
SUBSTITUTE SENATE BILL 6122

State of Washington

61st Legislature

2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Prentice, Zarelli, and Brandland; by request of Secretary of State)

READ FIRST TIME 04/21/09.

1 AN ACT Relating to reducing costs of the elections division of the
2 office of the secretary of state; amending RCW 29A.52.330, 29A.52.340,
3 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.40.061, 29A.72.025,
4 29A.04.530, 29A.04.540, 29A.04.570, 43.07.310, and 29A.40.150;
5 reenacting and amending RCW 29A.32.070; and repealing RCW 29A.04.236
6 and 29A.04.245.

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

8 **Sec. 1.** RCW 29A.52.330 and 2003 c 111 s 1311 are each amended to
9 read as follows:

10 Subject to the availability of funds appropriated specifically for
11 that purpose, the secretary of state shall publish notice of the
12 proposed constitutional amendments and other state measures that are to
13 be submitted to the people at a state general election up to four times
14 during the four weeks immediately preceding that election in every
15 legal newspaper in the state. ~~((The secretary of state shall
16 supplement this publication with an equivalent amount of radio and
17 television advertisements.))~~

1 **Sec. 2.** RCW 29A.52.340 and 2003 c 111 s 1312 are each amended to
2 read as follows:

3 The newspaper (~~and broadcast~~) notice required by Article XXIII,
4 section 1, of the state Constitution (~~and RCW 29A.52.330~~) may set
5 forth all or some of the following information:

6 (1) A legal identification of the state measure to be voted upon.

7 (2) The official ballot title of such state measure.

8 (3) A brief statement explaining the constitutional provision (~~or~~
9 ~~state law~~) as it presently exists.

10 (4) A brief statement explaining the effect of the state measure
11 should it be approved.

12 (5) The total number of votes cast for and against the measure in
13 both the state senate and house of representatives.

14 No individual candidate or incumbent public official may be
15 referred to or identified in these notices or advertisements.

16 **Sec. 3.** RCW 43.78.030 and 1994 c 82 s 1 are each amended to read
17 as follows:

18 The public printer shall print and bind the session laws, the
19 journals of the two houses of the legislature, all bills, resolutions,
20 documents, and other printing and binding of either the senate or
21 house, as the same may be ordered by the legislature; and such forms,
22 blanks, record books, and printing and binding of every description as
23 may be ordered by all state officers, boards, commissions, and
24 institutions, and the supreme court, and the court of appeals and
25 officers thereof, as the same may be ordered on requisition, from time
26 to time, by the proper authorities. This section shall not apply to
27 the printing of the supreme court and the court of appeals reports, to
28 the printing of bond certificates or bond offering disclosure
29 documents, to the printing of educational publications of the state
30 historical societies, to voters' pamphlets printed by the secretary of
31 state, or to any printing done or contracted for by institutions of
32 higher education: PROVIDED, That institutions of higher education, in
33 consultation with the public printer, develop vendor selection
34 procedures comparable to those used by the public printer for
35 contracted printing jobs. Where any institution or institution of
36 higher learning of the state is or may become equipped with facilities
37 for doing such work, it may do any printing: (1) For itself, or (2)

1 for any other state institution when such printing is done as part of
2 a course of study relative to the profession of printer. Any printing
3 and binding of whatever description as may be needed by any institution
4 or agency of the state department of social and health services not at
5 Olympia, or the supreme court or the court of appeals or any officer
6 thereof, the estimated cost of which shall not exceed one thousand
7 dollars, may be done by any private printing company in the general
8 vicinity within the state of Washington so ordering, if in the judgment
9 of the officer of the agency so ordering, the saving in time and
10 processing justifies the award to such local private printing concern.

11 Beginning on July 1, 1989, and on July 1 of each succeeding odd-
12 numbered year, the dollar limit specified in this section shall be
13 adjusted as follows: The office of financial management shall
14 calculate such limit by adjusting the previous biennium's limit by an
15 appropriate federal inflationary index reflecting the rate of inflation
16 for the previous biennium. Such amounts shall be rounded to the
17 nearest fifty dollars.

