

SEC. 26. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

SEC. 27. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.

CHAPTER 329.

[H. B. 599.]

ELECTIONS—VOTERS' AND CANDIDATES' PAMPHLETS.

AN ACT relating to elections and the publication of voters' and candidates' pamphlets and the form and contents thereof; providing procedures in relation thereto; amending section 26, chapter 138, Laws of 1913, as last amended by section 4, chapter 144, Laws of 1933, and RCW 29.79.360; amending section 1, chapter 30, Laws of 1917 and RCW 29.79.370 through 29.79.400; adding new sections to chapter 138, Laws of 1913 and to chapter 29.79 RCW; and repealing RCW 29.79.330, 29.79.340, and 29.79.350; and amending sections 3105 and 3109, Code of 1881 and RCW 29.65.010.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows: New section.

The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section: Required contents of voters' pamphlet.

(1) Upon the top portion of the first two opposing pages relating to said measure and not ex-

ceeding one-third of the total printing area shall appear:

(a) The legal identification of the measure by serial designation and number;

(b) The official ballot title of the measure;

(c) A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure.

(4) Following each argument each member of the committee advocating for or against a measure shall be listed by name and address to the end that the public shall be fully apprised of the advocate's identity.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in section 9.

New section.

SEC. 2. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

(1) The attorney general shall prepare the explanatory statements required to be presented on the

top portion of the two facing pages relating to each measure. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this amendatory act. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

Explanatory
statements—
Objections
thereto.

(2) Arguments advocating the voters' approval or rejection of any measure shall be prepared and submitted for printing by the committees created pursuant to sections 3, 4, and 5. Such arguments shall be the official arguments and no other arguments shall appear in the pamphlet as to such measure. Arguments may contain graphs and charts, supported by factual statistical data and pictures or other illustrations, but cartoons or caricatures shall not be permitted.

Arguments
on measures.

SEC. 3. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

New section.

Arguments for constructional amendments, referendum bills—Committee.

Arguments advocating voters' approval of any proposed constitutional amendment, referendum bill, or referendum measure shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator known to favor the measure and the presiding officer of the house of representatives shall appoint one state representative known to favor the measure. The two persons so appointed shall appoint a third member to the committee who may or may not be a member of the legislature.

New section.

SEC. 4. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Arguments against constitutional amendments, referendum bills—Committee.

Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and the presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature.

New section.

SEC. 5. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Arguments against referendum, for or against initiative measures—Committee.

Arguments advocating voters' rejection of any act passed by the legislature and referred to the people by referendum petition and arguments both for and against any initiative measure shall be composed and submitted for printing by committees created as follows:

(1) For arguments favoring any such measures, the presiding officer of the state senate, the presiding officer of the house of representatives and the secretary of state shall together appoint two persons known to favor the measure to serve on the committee. The two persons so appointed shall appoint a third person to the committee.

(2) For arguments against any such measures, the presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons to serve on the committee. Whenever possible, the two persons so appointed shall be known to have opposed the measure. The two persons so appointed shall appoint a third person to the committee.

SEC. 6. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows: New section.

Committees created pursuant to sections 3, 4, and 5 of this act shall elect from their members a chairman to conduct the business of the committee. Each committee may name other persons, not to exceed five, to serve as advisory committee members without vote. Committee
chairmen—
Vacancies.

In the event of a vacancy or vacancies in one of the committees, the remaining committee members or member, shall fill such vacancy or vacancies by appointment. Should any vacancy not be filled within fifteen days after it first occurs, the secretary of state shall fill such vacancy by appointment.

SEC. 7. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows: New section.

The secretary of state shall promulgate such rules and regulations as may be necessary to facilitate the provisions of this amendatory act including but not limited to the setting of final dates for the Rules and
regulations.

appointment of committees, for the filing of arguments and explanatory statements with his office, and for filing with his office a notice of any judicial review concerning the provisions of this amendatory act.

New section.

