

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1272

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 85 Nays 10

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 29 Nays 20

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1272** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1272

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By House Appropriations (originally sponsored by Representatives Bergquist, Volz, Reeves, Gregerson, Christian, Riccelli, and Schmidt)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to publishing, formatting, and distribution of
2 the state and local voters' pamphlets; amending RCW 29A.32.010,
3 29A.32.020, 29A.32.031, 29A.32.060, 29A.32.070, 29A.32.121,
4 29A.32.210, 29A.32.220, 29A.32.241, 29A.32.250, 29A.32.260, and
5 29A.32.280; and providing an effective date.

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

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

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

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

18 The secretary of state may make the material required to be
19 distributed by this chapter available to the public in electronic
20 form. The secretary of state may provide the material in electronic
21 form to ((~~computer bulletin boards~~)) web based, print, and broadcast

1 news media(~~(community computer networks)~~) and similar services at
2 the cost of reproduction or transmission of the data.

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

5 No person or entity may publish or distribute any campaign
6 material that is deceptively similar in design or appearance to a
7 voters' pamphlet that was published by the secretary of state during
8 the (~~ten~~) 10-year period before the publication or distribution of
9 the campaign material by the person or entity. The secretary of state
10 shall take reasonable measures to prevent or to stop violations of
11 this section. Such measures may include, among others, petitioning
12 the superior court for a temporary restraining order or other
13 appropriate injunctive relief. In addition, the secretary may request
14 the superior court to impose a civil fine on a violator of this
15 section. The court is authorized to levy on and recover from each
16 violator a civil fine not to exceed the greater of: (1) (~~Two~~
17 ~~dollars~~) \$5 for each copy of the deceptive material distributed, or
18 (2) (~~one thousand dollars~~) \$10,000. In addition, the violator is
19 liable for the state's legal expenses and other costs resulting from
20 the violation. Any funds recovered under this section must be
21 transmitted to the state treasurer for deposit in the general fund.

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

24 The voters' pamphlet published or distributed under RCW
25 29A.32.010 must contain:

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

29 (2) In even-numbered years, statements, if submitted, from
30 candidates for the office of president and vice president of the
31 United States, United States senator, United States representative,
32 governor, lieutenant governor, secretary of state, state treasurer,
33 state auditor, attorney general, commissioner of public lands,
34 superintendent of public instruction, insurance commissioner, state
35 senator, state representative, justice of the supreme court, judge of
36 the court of appeals, or judge of the superior court. Candidates may
37 also submit campaign contact information and a photograph not more

1 than five years old in a format that the secretary of state
2 determines to be suitable for reproduction in the voters' pamphlet;

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

12 (4) Contact information for the public disclosure commission
13 established under RCW 42.17A.100, including the following statement:
14 "For a list of the people and organizations that donated to state and
15 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."
16 The statement must be placed in a prominent position, such as ~~((on~~
17 ~~the cover or on))~~ the first two pages of the voters' pamphlet. The
18 secretary of state may substitute such language as is necessary for
19 accuracy and clarity and consistent with the intent of this section;

20 (5) Contact information for major political parties;

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

23 (7) A list of all student engagement hubs as designated under RCW
24 29A.40.180;

25 (8) A page providing information about how to access the internet
26 presentation of the information created in RCW 44.48.160 about the
27 state budgets, including a uniform resource locator, a quick response
28 code, and a phone number for the legislative information center. The
29 uniform resource locator and quick response codes will lead the voter
30 to the internet information required in RCW 44.48.160; and

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

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

36 Committees shall write and submit arguments advocating the
37 approval or rejection of each statewide ballot issue and rebuttals of
38 those arguments. The secretary of state, the presiding officer of the
39 senate, and the presiding officer of the house of representatives

1 shall appoint the initial two members of each committee. In making
2 these committee appointments the secretary of state and presiding
3 officers of the senate and house of representatives shall consider
4 legislators, sponsors of initiatives and referendums, and other
5 interested groups known to advocate or oppose the ballot measure.
6 Committees must have the explanatory and fiscal impact statements
7 available before preparing their arguments.

