting includes the title and number of the ballot
12 proposition, and (b) members of the legislative body, members of the
13 board, council, or commission of the special purpose district, or
14 members of the public are afforded an approximately equal opportunity
15 for the expression of an opposing view;

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

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

21 **Sec. 22.** RCW 42.36.040 and 1982 c 229 s 4 are each amended to read
22 as follows:

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

29 **Sec. 23.** RCW 29A.32.036 and 2004 c 271 s 122 are each amended to
30 read as follows:

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

33 (1) A description of the office of precinct committee officer and
34 its duties;

35 (2) An explanation that, for partisan offices, only voters who

1 choose to affiliate with a major political party may vote in that
2 party's primary election, and that voters must limit their
3 participation in a partisan primary to one political party; (~~and~~)

4 (3) An explanation that minor political party candidates and
5 independent candidates will appear only on the general election ballot;
6 and

7 (4) Candidates' statements, if submitted, advocating the
8 candidacies of nominees for justice of the supreme court, and judge of
9 the court of appeals. Submitted statements must be factual and
10 neutral. Candidates may also submit a campaign mailing address and
11 telephone number and a photograph not more than five years old and of
12 a size and quality that the secretary of state determines to be
13 suitable for reproduction in the voters' pamphlet.

14 NEW SECTION. Sec. 24. A new section is added to chapter 29A.32
15 RCW to read as follows:

16 The secretary of state must make available on its web site an
17 electronic primary voters' pamphlet that contains information on all
18 judicial races taking part in the primary election. Judicial
19 candidates must be allowed to submit statements advocating their
20 candidacies. Candidates may also submit a campaign mailing address,
21 telephone number, web site, electronic mail address, and a digital
22 photograph of a size and quality that the secretary of state determines
23 to be suitable for reproduction in the electronic primary voters'
24 pamphlet.

25 **Sec. 25.** RCW 29A.32.210 and 2003 c 111 s 813 are each amended to
26 read as follows:

27 At least ninety days before any primary or general election, or at
28 least forty days before any special election held under RCW
29 (~~29A.04.320~~) 29A.04.321 or 29A.04.330, the legislative authority of
30 any county or first-class or code city may adopt an ordinance
31 authorizing the publication and distribution of a local voters'
32 pamphlet. The pamphlet shall provide information on all measures
33 within that jurisdiction, information on all judicial candidates within
34 that jurisdiction, and may, if specified in the ordinance, include
35 information on nonjudicial candidates within that jurisdiction. If
36 both a county and a first-class or code city within that county

1 authorize a local voters' pamphlet for the same election, the pamphlet
2 shall be produced jointly by the county and the first-class or code
3 city. If no agreement can be reached between the county and first-
4 class or code city, the county and first-class or code city may each
5 produce a pamphlet. Any ordinance adopted authorizing a local voters'
6 pamphlet may be for a specific primary, special election, or general
7 election or for any future primaries or elections. The format of any
8 local voters' pamphlet shall, whenever applicable, comply with the
9 provisions of this chapter regarding the publication of the state
10 candidates' and voters' pamphlets.

11 **Sec. 26.** RCW 29A.32.241 and 2004 c 271 s 123 are each amended to
12 read as follows:

13 The local voters' pamphlet shall include but not be limited to the
14 following:

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

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

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

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

24 ((+4)) (5) The text of each measure accompanied by an explanatory
25 statement prepared by the prosecuting attorney for any county measure
26 or by the attorney for the jurisdiction submitting the measure if other
27 than a county measure. All explanatory statements for city, town, or
28 district measures not approved by the attorney for the jurisdiction
29 submitting the measure shall be reviewed and approved by the county
30 prosecuting attorney or city attorney, when applicable, before
31 inclusion in the pamphlet;

32 ((+5)) (6) The arguments for and against each measure submitted by
33 committees selected pursuant to RCW 29A.32.280; and

34 ((+6)) (7) For partisan primary elections, information on how to
35 vote the applicable ballot format and an explanation that minor
36 political party candidates and independent candidates will appear only
37 on the general election ballot.

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

3 If the legislative authority of a county or first-class or code
4 city provides for the inclusion of nonjudicial candidates in the local
5 voters' pamphlet, the pamphlet shall include the statements from
6 candidates and may also include those candidates' photographs.

7 NEW SECTION. **Sec. 28.** A new section is added to chapter 29A.32
8 RCW to read as follows:

9 Each county auditor must make available on the county's web site an
10 electronic primary voters' pamphlet that contains information on all
11 judicial races within its jurisdiction taking part in the primary
12 election. Judicial candidates must be allowed to submit statements
13 advocating their candidacies. Candidates may also submit a campaign
14 mailing address, telephone number, web site, electronic mail address,
15 and a digital photograph of a size and quality that the county auditor
16 determines to be suitable for reproduction in the electronic primary
17 voters' pamphlet.

18 NEW SECTION. **Sec. 29.** Sections 1 through 16 of this act may be
19 known and cited as the judicial elections reform act.

20 NEW SECTION. **Sec. 30.** Sections 2 through 16 of this act are each
21 added to chapter 42.17 RCW.

22 NEW SECTION. **Sec. 31.** Captions used in this act are not part of
23 the law.

24 NEW SECTION. **Sec. 32.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

28 NEW SECTION. **Sec. 33.** This act takes effect January 1, 2008.

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