18 **Sec. 4.** RCW 29A.32.031 and 2008 c 1 s 12 (Initiative Measure No.
19 960) are each amended to read as follows:

20 The voters' pamphlet published or distributed under RCW 29A.32.010
21 must contain:

22 (1) Information about each measure for an advisory vote of the
23 people and each ballot measure initiated by or referred to the voters
24 for their approval or rejection as required by RCW 29A.32.070;

25 (2) In even-numbered years, statements, if submitted, (~~advocating~~
26 ~~the candidacies of nominees~~) from candidates for the office of
27 president and vice president of the United States, United States
28 senator, United States representative, governor, lieutenant governor,
29 secretary of state, state treasurer, state auditor, attorney general,
30 commissioner of public lands, superintendent of public instruction,
31 insurance commissioner, state senator, state representative, justice of
32 the supreme court, judge of the court of appeals, or judge of the
33 superior court. Candidates may also submit ((a)) campaign (~~mailing~~
34 ~~address and telephone number~~) contact information and a photograph not
35 more than five years old (~~and of a size and quality~~) in a format that
36 the secretary of state determines to be suitable for reproduction in
37 the voters' pamphlet;

1 (3) In odd-numbered years, if any office voted upon statewide
2 appears on the ballot due to a vacancy, then statements and photographs
3 for candidates for any vacant office listed in subsection (2) of this
4 section must appear;

5 ~~(4) ((In even-numbered years, a section explaining how voters may
6 participate in the election campaign process; the address and telephone
7 number of))~~ Contact information for the public disclosure commission
8 established under RCW 42.17.350; ~~((and a summary of the disclosure
9 requirements that apply when contributions are made to candidates and
10 political committees;~~

11 ~~(5) In even-numbered years the name, address, and telephone number
12 of each political party with nominees listed in the pamphlet, if filed
13 with the secretary of state by the state committee of a major political
14 party or the presiding officer of the convention of a minor political
15 party;~~

16 ~~(6) In each odd-numbered year immediately before a year in which a
17 president of the United States is to be nominated and elected,
18 information explaining the precinct caucus and convention process used
19 by each major political party to elect delegates to its national
20 presidential candidate nominating convention. The pamphlet must also
21 provide a description of the statutory procedures by which minor
22 political parties are formed and the statutory methods used by the
23 parties to nominate candidates for president;~~

24 ~~(7) An application form for an absentee ballot;~~

25 ~~(8))~~ (5) Contact information for major political parties;

26 (6) A brief statement explaining the deletion and addition of
27 language for proposed measures under RCW 29A.32.080; and

28 ~~((9))~~ (7) Any additional information pertaining to elections as
29 may be required by law or in the judgment of the secretary of state is
30 deemed informative to the voters.

31 **Sec. 5.** RCW 29A.32.040 and 2003 c 111 s 804 are each amended to
32 read as follows:

33 (1) Explanatory statements prepared by the attorney general under
34 RCW 29A.32.070 (3) and (4) must be written in clear and concise
35 language, avoiding legal and technical terms when possible, and filed
36 with the secretary of state no later than the tenth day of August.

1 (2) When the explanatory statement for a measure initiated by
2 petition is filed with the secretary of state, the secretary of state
3 shall immediately provide the text of the explanatory statement to the
4 person proposing the measure and any others who have made written
5 request for notification of the exact language of the explanatory
6 statement. When the explanatory statement for a measure referred to
7 the ballot by the legislature is filed with the secretary of state, the
8 secretary of state shall immediately provide the text of the
9 explanatory statement to the presiding officer of the senate and the
10 presiding officer of the house of representatives and any others who
11 have made written request for notification of the exact language of the
12 explanatory statement.

