

E2SHB 1272 - S COMM AMD

By Committee on State Government & Elections

ADOPTED 02/27/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 29A.32.010 and 2003 c 111 s 801 are each amended to
4 read as follows:

5 The secretary of state shall, whenever at least one statewide
6 measure or office is scheduled to appear on the general election
7 ballot, print and distribute a voters' pamphlet.

8 The secretary of state shall distribute the voters' pamphlet to
9 each household in the state, to public libraries, and to any other
10 locations ((~~he or she~~)) the secretary deems appropriate. The
11 secretary of state shall also produce ((~~taped~~)) recorded or Braille
12 transcripts of the voters' pamphlet, publicize their availability,
13 and mail without charge a copy to any person who requests one.

14 The secretary of state may make the material required to be
15 distributed by this chapter available to the public in electronic
16 form. The secretary of state may provide the material in electronic
17 form to ((~~computer bulletin boards~~)) web based, print, and broadcast
18 news media((~~, community computer networks,~~)) and similar services at
19 the cost of reproduction or transmission of the data.

20 **Sec. 2.** RCW 29A.32.020 and 2003 c 111 s 802 are each amended to
21 read as follows:

22 No person or entity may publish or distribute any campaign
23 material that is deceptively similar in design or appearance to a
24 voters' pamphlet that was published by the secretary of state during
25 the ((~~ten~~)) 10-year period before the publication or distribution of
26 the campaign material by the person or entity. The secretary of state
27 shall take reasonable measures to prevent or to stop violations of
28 this section. Such measures may include, among others, petitioning
29 the superior court for a temporary restraining order or other
30 appropriate injunctive relief. In addition, the secretary may request

1 the superior court to impose a civil fine on a violator of this
2 section. The court is authorized to levy on and recover from each
3 violator a civil fine not to exceed the greater of: (1) (~~Two~~
4 ~~dollars~~) \$5 for each copy of the deceptive material distributed, or
5 (2) (~~one thousand dollars~~) \$10,000. In addition, the violator is
6 liable for the state's legal expenses and other costs resulting from
7 the violation. Any funds recovered under this section must be
8 transmitted to the state treasurer for deposit in the general fund.

9 **Sec. 3.** RCW 29A.32.031 and 2023 c 109 s 8 are each amended to
10 read as follows:

11 The voters' pamphlet published or distributed under RCW
12 29A.32.010 must contain:

13 (1) Information about each ballot measure initiated by or
14 referred to the voters for their approval or rejection as required by
15 RCW 29A.32.070;

16 (2) In even-numbered years, statements, if submitted, from
17 candidates for the office of president and vice president of the
18 United States, United States senator, United States representative,
19 governor, lieutenant governor, secretary of state, state treasurer,
20 state auditor, attorney general, commissioner of public lands,
21 superintendent of public instruction, insurance commissioner, state
22 senator, state representative, justice of the supreme court, judge of
23 the court of appeals, or judge of the superior court. Candidates may
24 also submit campaign contact information and a photograph not more
25 than five years old in a format that the secretary of state
26 determines to be suitable for reproduction in the voters' pamphlet;

27 (3) In odd-numbered years, (~~if~~) statements, if submitted, from
28 candidates for any office (~~voted upon statewide~~) listed in
29 subsection (2) of this section that appears on the ballot due to a
30 vacancy (~~, then statements and photographs for candidates for any~~
31 vacant office listed in subsection (2) of this section must appear).
32 Candidates may also submit campaign contact information and a
33 photograph not more than five years old in a format that the
34 secretary of state determines to be suitable for reproduction in the
35 voters' pamphlet;

36 (4) Contact information for the public disclosure commission
37 established under RCW 42.17A.100, including the following statement:
38 "For a list of the people and organizations that donated to state and
39 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."

1 The statement must be placed in a prominent position, such as (~~on~~
2 ~~the cover or on~~) the first two pages of the voters' pamphlet. The
3 secretary of state may substitute such language as is necessary for
4 accuracy and clarity and consistent with the intent of this section;

5 (5) Contact information for major political parties;

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

8 (7) A list of all student engagement hubs as designated under RCW
9 29A.40.180;

10 (8) A page providing information about how to access the internet
11 presentation of the information created in RCW 44.48.160 about the
12 state budgets, including a uniform resource locator, a quick response
13 code, and a phone number for the legislative information center. The
14 uniform resource locator and quick response codes will lead the voter
15 to the internet information required in RCW 44.48.160; and

16 (9) Any additional information pertaining to elections as may be
17 required by law or in the judgment of the secretary of state is
18 deemed informative to the voters.