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

11 After the committee submits its initial argument statements to
12 the secretary of state, the secretary of state shall transmit the
13 statements to the opposite committee. The opposite committee may then
14 prepare rebuttal arguments. Rebuttals may not interject new points.

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

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

22 The secretary of state shall determine the format and layout of
23 the voters' pamphlet published under RCW 29A.32.010. The secretary of
24 state shall print the pamphlet in clear, readable type on a size,
25 quality, and weight of paper that in the judgment of the secretary of
26 state best serves the voters. The pamphlet must contain a table of
27 contents. Measures and arguments must be printed in the order
28 specified by RCW 29A.72.290.

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

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

- 36 (1) The legal identification of the measure by serial designation
37 or number;
- 38 (2) The official ballot title of the measure;

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

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

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

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

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

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

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

17 (10) The full text of the measure.

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

20 (1) The maximum number of words for statements submitted by
21 candidates is as follows: State representative, (~~one hundred~~) 100
22 words; state senator, judge of the superior court, judge of the court
23 of appeals, justice of the supreme court, and all state offices voted
24 upon throughout the state, except that of governor, (~~two hundred~~)
25 200 words; president and vice president, United States senator,
26 United States representative, and governor, (~~three hundred~~) 300
27 words.

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

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

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

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

37 Before any primary or general election, or any special election
38 held under RCW 29A.04.321 or 29A.04.330, each county auditor shall

1 print and distribute a local voters' pamphlet. The pamphlet shall
2 provide information on all measures and candidates appearing on
3 ballots within that ~~((jurisdiction))~~ county. The format of any local
4 voters' pamphlet shall, whenever applicable, comply with the
5 provisions of this chapter regarding the publication of the state
6 candidates' and voters' pamphlets.

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

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

14 (2) ~~((If a))~~ All voters' ~~((pamphlet is))~~ pamphlets published by
15 the county ~~((for a primary or general election, the pamphlet shall be~~
16 ~~published for))~~ pursuant to RCW 29A.32.210 must include the elective
17 offices and ballot measures of the county and ~~((for))~~ the elective
18 offices and ballot measures of each unit of local government
19 ~~((located entirely))~~ within the county which will appear on the
20 ballot at that primary or election. ~~((However, the offices and~~
21 ~~measures of a first-class or code city shall not be included in the~~
22 ~~pamphlet if the city publishes and distributes its own voters'~~
23 ~~pamphlet for the primary or election for its offices and measures.~~
24 ~~The offices and measures of any other town or city are not required~~
25 ~~to appear in the county's pamphlet if the town or city is obligated~~
26 ~~by ordinance or charter to publish and distribute a voters' pamphlet~~
27 ~~for the primary or election for its offices and measures and it does~~
28 ~~so.))~~

29 If the required appearance in a county's voters' pamphlet of the
30 offices or measures of a unit of local government would create undue
31 financial hardship for the unit of government, the legislative
32 authority of the unit may petition the legislative authority of the
33 county to waive this requirement. The legislative authority of the
34 county may provide such a waiver if it does so not later than
35 ~~((sixty))~~ 60 days before the publication of the pamphlet and it finds
36 that the requirement would create such hardship.

37 (3) If a city, town, or district is located within more than one
38 county, ~~((the respective county auditors may enter into an interlocal~~
39 ~~agreement to permit the distribution of each county's local voters'~~

1 ~~pamphlet into those parts of the city, town, or district located~~
2 ~~outside of that county))~~ all appropriate information for that
3 jurisdiction must appear in the local voters' pamphlet for each of
4 the counties containing the jurisdiction. Arguments, candidate
5 statements, and photographs must be submitted to the county auditor
6 of the county that accepted any resolutions or candidate filings for
7 that jurisdiction. The auditor that receives this information shall
8 provide it to the other county auditors after reviewing and accepting
9 the submissions.