13 (3) A person dissatisfied with the explanatory statement may appeal
14 to the superior court of Thurston County within five days of the filing
15 date. A copy of the petition and a notice of the appeal must be served
16 on the secretary of state and the attorney general. The court shall
17 examine the measure, the explanatory statement, and objections, and may
18 hear arguments. The court shall render its decision and certify to and
19 file with the secretary of state an explanatory statement it determines
20 will meet the requirements of this chapter.

21 The decision of the superior court is final, and its explanatory
22 statement is the established explanatory statement. The appeal must be
23 heard without costs to either party.

24 **Sec. 6.** RCW 29A.32.050 and 2003 c 111 s 805 are each amended to
25 read as follows:

26 The attorney general shall, by the ~~((first))~~ tenth day of ~~((July))~~
27 August preceding each general election, prepare the explanatory
28 statements required ~~((in))~~ under RCW ~~((29A.52.340))~~ 29A.32.070 (3) and
29 (4). Such statements shall be prepared in clear and concise language
30 and shall avoid the use of legal and other technical terms insofar as
31 possible. Any person dissatisfied with the explanatory statement so
32 prepared may at any time within ten days from the filing thereof in the
33 office of the secretary of state appeal to the superior court of
34 Thurston county by petition setting forth the proposed state measure,
35 the explanatory statement prepared by the attorney general, and his or
36 her objection thereto and praying for the amendment thereof. A copy of
37 the petition and a notice of such appeal shall be served on the

1 secretary of state and the attorney general. The court shall, upon
2 filing of the petition, examine the proposed state measure, the
3 explanatory statement, and the objections thereto and may hear argument
4 thereon and shall, as soon as possible, render its decision and certify
5 to and file with the secretary of state such explanatory statement as
6 it determines will meet the requirement of RCW 29A.52.330, 29A.52.340,
7 and this section. The decision of the superior court shall be final
8 and its explanatory statement shall be the established explanatory
9 statement. Such appeal shall be heard without costs to either party.

10 **Sec. 7.** RCW 29A.32.070 and 2008 c 1 s 13 (Initiative Measure No.
11 960, approved November 6, 2007) are each reenacted and amended to read
12 as follows:

13 The secretary of state shall determine the format and layout of the
14 voters' pamphlet published under RCW 29A.32.010. The secretary of
15 state shall print the pamphlet in clear, readable type on a size,
16 quality, and weight of paper that in the judgment of the secretary of
17 state best serves the voters. The pamphlet must contain a table of
18 contents. (~~Federal and state offices must appear in the pamphlet in~~
19 ~~the same sequence as they appear on the ballot.~~) Measures and
20 arguments must be printed in the order specified by RCW 29A.72.290.

21 The voters' pamphlet must provide the following information for
22 each statewide issue on the ballot except measures for an advisory vote
23 of the people whose requirements are provided in subsection (11) of
24 this section:

25 (1) The legal identification of the measure by serial designation
26 or number;

27 (2) The official ballot title of the measure;

28 (3) A statement prepared by the attorney general explaining the law
29 as it presently exists;

30 (4) A statement prepared by the attorney general explaining the
31 effect of the proposed measure if it becomes law;

32 (5) The fiscal impact statement prepared under RCW (~~29.79.075~~)
33 29A.72.025;

34 (6) The total number of votes cast for and against the measure in
35 the senate and house of representatives, if the measure has been passed
36 by the legislature;

1 (7) An argument advocating the voters' approval of the measure
2 together with any statement in rebuttal of the opposing argument;

3 (8) An argument advocating the voters' rejection of the measure
4 together with any statement in rebuttal of the opposing argument;

5 (9) Each argument or rebuttal statement must be followed by the
6 names of the committee members who submitted them, and may be followed
7 by a telephone number that citizens may call to obtain information on
8 the ballot measure;

9 (10) The full text of the measure;