SEC. 8. There is added to chapter 138, Laws of 1913 and to chapter 29.79 RCW a new section to read as follows:

Form of amendments to Constitution.

Any proposed constitutional amendment which amends any part of the Constitution as it then exists shall be set forth in the following form: All deleted matter shall be set in italics and enclosed in brackets and all new material shall be underlined and there shall appear in bold face type between the caption and the body of the amendment, the following statement: "All words printed in italics are in the Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the Constitution as it now is written but will be put in if this amendment is adopted.": *Provided*, That if in the opinion of the secretary of state the proposed amendment is so extensive that the foregoing method is not practical then, in that case, the section of the Constitution as it stands at the time of the election and the Constitution as it will appear if amended shall be printed on facing pages headed in bold face type by the words "the Constitution as it is before amendment" and "the Constitution as it will be if amended."

SEC. 9. Section 1, chapter 30, Laws of 1917 (heretofore divided and codified as RCW 29.79.370 through 29.79.400) are divided and amended as set forth in sections 11 through 14 of this act.

RCW 29.79.370 amended. Publication date.

SEC. 10. (RCW 29.79.370) At least sixty days prior to any election at which any initiative or referendum measure is to be submitted to the people, the secretary of state shall cause to be printed in

pamphlet form a true copy of the serial designation and number, the ballot title, the legislative title, the full text of and the arguments for and arguments against each measure (including amendments to the Constitution proposed by the legislature) to be submitted to the people, and such other information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

SEC. 11. (RCW 29.79.380) All measures and arguments shall be printed in the following order:

RCW 29.79.380
enacted
without
amendment.

- (1) Those "Proposed by Initiative Petition";
- (2) Those "Proposed to the People by the Legislature";
- (3) Those "Proposed to the Legislature and Referred to the People";
- (4) Those "Initiated by Petition and Alternative by the Legislature";
- (5) "Amendments to the Constitution Proposed by the Legislature"; and
- (6) "Measures Recommending Constitutional Conventions."

SEC. 12. (RCW 29.79.390) All measures and arguments shall be printed and bound in a single pamphlet according to the following specifications:

RCW 29.79.390
amended.
—Pamphlet
—Make-up—
Specifications.

- (1) The pages of the pamphlet shall be not larger than eight and one-half by eleven inches in size;
- (2) The outside measurement of the printed matter of each page shall be not less than six by nine inches, including running head;
- (3) It shall be printed in clear readable type;
- (4) The pamphlet shall be printed on a quality and weight of paper which in the judgment of the secretary of state best serves the voters.

It shall be the duty of the secretary of state to publish in such pamphlets a table of contents and a brief alphabetical index of subjects.

RCW 29.79.400 amended. Printing costs —How paid.

SEC. 13. (RCW 29.79.400) The cost of printing and binding such pamphlets including the printing of arguments shall be paid from the moneys appropriated for printing for the secretary of state.

SEC. 14. Section 26, chapter 138, Laws of 1913, as last amended by section 4, chapter 144, Laws of 1933 (heretofore divided and codified as RCW 29.79.330 through 29.79.360) are amended to read as set forth in sections 16 through 19 of this act, RCW 29.79.330, 29.79.340, and 29.79.350 being hereby repealed.

Repeal.

SEC. 15. RCW 29.79.330 is hereby repealed.

Repeal.

SEC. 16. RCW 29.79.340 is hereby repealed.

Repeal.

SEC. 17. RCW 29.79.350 is hereby repealed.

RCW 29.79.360 enacted without amendment.

SEC. 18. (RCW 29.79.360) If in the opinion of the secretary of state any argument offered for filing contains any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language or matter the circulation of which through the mails is prohibited by any act of congress, the secretary of state shall refuse to file it: *Provided*, That the committee submitting such argument for filing may appeal to a board of censors consisting of the governor, the attorney general and the superintendent of public instruction, and the decision of a majority of such board shall be final.

Candidates pamphlet mailed to voters.

