



Administrative Rules
Whatcom County Local Voters' Pamphlet

Amended Effective March 21, 2016

Purpose:

Establish rules and requirements for participation, production, and distribution of the local voters' pamphlet.

Rules:

Notice of Intent to Publish a Local Voters' Pamphlet (RCW 29A.32.220; WC Charter 3.52)

The County Auditor will notify all jurisdictions within the county of the intent to publish and distribute a local voters' pamphlet not later than 90 days before the publication and distribution of the pamphlet. A memo and information will be sent in October and in March via e-mail or standard mail to the jurisdiction's contact on file with the Election Division of the Auditor's Office.

Inclusion in the Local Voters' Pamphlet (RCW 29A.32.220)

All jurisdictions with a race or measure on the ballot will participate in the local voters' pamphlet. A full printed pamphlet will be published for the primary and general elections. An abbreviated format pamphlet will be produced for any special elections. In the case of a city, the city as allowed by state law may opt to produce its own local voters' pamphlet.

Distribution of the Local Voters' Pamphlet

The local voters' pamphlets will be distributed to the households in each jurisdiction that has information included in the pamphlet. The Auditor may choose to mail the pamphlet to each registered voter in each jurisdiction that has included information in the pamphlet, if that is more economical. The pamphlets will NOT be mailed to any businesses or post office boxes.

Notice of Deadlines and Requirements

- **Cities and Districts:** The County Auditor will notify jurisdictions of their responsibilities, requirements, and deadlines by a memo and information sent in October and again in March.

Administrative Rules for Whatcom County Local Voters' Pamphlet (cont.)

- **Candidates:** Subsequent to the approval of a candidate's Declaration of Candidacy, the County Auditor will notify the candidate via e-mail with a link to the Whatcom County Candidate Filing Guide. The guide contains statement and photo submission requirements and deadlines. The filing guide will also be available on the Auditor's website prior to filing week.
- **Deadlines that fall on a weekend:** In the event any deadline falls on a weekend, the deadline will be the following Monday.

Costs Associated with the Local Voters' Pamphlet (RCW 29A.32.220, RCW 29A.32.270)

The cost to produce, print, and mail a local voters' pamphlet is an election cost that is included in the billing when jurisdictions with a race or measure on the ballot are billed for their portion of the cost of the election.

The County Council has the authority to waive financial responsibility of any jurisdiction or district where participation in the local voters' pamphlet would create undue financial hardship. A petition from a jurisdiction or district must be submitted to the County Council no later than 60 days before the publication of the local voters' pamphlet. A jurisdiction receiving a waiver for local voters' pamphlet costs will continue to be responsible for their remaining portion of the cost of the election.

Local Voters' Pamphlet Content (RCW 29A.32.241)

The local voters' pamphlet will include at a minimum:

1. A cover page containing the words "Official Local Voters' Pamphlet", "Whatcom County", and the date of the election.
2. A list of jurisdictions that have measures or candidates in the pamphlet.
3. Information on how a person may register to vote and obtain a ballot.
4. A list of ballot drop sites and where voting devices for persons with disabilities will be available, subject to change.
5. The text of each measure accompanied by an explanatory statement prepared by the Prosecuting Attorney for any county measure or by the attorney for the jurisdiction submitting the measure for any non-county measure.
6. Arguments for and against each measure submitted by committees pursuant to RCW 29A.32.280.
7. Statements and/or photographs of the candidates.

8. For partisan primary elections, information on how to vote the applicable ballot format and an explanation that minor political party candidates and independent candidates will appear only on the general election ballot.
9. For any primary election, if a printed voter pamphlet is not provided by the State, the *printed* Whatcom County Primary Election voters' pamphlet will include state candidates and ballot measures.

Ballot Measure Explanatory Statements (RCW 29A.32.241; 29A.32.230)

The explanatory statement should tell what the current law is and what the results of passage of the ballot measure would be, not to exceed 100 words.

The Prosecuting Attorney will prepare an explanatory statement for any *county* ballot measure and the attorney for the city or district will prepare an explanatory statement for the city or district measure. All explanatory statements for city or district measures will be reviewed and approved by the Prosecuting Attorney. The Prosecuting Attorney will discuss any changes with the attorney for the city or district prior to approving the final statement. Notification of the accepted or rejected explanatory statement will be made via e-mail or standard mail to the "district contact person #1 and #2" from the Ballot Measure Coversheet. (See below for "Statement Rejections" criteria.)

Any appeal to the rejection of an explanatory statement must be filed no later than 5 business days after the notice of rejection. The appeal must be in the form of a petition to the Superior Court of Whatcom County with a copy to the Auditor's Office and the attorney who prepared or reviewed the statement. The Superior Court decision will be final.

Any challenge to an explanatory statement from an individual not associated with the district that developed the statement must be filed no later than 5 business days after the due date for explanatory statement submission. The challenge must be in the form of a petition to the Superior Court of Whatcom County with a copy to the Auditor's Office and the attorney who prepared or reviewed the statement. The Superior Court decision will be final.

Appointing "For" and "Against" Committees for a Ballot Measure

The jurisdiction will formally appoint a committee of not more than three who are "for" the measure to prepare a statement advocating voters' approval of the measure and a committee who are "against" the measure to prepare a statement advocating voters' rejection. While each committee will have no more than three members, a committee may seek the advice of any person or persons. Each committee will identify a chair who will serve as the primary contact for the Auditor's Office.

