

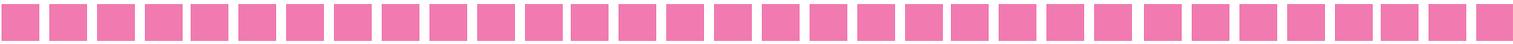


Whatcom County Local Voters' Pamphlet

Administrative Rules For Jurisdictions

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Establishing a Local Voter's Pamphlet



Purpose of Administrative Rules

(RCW 29A.32.230)

The Administrative Rules explain the procedures and requirements for participation, production, and distribution of the local voters' pamphlet for jurisdictions.

Notice of Intent to Publish a Local Voters' Pamphlet

(RCW 29A.32.220)

The Whatcom County Auditor's Office will print and distribute a local voters' pamphlet for every election. Annually, Whatcom County will notify all jurisdictions within the county of its intent to publish a local voters' pamphlet for each election. Notification will be sent at least 90 calendar days before the printing date of the local voters' pamphlet. Notification will be made by email or standard mail to the district contact person on file with the Auditor's Office.

Content

(RCW 29A.32.241)

All jurisdictions with a race or measure on the ballot will be included in the local voters' pamphlet.

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. 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 if other than a county measure. All explanatory statements for city, town, or district measures not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the county prosecuting attorney or city attorney, when applicable, before inclusion in the pamphlet;
5. Arguments for and against each measure submitted by committees selected pursuant to RCW 29A.32.280.
6. Statements and photos submitted by Whatcom County candidates with races on the ballot.
7. Location and hours of the student engagement hub in the county.
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.



Local Jurisdictions are Included

(RCW 29A.32.220)

For each local ballot measure, the jurisdiction must provide information that will be included in the pamphlet. The information includes the ballot title and an explanatory statement. The local jurisdiction is also responsible for appointing committees to develop for and against statements for each ballot measure.

Distribution

Primary and General election pamphlets will be mailed separately a few days before ballots go in the mail. For February & April special elections the pamphlet will usually be an insert mailed with the ballot.

Costs Associated with the Local Voters' Pamphlet

(RCW 29A.04.410)

The cost of preparing a local voters' pamphlet is billed to local jurisdictions included in the pamphlet. It is prorated and charged in the same manner as other election costs. Each jurisdiction is responsible for paying its proportionate share of costs.

Financial Hardship (undue hardship waiver)

(RCW 29A.32.220)

The Whatcom County Council has the authority to waive financial responsibility of any jurisdiction where participation in the local voters' pamphlet would create undue financial hardship. A petition from a jurisdiction must be submitted to the Whatcom County Council and County Auditor no later than 60 days before the publication of the local voters' pamphlet.

A jurisdiction receiving a financial hardship waiver for local voters' pamphlet costs will continue to be responsible for their remaining portion of the cost of the election.

If a waiver is granted, the district's candidate(s) and/or ballot measure(s) will not be included in the local voters' pamphlet. There will be no mention of the missing candidates/ballot measures in the pamphlet. Publication of the pamphlet is defined as the date on which the County Auditor signs the final pamphlet proof and sends it to the printer.

Submissions by Local Jurisdictions



Ballot Titles for Local Measures

The official ballot title for measures submitted to the voters of a city shall be prepared by the city attorney. The official ballot title for measures submitted to the voters of a local government other than a city (e.g., a county, fire district or school district) shall be prepared by the Whatcom County Prosecuting Attorney.

The format and content requirements for local measure ballot titles are very specific and must conform to state law (RCW 29A.36.071). Each ballot title must contain the following elements:

1. **identification of the enacting legislative body.**
2. **a statement of the subject matter not exceeding 10 words in length.**
3. **a concise description of the measure not exceeding 75 words in length. Word count starts after “This measure would”.**
4. **a question.**

The number above correlates with format and content requirements in the sample ballot title on the right. Numbering is not required upon submittal. The proposition number will be assigned by the County Auditor.

(RCW 29A.36.071)

Sample Ballot Title

1. Whatcom County Fire Protection District 21 Proposition 1
2. Authorizing Regular Property Tax Levy

The Board of Fire Commissioners of Whatcom County Fire Protection District 21 (the “District”), adopted Resolution No. 2021-04 concerning a proposition to authorize the District’s regular property tax levy. This measure would **3.** authorize a regular property tax levy of \$1.45 per \$1,000.00 of assessed valuation in 2021 (for collection in 2022) and would thereafter be subject to any otherwise applicable statutory dollar rate limitations. The dollar amount of this levy would be used for the purpose of computing the limitations for subsequent levies under RCW 84.55.050.

4. Should this proposal be approved?

Yes []

No []

Upon receipt of the final official ballot title from the Prosecuting Attorney, city attorney, the Auditor’s Office will notify the jurisdiction contact person and anyone else who requests a copy via letter or email. The language on the ballot and explanatory statement is approved by the Auditor’s Office before publication.