19 **Sec. 4.** RCW 29A.32.060 and 2015 c 171 s 2 are each amended to
20 read as follows:

21 Committees shall write and submit arguments advocating the
22 approval or rejection of each statewide ballot issue and rebuttals of
23 those arguments. The secretary of state, the presiding officer of the
24 senate, and the presiding officer of the house of representatives
25 shall appoint the initial two members of each committee. In making
26 these committee appointments the secretary of state and presiding
27 officers of the senate and house of representatives shall consider
28 legislators, sponsors of initiatives and referendums, and other
29 interested groups known to advocate or oppose the ballot measure.
30 Committees must have the explanatory and fiscal impact statements
31 available before preparing their arguments.

32 The initial two members may select up to four additional members,
33 and the committee shall elect a chairperson. The remaining committee
34 member or members may fill vacancies through appointment.

35 After the committee submits its initial argument statements to
36 the secretary of state, the secretary of state shall transmit the
37 statements to the opposite committee. The opposite committee may then
38 prepare rebuttal arguments. Rebuttals may not interject new points.

1 The voters' pamphlet may contain only text argument statements
2 prepared according to this section. (~~Arguments may contain graphs~~
3 ~~and charts supported by factual statistical data and pictures or~~
4 ~~other illustrations. Cartoons~~) Graphs, charts, photographs,
5 cartoons, or caricatures are not permitted.

6 **Sec. 5.** RCW 29A.32.070 and 2023 c 109 s 2 are each amended to
7 read as follows:

8 The secretary of state shall determine the format and layout of
9 the voters' pamphlet published under RCW 29A.32.010. The secretary of
10 state shall print the pamphlet in clear, readable type on a size,
11 quality, and weight of paper that in the judgment of the secretary of
12 state best serves the voters. The pamphlet must contain a table of
13 contents. Measures and arguments must be printed in the order
14 specified by RCW 29A.72.290.

15 The secretary of state's name may not appear in the voters'
16 pamphlet in (~~his or her~~) an official capacity if the secretary is a
17 candidate for office during the same year. (~~His or her~~) The
18 secretary's name may only be included as part of the information
19 normally included for candidates.

20 The voters' pamphlet must provide the following information for
21 each statewide issue on the ballot:

22 (1) The legal identification of the measure by serial designation
23 or number;

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

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

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

29 (5) The fiscal impact statement prepared under RCW 29A.72.025;

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

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

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

37 (9) Each argument or rebuttal statement must be followed by the
38 names of the committee members who submitted them, and may be

1 followed by a telephone number that citizens may call to obtain
2 information on the ballot measure;

3 (10) The full text of the measure.

4 **Sec. 6.** RCW 29A.32.121 and 2004 c 271 s 168 are each amended to
5 read as follows:

6 (1) The maximum number of words for statements submitted by
7 candidates is as follows: State representative, (~~one hundred~~) 100
8 words; state senator, judge of the superior court, judge of the court
9 of appeals, justice of the supreme court, and all state offices voted
10 upon throughout the state, except that of governor, (~~two hundred~~)
11 200 words; president and vice president, United States senator,
12 United States representative, and governor, (~~three hundred~~) 300
13 words.

14 (2) Arguments written by committees under RCW 29A.32.060 may not
15 exceed (~~two hundred fifty~~) 250 words in length.

16 (3) Rebuttal arguments written by committees may not exceed
17 (~~seventy-five~~) 75 words in length.

18 (4) The secretary of state or county auditor shall allocate space
19 in the pamphlet based on the number of candidates or nominees for
20 each office.

21 **Sec. 7.** RCW 29A.32.210 and 2020 c 337 s 6 are each amended to
22 read as follows:

23 Before any primary or general election, or any special election
24 held under RCW 29A.04.321 or 29A.04.330, each county auditor shall
25 print and distribute a local voters' pamphlet. The pamphlet shall
26 provide information on all measures and candidates appearing on
27 ballots within that (~~jurisdiction~~) county. The format of any local
28 voters' pamphlet shall, whenever applicable, comply with the
29 provisions of this chapter regarding the publication of the state
30 candidates' and voters' pamphlets.