10 (11) Two pages shall be provided in the general election voters'
11 pamphlet for each measure for an advisory vote of the people under RCW
12 43.135.041 and shall consist of the serial number assigned by the
13 secretary of state under RCW 29A.72.040, the short description
14 formulated by the attorney general under RCW 29A.72.283, the tax
15 increase's most up-to-date ten-year cost projection, including a
16 year-by-year breakdown, by the office of financial management under RCW
17 43.135.031, and the names of the legislators, and their contact
18 information, and how they voted on the increase upon final passage so
19 they can provide information to, and answer questions from, the public.
20 For the purposes of this subsection, "names of legislators, and their
21 contact information" includes each legislator's position (senator or
22 representative), first name, last name, party affiliation (for example,
23 Democrat or Republican), city or town they live in, office phone
24 number, and office e-mail address.

25 **Sec. 8.** RCW 29A.40.061 and 2004 c 271 s 134 are each amended to
26 read as follows:

27 (1) The county auditor shall issue an absentee ballot for the
28 primary or election for which it was requested, or for the next
29 occurring primary or election when ongoing absentee status has been
30 requested if the information contained in a request for an absentee
31 ballot or ongoing absentee status received by the county auditor is
32 complete and correct and the applicant is qualified to vote under
33 federal or state law. Otherwise, the county auditor shall notify the
34 applicant of the reason or reasons why the request cannot be accepted.
35 Whenever two or more candidates have filed for the position of precinct
36 committee officer for the same party in the same precinct, the contest
37 for that position must be presented to absentee voters from that

1 precinct by either including the contest on the regular absentee ballot
2 or a separate absentee ballot. The ballot must provide space
3 designated for writing in the name of additional candidates.

4 (2) A registered voter may obtain a replacement ballot if the
5 ballot is destroyed, spoiled, lost, or not received by the voter. The
6 voter may obtain the ballot by telephone request, by mail,
7 electronically, or in person. The county auditor shall keep a record
8 of each replacement ballot provided under this subsection.

9 (3) ~~((A copy of the state voters' pamphlet must be sent to
10 registered voters temporarily outside the state, out-of-state voters,
11 overseas voters, and service voters along with the absentee ballot if
12 such a pamphlet has been prepared for the primary or election and is
13 available to the county auditor at the time of mailing.))~~ The county
14 auditor shall mail all absentee ballots and related material to voters
15 outside the territorial limits of the United States and the District of
16 Columbia under 39 U.S.C. 3406. If candidate and ballot measure
17 information is available on the web site of the county auditor or
18 secretary of state, the county auditor shall provide the appropriate
19 web site information with the ballot materials.

20 **Sec. 9.** RCW 29A.72.025 and 2004 c 266 s 4 are each amended to read
21 as follows:

22 The office of financial management, in consultation with the
23 secretary of state, the attorney general, and any other appropriate
24 state or local agency, shall prepare a fiscal impact statement for each
25 of the following state ballot measures: (1) An initiative to the
26 people that is certified to the ballot; (2) an initiative to the
27 legislature that will appear on the ballot; (3) an alternative measure
28 appearing on the ballot that the legislature proposes to an initiative
29 to the legislature; (4) a referendum bill referred to voters by the
30 legislature; and (5) a referendum measure appearing on the ballot.
31 Fiscal impact statements must be written in clear and concise language
32 ~~((and))~~, avoid legal and technical terms when possible, and be filed
33 with the secretary of state no later than the tenth day of August.
34 Fiscal impact statements may include easily understood graphics.

35 A fiscal impact statement must describe any projected increase or
36 decrease in revenues, costs, expenditures, or indebtedness that the
37 state or local governments will experience if the ballot measure were

1 approved by state voters. Where appropriate, a fiscal impact statement
2 may include both estimated dollar amounts and a description placing the
3 estimated dollar amounts into context. A fiscal impact statement must
4 include both a summary of not to exceed one hundred words and a more
5 detailed statement that includes the assumptions that were made to
6 develop the fiscal impacts.

7 Fiscal impact statements must be available online from the
8 secretary of state's web site and included in the state voters'
9 pamphlet. Additional information may be posted on the web site of the
10 office of financial management.