SEC. 19. There shall be mailed by the secretary of state to all voters of the state prior to each state general election a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein.

Nominee's statement and photo filed.

SEC. 20. Not later than forty-five days prior to the applicable state general election, each nominee for the office of United States senator, United States representative, governor, lieutenant governor, secretary of state, state treasurer, state auditor, at-

torney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, state senator, state representative, judge of the supreme court and judge of the superior court may file with the secretary of state a typewritten statement advocating his candidacy not to exceed three hundred fifty words per printed page accompanied by a photograph not more than five years old and suitable for reproduction. No such statement or photograph shall be filed by any person who is the sole nominee for any office.

SEC. 21. (1) The secretary of state shall reject any statement offered for filing, which, in his opinion, contains any obscene, profane, libelous or defamatory matter, or any language or matter, the circulation of which through the mails is prohibited by congress. Nor shall any nominee submit a photograph showing the uniform or insignia of any organization which advocates or teaches racial or religious intolerance.

Right to
reject state-
ment or photo
—Appeal.

(2) Within five days after such rejection the persons submitting such statement for filing may appeal to a board of review, consisting of the governor, attorney general and the lieutenant governor. The decision of such board shall be final upon the acceptance or rejection of the matter thus in controversy.

SEC. 22. Said nominees' statements and photographs as set forth in sections 19 and 20 of this act shall be published by the secretary of state as a candidates' pamphlet, the printing of which shall be completed no later than twenty days prior to the state general election concerned. The overall dimensions of such pamphlet shall be the same as the voters' pamphlet containing the text of state measures to be voted upon as set forth in RCW 29.79.390 and whenever possible shall be combined with the voters'

Candidates
pamphlets as
part of voters
pamphlet.

pamphlet as a single publication. Whenever such consolidation is possible, the candidates' portion of the text shall follow the text relating to the state measures.

Nominees to
pay cost—
Pages allot-
able.

SEC. 23. Nominees shall pay for one page of space in the candidates' pamphlet as follows:

(1) United States senator, United States representative and all nominees for state offices voted upon throughout the state, each two hundred dollars.

(2) State senator and state representative, each seventy-five dollars.

All such payments shall be made to the secretary of state when the statement is offered to him for filing and be transmitted by him to the state treasurer for deposit in the general fund.

Nominees for president and vice president shall each be entitled to one page without charge and each political party nominating a presidential candidate shall be entitled to one page without charge. Said nominees and political parties may each purchase additional pages at the rate of one hundred dollars per page not to exceed three additional pages.

Pamphlets
printed for
regional dis-
tribution—
Position
sequence.

SEC. 24. Whenever practical, the secretary of state shall cause the pamphlets to be printed so that no candidate's picture or statement shall be included in the copy of the pamphlet going to any county where such candidate is not to be voted for.

The candidates' photographs and statements shall appear in the pamphlet in the same sequence as the positions sought appear on the state general election ballot.

Rules and
regulations.

SEC. 25. The secretary of state, as chief election officer, shall make rules and regulations, not inconsistent with this act, to facilitate and clarify any procedures contained herein.

SEC. 26. Sections 3105 and 3109, Code of 1881 (heretofore combined and codified as RCW 29.65-.010) are each amended to read as follows:

RCW 29.65.010
amended.

(RCW 29.65.010) Any registered voter may contest the right of any person declared elected to an office to be exercised in the county, district or precinct of his residence, for any of the following causes:

Contests—
County,
precinct—
Registered
voter may
start—
Grounds.

(1) For malconduct on the part of any member of any precinct election board involved therein;

(2) Because the person whose right is being contested was not at the time he was declared elected eligible to that office;

(3) Because the person whose right is being contested was previous to the election convicted of a felony by a court of competent jurisdiction, his conviction not having been reversed nor his civil rights restored after the conviction;

(4) Because the person whose right is being contested gave a bribe or reward to a voter or to an inspector, judge or clerk of election for the purpose of procuring his election, or offered to do so;

(5) On account of illegal votes.

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