31 **Sec. 8.** RCW 29A.32.220 and 2003 c 111 s 814 are each amended to
32 read as follows:

33 (1) Not later than (~~ninety~~) 90 days before the publication and
34 distribution of a local voters' pamphlet by a county, the county
35 auditor shall notify each city, town, or special taxing district
36 (~~located wholly~~) with issues or offices appearing on ballots within
37 that county that a pamphlet will be produced.

1 (2) ~~((If a))~~ All voters' (~~pamphlet is~~) pamphlets published by
2 the county ~~((for a primary or general election, the pamphlet shall be~~
3 ~~published for))~~ pursuant to RCW 29A.32.210 must include the elective
4 offices and ballot measures of the county and ~~((for))~~ the elective
5 offices and ballot measures of each unit of local government
6 ~~((located entirely))~~ within the county which will appear on the
7 ballot at that primary or election. ~~((However, the offices and~~
8 ~~measures of a first-class or code city shall not be included in the~~
9 ~~pamphlet if the city publishes and distributes its own voters'~~
10 ~~pamphlet for the primary or election for its offices and measures.~~
11 ~~The offices and measures of any other town or city are not required~~
12 ~~to appear in the county's pamphlet if the town or city is obligated~~
13 ~~by ordinance or charter to publish and distribute a voters' pamphlet~~
14 ~~for the primary or election for its offices and measures and it does~~
15 ~~so.))~~

16 If the required appearance in a county's voters' pamphlet of the
17 offices or measures of a unit of local government would create undue
18 financial hardship for the unit of government, the legislative
19 authority of the unit may petition the legislative authority of the
20 county to waive this requirement. The legislative authority of the
21 county may provide such a waiver if it does so not later than
22 ~~((sixty))~~ 60 days before the publication of the pamphlet and it finds
23 that the requirement would create such hardship.

24 (3) If a city, town, or district is located within more than one
25 county, ~~((the respective county auditors may enter into an interlocal~~
26 ~~agreement to permit the distribution of each county's local voters'~~
27 ~~pamphlet into those parts of the city, town, or district located~~
28 ~~outside of that county))~~ all appropriate information for that
29 jurisdiction must appear in the local voters' pamphlet for each of
30 the counties containing the jurisdiction. Arguments, candidate
31 statements, and photographs must be submitted to the county auditor
32 of the county that accepted any resolutions or candidate filings for
33 that jurisdiction. The auditor that receives this information shall
34 provide it to the other county auditors after reviewing and accepting
35 the submissions.

36 ~~((4) If a first-class or code city authorizes the production and~~
37 ~~distribution of a local voters' pamphlet, the city clerk of that city~~
38 ~~shall notify any special taxing district located wholly within that~~
39 ~~city that a pamphlet will be produced. Notification shall be provided~~

1 in the manner required or provided for in subsection (1) of this
2 section.

3 ~~(5) A unit of local government located within a county and the
4 county may enter into an interlocal agreement for the publication of
5 a voters' pamphlet for offices or measures not required by subsection
6 (2) of this section to appear in a county's pamphlet.)~~

7 **Sec. 9.** RCW 29A.32.241 and 2020 c 208 s 12 are each amended to
8 read as follows:

9 (1) The local voters' pamphlet shall include but not be limited
10 to the following:

11 (a) Appearing on the cover, the words "official local voters'
12 pamphlet," the name of the jurisdiction producing the pamphlet, and
13 the date of the election or primary;

14 (b) A list of jurisdictions that have measures or candidates in
15 the pamphlet;

16 (c) Information on how a person may register to vote and obtain a
17 ballot;

18 (d) Candidate statements and photographs;

19 (e) The text of each measure accompanied by an explanatory
20 statement prepared by the prosecuting attorney for any county measure
21 or by the attorney for the jurisdiction submitting the measure if
22 other than a county measure. All explanatory statements for city,
23 town, or district measures not approved by the attorney for the
24 jurisdiction submitting the measure shall be reviewed and approved by
25 the county prosecuting attorney or city attorney, when applicable,
26 before inclusion in the pamphlet;

27 ~~((e))~~ (f) The arguments for and against each measure submitted
28 by committees selected pursuant to RCW 29A.32.280; and

29 ~~((f))~~ (g) A list of all student engagement hubs in the county
30 as designated under RCW 29A.40.180 ~~(; and~~

31 ~~(g) For partisan primary elections, information on how to vote
32 the applicable ballot format and an explanation that minor political
33 party candidates and independent candidates will appear only on the
34 general election ballot).~~

35 (2) The county auditor's name may not appear in the local voters'
36 pamphlet in ~~((his or her))~~ an official capacity if the county auditor
37 is a candidate for office during the same year. ~~((His or her))~~ The
38 auditor's name may only be included as part of the information
39 normally included for candidates.