11 **Sec. 10.** RCW 29A.04.530 and 2006 c 206 s 1 are each amended to
12 read as follows:

- 13 The secretary of state shall:
- 14 (1) Establish and operate, or provide by contract, training and
15 certification programs for state and county elections administration
16 officials and personnel, including training on election laws, the
17 various types of election law violations, and discrimination(~~(, and~~
18 ~~training programs for political party observers which conform to the~~
19 ~~rules for such programs established under RCW 29A.04.630))~~);
 - 20 (2) Administer tests for state and county officials and personnel
21 who have received such training and issue certificates to those who
22 have successfully completed the training and passed such tests;
 - 23 (3) Maintain a record of those individuals who have received such
24 training and certificates; and
 - 25 (4) Provide the staffing and support services required by the board
26 created under RCW 29A.04.510.

27 **Sec. 11.** RCW 29A.04.540 and 2003 c 111 s 152 are each amended to
28 read as follows:

29 A person having responsibility for the administration or conduct of
30 elections, other than precinct election officers, shall, within
31 eighteen months of undertaking those responsibilities, receive general
32 training regarding the conduct of elections and specific training
33 regarding their responsibilities and duties as prescribed by this title
34 or by rules adopted by the secretary of state under this title.
35 Included among those persons for whom such training is mandatory are
36 the following:

1 (1) Secretary of state elections division personnel;
2 (2) County elections administrators under RCW 36.22.220; and
3 ~~(3) ((County canvassing board members;~~
4 ~~(4) Persons officially designated by each major political party as~~
5 ~~elections observers; and~~
6 ~~(5))~~) Any other person or group charged with election
7 administration responsibilities if the person or group is designated by
8 rule adopted by the secretary of state as requiring the training.

9 ~~((The secretary of state shall reimburse election observers in~~
10 ~~accordance with RCW 43.03.050 and 43.03.060 for travel expenses~~
11 ~~incurred to receive training required under subsection (4) of this~~
12 ~~section.))~~

13 Neither this section nor RCW 29A.04.530 may be construed as
14 requiring an elected official to receive training or a certificate of
15 training as a condition for seeking or holding elective office or as a
16 condition for carrying out constitutional duties.

17 **Sec. 12.** RCW 29A.04.570 and 2005 c 240 s 1 are each amended to
18 read as follows:

19 (1)(a) The election review staff of the office of the secretary of
20 state shall conduct a review of election-related policies, procedures,
21 and practices in an affected county or counties:

22 (i) If the unofficial returns of a primary or general election for
23 a position in the state legislature indicate that a mandatory recount
24 is likely for that position; or

25 (ii) If unofficial returns indicate a mandatory recount is likely
26 in a statewide election or an election for federal office.

27 Reviews conducted under (a)(ii) of this subsection shall be
28 performed in as many selected counties as time and staffing permit.
29 Reviews conducted as a result of mandatory recounts shall be performed
30 between the time the unofficial returns are complete and the time the
31 recount is to take place, if possible.

32 (b) In addition to conducting reviews under (a) of this subsection,
33 the election review staff shall also conduct such a review in a county
34 at least once ~~((in each three year period))~~ every five years, in
35 conjunction with a county primary or special or general election, at
36 the direction of the secretary of state or at the request of the county
37 auditor. If staffing or budget levels do not permit a ~~((three))~~ five-

1 year election cycle for reviews, then reviews must be done as often as
2 possible. If any resident of this state believes that an aspect of a
3 primary or election has been conducted inappropriately in a county, the
4 resident may file a complaint with the secretary of state. The
5 secretary shall consider such complaints in scheduling periodic reviews
6 under this section.

7 (c) Before an election review is conducted in a county, the
8 secretary of state shall provide the county auditor of the affected
9 county and the chair of the state central committee of each major
10 political party with notice that the review is to be conducted. When
11 a periodic review is to be conducted in a county at the direction of
12 the secretary of state under (b) of this subsection, the secretary
13 shall provide the affected county auditor not less than thirty days'
14 notice.

