
HOUSE BILL 1229

State of Washington

64th Legislature

2015 Regular Session

By Representatives Johnson, S. Hunt, Zeiger, Appleton, Robinson, Haler, Van De Wege, Short, Riccelli, Pike, MacEwen, Kretz, Buys, McBride, Fagan, Orwall, Ortiz-Self, Bergquist, Walkinshaw, Holy, Rodne, Sawyer, Caldier, Kagi, Magendanz, Vick, Ormsby, and Wilson

Read first time 01/15/15. Referred to Committee on State Government.

1 AN ACT Relating to information about initiatives; amending RCW
2 29A.32.090; adding new sections to chapter 29A.72 RCW; and adding a
3 new section to chapter 29A.32 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.72
6 RCW to read as follows:

7 The office of financial management, in consultation with the
8 secretary of state, department of revenue, other state agencies,
9 selected local governments and associations of local governments, and
10 legislative fiscal staff, when appropriate, shall prepare a fiscal
11 note for each initiative to the people the petition for which has
12 been filed with the secretary of state under RCW 29A.72.160(2) and
13 for each initiative to the legislature that will appear on the
14 ballot, including a separate fiscal note for any alternative measure
15 appearing on the ballot that is proposed by the legislature. A fiscal
16 note must describe any projected increases or decreases in revenues,
17 costs, expenditures, or indebtedness that the state and local
18 governments will experience if the initiative or alternative measure
19 were approved by state voters. A fiscal note must include a summary
20 not exceeding one hundred words and a more detailed statement that
21 includes the assumptions that were made to develop the fiscal

1 impacts. Fiscal notes must be written in clear and concise language
2 and avoid legal and technical terms when possible, and may include
3 easy to understand graphics. Where appropriate, a fiscal note may
4 include both estimated dollar amounts and a description placing the
5 estimated dollar amounts into context.

6 Fiscal notes must be available online from the secretary of
7 state's web site and be included in the state voters' pamphlet.

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

10 In addition to other information on an initiative required to be
11 included in the voters' pamphlet, the secretary of state shall
12 include the fiscal note and responses to the fiscal note prepared for
13 the initiative under section 1 of this act. This additional
14 information must be presented highlighting the executive summary.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.72
16 RCW to read as follows:

17 Both the committee advocating approval of an initiative and the
18 committee advocating rejection of an initiative may submit responses
19 to a fiscal note prepared under section 1 of this act. Each response
20 must be in two parts, with the first part being an argument not to
21 exceed two hundred fifty words in length, and the second part being a
22 rebuttal to the first part prepared by the other side not to exceed
23 seventy-five words in length. The responses must be prepared and
24 processed in a similar manner to the preparation and processing of
25 arguments under RCW 29A.32.100.

26 **Sec. 4.** RCW 29A.32.090 and 2009 c 222 s 3 are each amended to
27 read as follows:

28 (1) If in the opinion of the secretary of state any argument or
29 statement offered for inclusion in the voters' pamphlet in support of
30 or opposition to a measure or candidate, or any response to a fiscal
31 note, contains obscene matter or matter that is otherwise prohibited
32 by law from distribution through the mail, the secretary may petition
33 the superior court of Thurston county for a judicial determination
34 that the argument, response, or statement may be rejected for
35 publication or edited to delete the matter. The court shall not enter
36 such an order unless it concludes that the matter is obscene or
37 otherwise prohibited for distribution through the mail.

1 (2) A candidate's argument, response, or statement submitted for
2 inclusion in the voters' pamphlet shall not contain false or
3 misleading arguments, responses, or statements about the candidate's
4 opponent. A false or misleading argument, response, or statement
5 shall be considered "libel or defamation per se" if the argument,
6 response, or statement tends to expose the candidate to hatred,
7 contempt, ridicule, or obloquy, or to deprive him or her of the
8 benefit of public confidence or social intercourse, or to injure him
9 or her in his or her business or occupation. If a candidate believes
10 his or her opponent has libeled or defamed him or her, the candidate
11 may commence an action under subsection (3) of this section.

12 (3)(a) A person who believes that he or she may be defamed by an
13 argument, response, or statement offered for inclusion in the voters'
14 pamphlet in support of or opposition to a measure or candidate may
15 petition the superior court of Thurston county for a judicial
16 determination that the argument, response, or statement may be
17 rejected for publication or edited to delete the defamatory
18 ((statement)) matter.

19 (b) The court shall not enter such an order unless it concludes
20 that the argument, response, or statement is untrue and that the
21 petitioner has a very substantial likelihood of prevailing in a
22 defamation action.

23 (c) An action under this subsection (3) must be filed and served
24 no later than the tenth day after the deadline for the submission of
25 the argument, response, or statement to the secretary of state.

26 (d) If the secretary of state notifies a person named or
27 identified in an argument, response, or statement of the contents of
28 the argument, response, or statement within three days after the
29 deadline for submission to the secretary, then neither the state nor
30 the secretary is liable for damages resulting from publication of the
31 argument, response, or statement unless the secretary publishes the
32 argument, response, or statement in violation of an order entered
33 under this section. Nothing in this section creates a duty on the
34 part of the secretary of state to identify, locate, or notify the
35 person.

36 (4) Parties to a dispute under this section may agree to resolve
37 the dispute by rephrasing the argument, response, or statement, even
38 if the deadline for submission to the secretary has elapsed, unless
39 the secretary determines that the process of publication is too far
40 advanced to permit the change. The secretary shall promptly provide

1 any such revision to any committee entitled to submit a rebuttal
2 argument or rebuttal response. If that committee has not yet
3 submitted its rebuttal, its deadline to submit a rebuttal is extended
4 by five days. If it has submitted a rebuttal, it may revise it to
5 address the change within five days of the filing of the revised
6 argument with the secretary.

7 (5) In an action under this section the committee or candidate
8 must be named as a defendant, and may be served with process by
9 certified mail directed to the address contained in the secretary's
10 records for that party. The secretary of state shall be a nominal
11 party to an action brought under subsection (3) of this section,
12 solely for the purpose of determining the content of the voters'
13 pamphlet. The superior court shall give such an action priority on
14 its calendar.

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