The deadline for the appointment of committees is the resolution deadline for the election in which a ballot measure will appear. (RCW 29A.32.280)

A diligent effort must be made by the jurisdiction to appoint a committee "For" and a committee "Against" the measure. "Diligent effort" is defined as attempting to solicit participation by at least three of the following means:

- Posting the request on the jurisdiction's website, if they have one.
- Requesting volunteers to serve at any commissioner meeting when the proposal is being discussed.
- Making direct phone calls to potential individuals.
- Putting up flyers on bulletin boards in libraries, grocery stores, or other community boards
- Submitting a news release or letter to the editor to the newspaper (whether for printed version or on-line version) requesting volunteers. (A "paid ad" in the Legal Notices is not required.)
- Posting on a reader board or sandwich board.
- Recruiting at any district events, i.e. monthly pancake feed, etc.

A list of efforts made will be provided to the Auditor's Office when submitting the measure. The Auditor will review the efforts, confirming at least three of the suggestions were tried. If the Auditor determines further attempt should be made, the Auditor will make an effort seeking participants or attempt to identify interested individuals and appoint them to a committee.

Persons drafting statements for or against measures appearing in the local voters' pamphlet who are officers, employees, or representative of any organization may only be designated as such if that organization has taken an official action to support or oppose the measure, as the case may be.

For/Against Committee Statements

The Auditor's Office will mail to all jurisdictions the requirements, deadlines, and forms needed for committee statement submittals. Committee statements are due five days after the resolution deadline for the election in which a ballot measure will appear. The jurisdiction will be responsible for ensuring the committees receive the requirements and forms. It is not the Auditor's responsibility to ensure that committees have read the requirements.

Committee Rebuttal Statements

Upon receipt of "For" and "Against" statements, the Auditor's Office will email copies to the opposing committee's Chair so that each can write a rebuttal, **not to exceed 75 words and not to exceed one paragraph**. Rebuttals are due 3 days after the statement deadline. If the deadline falls on a weekend, the deadline will be the following Monday. The rebuttal statements must address the opposition argument and not inject any new issue.

Rebuttal statements will not be shared with the opposing committee until both rebuttals have been received and reviewed.

The failure of a "For" or "Against" committee to submit a statement will disqualify that committee from submitting a rebuttal statement.

Once submitted, statements and rebuttals cannot be modified or withdrawn.

Statement Rejections

If the Auditor has any question as to whether any statements may not conform to submission requirements or may contain language which is defamatory or otherwise inappropriate, such questions will be referred to the Prosecuting Attorney. Committees will be notified via email and/or telephone if their statement or any portion of it has been rejected for any reason. Committees will have three (3) days after the rejection notice is sent to submit a re-written statement.

Committees can file an appeal with the Auditor within two (2) days of receiving the notice of rejection. The Prosecuting Attorney will render a decision of the appeal within two (2) days, and the decision will be final. In the event a Prosecuting Attorney participated in the initial review and rejection, a second Prosecuting Attorney will review the statement on appeal. The committee will be notified of the Prosecuting Attorney's decision.

Public Inspection of Statements

Statements submitted for publication in the local voters' pamphlet are not available for public inspection or copying until all statements and rebuttals pertaining to the specified ballot measure have been received and reviewed.

Candidate Statements and Photos

A statement and photo may be submitted by a candidate on the ballot in a primary or general election in which a local voters' pamphlet is produced *except* for candidates that will be included in a state, judicial, city, or other voters' pamphlet or for Precinct Committee Officer candidates.

Subsequent to the approval of a candidate's Declaration of Candidacy, the County Auditor will notify the candidate via e-mail with a link to the Whatcom County Candidate Filing Guide. The guide contains statement and photo submission requirements and deadlines. The filing guide will also be available on the Auditor's website prior to filing week.

Only those candidates who participate in the Primary Election will have an opportunity to submit a revised statement for the General Election. Notification of the statement deadline will be sent after certification of the Primary.

Candidate statements will be printed exactly as submitted by the candidates and will not be checked for grammar, punctuation, spelling, or accuracy.

Candidate Statement Rejections

Any statement by a candidate will be limited to those about the candidate himself or herself, and will not contain profane, libelous, or defamatory language or any matter prohibited by federal and/or state

Administrative Rules for Whatcom County Local Voters' Pamphlet (cont.)

law. Any such statements will be reviewed by the Prosecuting Attorney and the candidate will be notified of the prosecutor's determination.

Candidates will be notified via email and/or telephone if their statement or any portion of it has been rejected for any reason. Candidates will have three (3) days after the rejection notice to re-write the statement.

Candidates can file an appeal with the Auditor within two (2) days of receiving the notice of rejection. The Prosecuting Attorney will render a decision of the appeal within two (2) days, and the decision will be final. In the event a Prosecuting Attorney participated in the initial review and rejection, a second Prosecuting Attorney will review the statement on appeal. The candidate will be notified of the Prosecuting Attorney's decision.

Format and Distribution of the Local Voters' Pamphlet

The County Auditor's Office retains absolute control over content and format including whether to print independently or to print in combination with the State Voters' Pamphlet.


Omission of Statement or Errors In the Pamphlet

In the event a statement "For" or "Against" a ballot measure or a candidate's statement is inadvertently left out of the pamphlet or not printed in its entirety, or some other error was made by the Election Division, the Auditor, in consultation with the Prosecuting Attorney, will determine the best, most practical remedy, including contacting local newspapers and radio stations with statements correcting the omission or error, and posting a correction on the County Auditor's election website. The pamphlet will not be reprinted and distributed in its entirety.

Adopted by:



Debbie Adelstein, Whatcom County Auditor



Date

Effective Date: March 21, 2016