15 (2) Reviews shall be conducted in conformance with rules adopted
16 under RCW 29A.04.630. In performing a review in a county under this
17 chapter, the election review staff shall evaluate the policies and
18 procedures established for conducting the primary or election in the
19 county and the practices of those conducting it. As part of the
20 review, the election review staff shall issue to the county auditor and
21 the members of the county canvassing board a report of its findings and
22 recommendations regarding such policies, procedures, and practices. A
23 review conducted under this chapter shall not include any evaluation,
24 finding, or recommendation regarding the validity of the outcome of a
25 primary or election or the validity of any canvass of returns nor does
26 the election review staff have any jurisdiction to make such an
27 evaluation, finding, or recommendation under this title.

28 (3) The county auditor or the county canvassing board shall respond
29 to the review report in writing, listing the steps that will be taken
30 to correct any problems listed in the report. Within one year of
31 issuance of the response provided by the county auditor or county
32 canvassing board, the secretary of state shall ((visit the county
33 before the next state primary or general election to)) verify that the
34 county has taken the steps ((they listed)) to correct the problems
35 noted in the report.

36 (4) The county auditor of the county in which a review is conducted
37 under this section or a member of the canvassing board of the county

1 may appeal the findings or recommendations of the election review staff
2 regarding the review by filing an appeal with the board created under
3 RCW 29A.04.510.

4 **Sec. 13.** RCW 43.07.310 and 2003 c 111 s 2303 are each amended to
5 read as follows:

6 The secretary of state, through the division of elections, is
7 responsible for the following duties, as prescribed by Title 29A RCW:

8 (1) The filing, verification of signatures, and certification of
9 state initiative, referendum, and recall petitions;

10 (2) The production and distribution of a state voters' pamphlet;

11 (3) The examination, testing, and certification of voting
12 equipment, voting devices, and vote-tallying systems;

13 (4) The administration, canvassing, and certification of the
14 presidential primary, state primaries, and state general elections;

15 (5) The administration of motor voter and other voter registration
16 and voter outreach programs;

17 (6) The training, testing, and certification of state and local
18 elections personnel as established in RCW 29A.04.530;

19 ~~(7) ((The training of state and local party observers required by
20 RCW 29A.04.540;~~

21 ~~(+8))~~ The conduct of ~~((postelection))~~ reviews as established in RCW
22 29A.04.570; and

23 ~~((+9))~~ (8) Other duties that may be prescribed by the legislature.

24 **Sec. 14.** RCW 29A.40.150 and 2006 c 206 s 7 are each amended to
25 read as follows:

26 ~~((The secretary of state shall produce and furnish envelopes and
27 instructions for overseas voters and service voters.))~~ The information
28 on the envelopes or instructions for overseas voters and service voters
29 must explain that:

30 (1) Return postage is free if the ballot is mailed through the
31 United States postal service, United States armed forces postal
32 service, or the postal service of a United States foreign embassy;

33 (2) The date of the signature is considered the date of mailing;

34 (3) The envelope must be signed by election day;

35 (4) The signed declaration on the envelope is the equivalent of
36 voter registration;

1 (5) A voter may fax a voted ballot and the accompanying envelope if
2 the voter agrees to waive secrecy. The ballot will be counted if the
3 original documents are received before certification of the election;
4 and

5 (6) A voter may obtain a ballot via electronic mail, which the
6 voter may print out, vote, and return by mail. In order to facilitate
7 the electronic acquisition of ballots by overseas and service voters,
8 the ballot instructions shall include the web site of the office of the
9 secretary of state.

10 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
11 each repealed:

12 (1) RCW 29A.04.236 (Manual of election laws and rules) and 2005 c
13 244 s 1; and

14 (2) RCW 29A.04.245 (Voter guide) and 2003 c 111 s 140 & 2001 c 41
15 s 4.

--- END ---