1 **Sec. 10.** 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 candidates in the local voters'~~
5 ~~pamphlet, the pamphlet~~) Local voters' pamphlets shall include
6 ((the)) candidate statements ((~~from candidates~~)) accepted by the
7 county auditor and may also include ((~~these~~)) candidates' photographs
8 accepted by the county auditor.

9 **Sec. 11.** RCW 29A.32.260 and 2022 c 193 s 2 are each amended to
10 read as follows:

11 As soon as practicable before the primary, special election, or
12 general election, the county auditor(~~(, or if applicable, the city~~
13 ~~clerk of a first-class or code city, as appropriate,)~~) shall mail the
14 local voters' pamphlet to every residence in each jurisdiction ((~~that~~
15 ~~has included information~~)) within the county that is participating in
16 the associated primary or election and for which election information
17 is included in the pamphlet. The county auditor ((~~or city clerk, as~~
18 ~~appropriate,)~~) may choose to mail the pamphlet to each registered
19 voter in each jurisdiction ((~~that has included information in the~~
20 ~~pamphlet~~)) within the county that is participating in the associated
21 primary or election and for which election information is included in
22 the pamphlet, if in ((~~his or her~~)) the auditor's judgment, a more
23 economical and effective distribution of the pamphlet would result.
24 The county auditor shall either mail or send a printable electronic
25 version of the state and local voters' pamphlets to any service or
26 overseas voter registered in the jurisdiction who has requested them.

27 **Sec. 12.** RCW 29A.32.280 and 2015 c 146 s 3 are each amended to
28 read as follows:

29 (1) For each measure from a unit of local government ((~~that is~~))
30 included in a local voters' pamphlet, the legislative authority of
31 that jurisdiction shall, not later than the resolution deadline,
32 formally appoint a committee to prepare arguments advocating voters'
33 approval of the measure and shall formally appoint a committee to
34 prepare arguments advocating voters' rejection of the measure.

35 (2) The authority shall appoint persons that reside within the
36 jurisdictional boundaries and are known to favor the measure to serve
37 on the committee advocating approval and shall, whenever possible,
38 appoint persons that reside within the jurisdictional boundaries and

1 are known to oppose the measure to serve on the committee advocating
2 rejection.

3 (3) Each committee shall have not more than three members,
4 however, a committee may seek the advice of any person or persons.

5 (4) If the legislative authority of a unit of local government
6 fails to make such appointments by the prescribed deadline, the
7 county auditor shall ~~((whenever possible make the appointments))~~
8 issue a media release and publish information on the auditor's
9 election website announcing the opportunity to form committees and
10 provide statements. If the legislative authority is unable to make
11 appointments, the auditor shall make appointments on a first-come,
12 first-served basis if qualified committee members contact the auditor
13 by the appropriate deadline.

14 (5) If no statement is produced, the auditor shall include a
15 statement in the pamphlet stating that no person in the jurisdiction
16 contacted the auditor to provide a statement, and there are no
17 statements for that measure.

18 NEW SECTION. Sec. 13. This act takes effect January 1, 2025."

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19 On page 1, line 2 of the title, after "pamphlets;" strike the
20 remainder of the title and insert "amending RCW 29A.32.010,
21 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.121,
22 29A.32.210, 29A.32.220, 29A.32.241, 29A.32.250, 29A.32.260, and
23 29A.32.280; and providing an effective date."

EFFECT: Removes provisions authorizing the Secretary of State to reject noncompliant language or photographs in candidate and ballot measure statements without a court order. Removes prohibitions on candidate statements and statements for or against ballot measures asking for contributions or making commercial solicitations. Removes modifications on the prohibition on false or misleading statements that extended the prohibition to include ballot measure statements and expanded consideration of false or misleading statements as libelous or defamatory to include statements about the opposition, rather than just the candidate. Removes provisions providing that administrative rules for local voters' pamphlets must be adopted by the Secretary of State in consultation with county auditors, rather than by just county auditors or city clerks, and modifications to the

rules including the addition of standards related to candidate photographs and statements for and against any measure.

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