

SENATE BILL REPORT

SB 5911

As Reported By Senate Committee On:
Government Operations, January 11, 1996

Title: An act relating to elections.

Brief Description: Establishing a candidates' pamphlet for the state primary.

Sponsors: Senators Drew and C. Anderson; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations: 2/14/95, 3/1/95 [DPS]; 1/11/96 [DPS-WM, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: That Substitute Senate Bill No. 5911 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Goings, Hale and Winsley.

Minority Report: Do not pass.

Signed by Senators Heavey and McCaslin.

Staff: Rod McAulay (786-7754)

Background: The Secretary of State is required to publish and mail a candidates' pamphlet to each individual residence of the state before any general election in an even-numbered year, and before any general election in an odd-numbered year, if there is a race to fill a vacancy in a statewide office.

To be included in the candidates' pamphlet, a nominee must submit a written statement, the campaign mailing address and telephone number, and a photograph that is no more than five years old. Nominees for President and Vice President of the United States are not listed among those who may appear in the pamphlet. The Secretary of State may not include a statement or photograph for any person who is the sole nominee for any nonpartisan or judicial office.

The Secretary of State shall reject any written statement which in his opinion is obscene, profane, libelous or defamatory, or contains matter that may not be sent in the U.S. mails. The rejection may be appealed to a board of review consisting of the Superintendent of Public Instruction, Attorney General and Lieutenant Governor. A decision of the board of review is final.

The Secretary of State is also required to publish a voters' pamphlet that contains the text and arguments for and against any statewide ballot measures. Whenever possible, the candidates' and voters' pamphlets shall be combined as a single publication.

The charges to each nominee, and amount of space allocated in the pamphlet for each position, are specified. The Secretary of State must try to avoid sending pamphlets to counties that include candidates who will not appear on the ballot in that county. Candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the ballot.

The regular filing period for declarations of candidacy for offices to be filled at the regular primary and general election shall be during regular business hours commencing on the fourth Monday in July and ending on the following Friday.

Summary of Substitute Bill: The Secretary of State must publish and mail to each individual place of residence in the state a pamphlet containing photographs and campaign statements of candidates who submit statements, or a statement and a photograph, as soon as possible before each state primary and general election in an even-numbered year. A pamphlet is published and mailed before each primary and general election in an odd-numbered year only if there are candidates to fill vacancies in statewide offices.

Candidates for the office of President and Vice President of the United States may be included in the pamphlet. The prohibition on inclusion of statements and photographs of persons who are the sole nominee for any nonpartisan or judicial office is deleted.

If the Secretary of State rejects any statement offered for the pamphlet on the grounds that it is obscene, profane, libelous or defamatory, or prohibited from being sent through the U.S. mails, an appeal may be made to the Secretary of State. The Office of Administrative Hearings must adjudicate the appeal.

The prescribed charges and space allocations in the pamphlet are repealed. The Secretary of State must allocate space in the pamphlet according to the respective offices sought. Candidates equally share prorated space based on the number of words allowed in the statement for that office.

The regular filing period for declarations of candidacy for offices to be filled at the regular primary and general election is during regular business hours commencing on the second Monday in July and ending on the following Friday.

Substitute Bill Compared to Original Bill: The original bill provides that the regular filing period for declarations of candidacy for offices to be elected at the regular primary and general elections commences on the first Monday in June and ends on the following Friday. In all other respects, it is the same as the substitute.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: There is a high demand among the public for a primary voter's pamphlet. The pamphlet will provide information on less publicized races and candidates and enable

voters to make more informed choices. The current fees for candidates appearing in the pamphlets which are repealed cost more to administer than they bring in.

Testimony Against: None.

Testified: Ralph Munro, Secretary of State (pro).