

SENATE BILL REPORT

SSB 6122

As Amended by House, April 25, 2009

Title: An act relating to reducing costs of the elections division of the office of the secretary of state.

Brief Description: Reducing costs of the elections division of the office of the secretary of state.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Brandland; by request of Secretary of State).

Brief History:

Committee Activity: Ways & Means: 3/17/09, 4/21/09 [DPS, DNP].

Passed Senate: 4/23/09, 44-0.

Passed House: 4/25/09, 90-4.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6122 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Carrell, Hobbs, Keiser, Kline, Kohl-Welles, McDermott, Oemig, Parlette, Pflug, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Honeyford and Schoesler.

Staff: Steve Jones (786-7440)

Background: Legal Advertising. The State Constitution provides that a constitutional amendment is subject to approval by the voters of the state. The Constitution also provides for direct legislation by the people through the initiative and referendum process.

The Constitution requires public notice of proposed constitutional amendments, initiatives, and referenda. The Secretary of State is required by the Constitution to send a copy of the proposed amendment, initiative, or referendum, with arguments for and against the proposal, to every residence in the state. The State Constitution also requires notice of proposed constitutional amendments be published in every legal newspaper in the state at least four

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times during the four weeks preceding the election. The constitutional requirement for publication of legal notice of constitutional amendments is supplemented by statutes requiring, within available funds, publication of notice of initiatives and referenda and an equivalent amount of radio and television advertisements. The published notices are required by statute to contain the measure's ballot title, a summary of the law as it currently exists and the effect of the proposal if adopted, and the total number of votes cast for and against the measure in the Legislature.

By statute, a legal newspaper is any newspaper that publishes general interest news in the English language at least weekly and has been approved as a legal newspaper by a superior court.

Voters' Pamphlet. The Voters' Pamphlet is printed by the State Printer on behalf of the Secretary of State. The pamphlet is mailed to approximately 2.4 million residences in the state. For statewide ballot measures, the Voters' Pamphlet contains the ballot title, an explanatory statement prepared by the Attorney General, a fiscal impact statement prepared by the Office of Financial Management, and arguments for and against the measure.

The Voters' Pamphlet also includes candidate statements, not exceeding 300 words, for each federal office appearing on the ballot (president, vice president, senator, and representative) and governor. Candidate statements for all other statewide executive positions, state senators, and judicial positions cannot exceed 200 words. Candidate statements for state representatives cannot exceed 100 words.

Election Certification and Training. Under the supervision of an Election Administration and Certification Board, the Secretary of State operates an elections certification and training program for county elections administration officials. The board consists of state elections officials and representatives of county auditors, legislators, and political parties. The certification and training program reviews each county elections office once every three years. The Secretary of State also provides training and related travel expenses to elections observers designated by each major political party.

Miscellaneous. The Secretary of State must print and distribute postage-free envelopes and voting instructions for overseas and military service voters. These materials are sent to overseas and service voters by county auditors.

The Secretary of State must distribute a printed manual of election laws and rules. The Secretary of State must also print and distribute a voter guide describing what constitutes voter fraud and discrimination under state election laws.

Summary of Substitute Bill: Legal Advertising. The requirement to purchase an equivalent amount of radio and television advertising for initiatives, referenda, and constitutional amendments is eliminated.

Voters' Pamphlet. The requirement that the Voters' Pamphlet be printed by the State Printer is eliminated.

Election Certification and Training. The review period for county elections offices is extended to five years. The training and reimbursement of election observers designated by political parties is eliminated.

Miscellaneous. Envelopes and instructions for overseas and service voters will be printed by county auditors instead of the Secretary of State. The election manual and voter guide are eliminated.

Appropriation: None.

Fiscal Note: Requested on March 14, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: The Secretary of State is proposing unpleasant budget reductions because of the state's fiscal condition. The administration of the state's elections is the subject of very prescriptive statutes, so budget reductions can be achieved only by modifying the statutes. With these reductions, the elections' staff of the Secretary of State's Office will be 20 percent smaller. The Secretary of State's Office spends a great deal of money purchasing legal advertising on state ballot measures; these expenditures largely duplicate the information that is already being distributed to the public in the Voters' Pamphlet. The materials for overseas and military service voters are already being printed by the five largest counties, so this measure will be shifting a small percentage of the costs to the smaller counties. The Election Administration and Certification Board is no longer necessary to maintain good relationships with the county auditors who conduct the state's elections. The reduction in size of the Voters' Pamphlet is a temporary change due to the state's fiscal situation. The election observers designated by the political parties are actually being trained by the individual counties, so the state law is no longer necessary. The State Printer imposes a 5 percent overhead charge; the elimination of this charge will save taxpayer dollars.

CON: With legal advertising, the amount of money is not significant, but the principle of an educated electorate is significantly larger. Voter access to information is the key issue. More money could be saved by eliminating the mailing of Voters' Pamphlets to every household in the state. Instead, the Voters' Pamphlets should be distributed via newspaper inserts at a significant cost savings. Legal advertising of initiatives and referenda is already limited to the availability of state appropriations, so amending the statute is unnecessary. As the state shifts to mail-in ballots, the Voters' Pamphlet is increasingly important. Radio and television advertising should be retained because it is the most efficient method for reaching the largest number of voters. In purchasing advertising, the state should not discriminate between print advertising and broadcast advertising. Access to internet information is not universal, particularly for the socially disadvantaged, who are less likely to own a computer. Radio advertising is a very effective way to reach Spanish-speaking citizens. Limiting the length of candidates' statements and explanatory materials on ballot measures will severely limit the ability of voters to learn about the candidates and the issues. Ballot materials for overseas and service voters are currently centralized in the Secretary of State's Office and the

costs shouldn't be shifted to the counties. The three-year cycle for county election reviews should not be extended to five years, as we learned from the ballot problems in the 2004 gubernatorial election.

OTHER: The legal and fiscal summaries of ballot measures should not be limited to 500 words. Experience has shown that 750 words are often needed to fully explain the state and local fiscal impacts. Also, because many ballot measures do not qualify for the ballot until late July, an August 1 deadline is not realistic.

Persons Testifying: PRO: Sam Reed, Secretary of State; Katie Blinn, Shane Hamlin, Secretary of State's Office.

CON: Roland Thompson, Allied Daily Newspapers; Mark Allen, State Association of Broadcasters; Bill Will, Washington Newspaper Publishers Association.

OTHER: Julie Murray, Office of Financial Management.

House Amendment(s): The House amendment restores the requirement for radio and television advertisements of proposed constitutional amendments and other state measures, and appropriates \$160,000 from the State General Fund for the 2009-11 biennium for purposes of providing legal advertising of these measures.