10 ~~((4) If a first-class or code city authorizes the production and~~
11 ~~distribution of a local voters' pamphlet, the city clerk of that city~~
12 ~~shall notify any special taxing district located wholly within that~~
13 ~~city that a pamphlet will be produced. Notification shall be provided~~
14 ~~in the manner required or provided for in subsection (1) of this~~
15 ~~section.~~

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

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

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

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

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

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

31 (d) Candidate statements and photographs;

32 (e) The text of each measure accompanied by an explanatory
33 statement prepared by the prosecuting attorney for any county measure
34 or by the attorney for the jurisdiction submitting the measure if
35 other than a county measure. All explanatory statements for city,
36 town, or district measures not approved by the attorney for the
37 jurisdiction submitting the measure shall be reviewed and approved by
38 the county prosecuting attorney or city attorney, when applicable,
39 before inclusion in the pamphlet;

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

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

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

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

14 **Sec. 10.** RCW 29A.32.250 and 2003 c 111 s 817 are each amended to
15 read as follows:

16 ~~((If the legislative authority of a county or first-class or code~~
17 ~~city provides for the inclusion of candidates in the local voters'~~
18 ~~pamphlet, the pamphlet))~~ Local voters' pamphlets shall include
19 ~~((the))~~ candidate statements ~~((from candidates))~~ accepted by the
20 county auditor and may also include ~~((these))~~ candidates' photographs
21 accepted by the county auditor.

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

24 As soon as practicable before the primary, special election, or
25 general election, the county auditor ~~((, or if applicable, the city~~
26 ~~clerk of a first-class or code city, as appropriate,))~~ shall mail the
27 local voters' pamphlet to every residence in each jurisdiction ~~((that~~
28 ~~has included information))~~ within the county that is participating in
29 the associated primary or election and for which election information
30 is included in the pamphlet. The county auditor ~~((or city clerk, as~~
31 ~~appropriate,))~~ may choose to mail the pamphlet to each registered
32 voter in each jurisdiction ~~((that has included information in the~~
33 ~~pamphlet))~~ within the county that is participating in the associated
34 primary or election and for which election information is included in
35 the pamphlet, if in ~~((his or her))~~ the auditor's judgment, a more
36 economical and effective distribution of the pamphlet would result.
37 The county auditor shall either mail or send a printable electronic

1 version of the state and local voters' pamphlets to any service or
2 overseas voter registered in the jurisdiction who has requested them.

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

5 (1) For each measure from a unit of local government (~~that is~~)
6 included in a local voters' pamphlet, the legislative authority of
7 that jurisdiction shall, not later than the resolution deadline,
8 formally appoint a committee to prepare arguments advocating voters'
9 approval of the measure and shall formally appoint a committee to
10 prepare arguments advocating voters' rejection of the measure.

11 (2) The authority shall appoint persons that reside within the
12 jurisdictional boundaries and are known to favor the measure to serve
13 on the committee advocating approval and shall, whenever possible,
14 appoint persons that reside within the jurisdictional boundaries and
15 are known to oppose the measure to serve on the committee advocating
16 rejection.

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

19 (4) If the legislative authority of a unit of local government
20 fails to make such appointments by the prescribed deadline, the
21 county auditor shall (~~whenever possible make the appointments~~)
22 issue a media release and publish information on the auditor's
23 election website announcing the opportunity to form committees and
24 provide statements. If the legislative authority is unable to make
25 appointments, the auditor shall make appointments on a first-come,
26 first-served basis if qualified committee members contact the auditor
27 by the appropriate deadline.

28 (5) If no statement is produced, the auditor shall include a
29 statement in the pamphlet stating that no person in the jurisdiction
30 contacted the auditor to provide a statement, and there are no
31 statements for that measure.

32 NEW SECTION. **Sec. 13.** This act takes effect January 1, 2025.

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