Ballot Title Appeal

(RCW 29A.36.090)

Persons dissatisfied with the ballot title for a local measure written by the city attorney, or Prosecuting Attorney may appeal to the Whatcom County Superior Court, pursuant to RCW 29A.36.090. Each ballot title must be accompanied by an explanatory statement, pursuant to RCW 29A.32.241



Explanatory Statements

(RCW 29A.32.241; 29A.32.230)

The explanatory statement explains the measure’s purpose, the financial impact, and the laws/statutes that will be affected by the measure’s passage. Explanatory statements must be 100 words or less.

The Prosecuting Attorney will prepare an explanatory statement for any county ballot measure and the attorney for the city or jurisdiction will prepare an explanatory statement for the city or jurisdiction measure. All explanatory statements for city or jurisdiction measures will be reviewed and approved by the Prosecuting Attorney. The Prosecuting Attorney will discuss any changes with the attorney for the city or jurisdiction prior to approving the final explanatory 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.

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.

Statement Formatting Criteria

	Word Limit	Formatting Allowed	Formatting Not Allowed
Explanatory Statement	100	<i>Italics</i> , one paragraph	bold, ALL CAPS, <u>underlining</u> , lists, bullets, more than one paragraph



Jurisdictions to Appoint Committees

(RCW 29A.32.280)

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.

Persons drafting statements "for" or "against" measures appearing in the local voters' pamphlet who are officers, employees, or a 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.

The deadline for the appointment of committees is 12:00pm (noon) on the resolution deadline for the election in which a ballot measure will appear. Requests must be emailed to elections@co.whatcom.wa.us.

The appointed committee must abide by the specified timelines for submitting statements for that election.

It is not the responsibility of the Auditor's Office to coordinate communications between committee members or to arbitrate disagreements among them.

If a committee member wishes to withdraw, he or she must notify the Auditor's Office by email at least 24 hours prior to the submittal deadline for the statement.

If the jurisdiction is unable to appoint either a For or Against Committee, a list of efforts made is required when submitting the measure to the Auditor's Office. The Auditor will review the efforts, confirming at least three of the suggestions were tried. Review "When Committees are not Formed" (next page) for list of acceptable efforts.



When Committees are not Formed

(RCW 29A.32.280)

A district that fails to appoint “For” and “Against” committees by the deadline is required to complete the committee appointment form and provide proof of the diligent efforts made. Diligent efforts are defined as attempting to solicit participation by at least three of the following means:

- Posting the request on the jurisdiction’s website.
- 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 newspapers (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.
- Putting notice in emails or newsletters sent to individuals in the district
- Inserts in bills
- Other direct mail/email notifications

The Auditor’s office, in its sole discretion, may seek to fill vacant committee appointments through press releases, notices on the Election Division’s website, and any other means necessary. The following criteria will be used when appointing members:

- * Must be a registered voter in the district proposing the measure
- * Have an email address and the demonstrated ability to communicate rapidly by email
- * Agree to work collaboratively with other committee members
- * Agree to abide by specified election timelines

Committee appointments are made in order of received email to the auditor’s office by a qualified person. The first person appointed will be designated the chairperson for the committee. Appointed committee members will be notified by email.

If the committee is unable to agree or if multiple statements are submitted, the statement submitted by the chairperson will be the statement printed in the local voters’ pamphlet.

Committee Statement & Rebuttal Requirements

Word Limits;

- Statements are allowed up to 200 words, using up to 4 paragraphs.
 - If the statement is over the 200-word limit, the Auditor’s Office will attempt to notify the committee Chair with a request to reduce the word count. If there is no reply within 24 hours, the Auditor’s Office will simply remove the words that are in excess from the end of the statement until a sentence break is reached that falls within the word count.
- Rebuttals are allowed up to 75 words, using only one paragraph.
 - If the rebuttal is over the 75-word limit, it will be shortened by full sentences, beginning with the last sentence, to be within the word limit.
- Microsoft Word will be used to determine word count.

Formatting;

- Allowed: use of italics
- Not Allowed: bold, underlining, all caps, tables, lists, bullets.
 - If the statement or rebuttal contains formatting not allowed, it will be removed and left as plain text.

General Rules for statements and rebuttals;

- Committee member names will be printed in the local voters’ pamphlet. Names will be printed as submitted on the committee appointment form. If the committee indicated a name on the form, it will be included in the pamphlet. Titles of committee members will not be published in the local voters’ pamphlet.
- If both “For” and “Against” statements are submitted, the Election Division will email the text of the statement to the chair of the committee for the opposing committee listed on the committee appointment form. Other members will be copied (cc’d).
- Once submitted, statements may not be withdrawn or changed.
- The failure of a committee to submit a “For” or “Against” statement will disqualify the committee from submitting a rebuttal statement.
- Rebuttal statements are not required; however, it gives each committee an opportunity to provide a response to the opposing statement.
- Rebuttal statements may not interject new issues or arguments and are limited to addressing issues and arguments raised in the opposing statement.

	Word Limit	Formatting Allowed	Formatting Not Allowed
Statements For & Against	200	<i>italics</i> and up to four paragraphs.	bold, ALL CAPS, underlining, lists, bullets, more than four paragraphs
Rebuttal Statements	75	<i>Italics</i> , one paragraph	bold, ALL CAPS, <u>underlining</u> , lists, bullets, more than one paragraph
Committee Contact Info.	No limit	Committee name & member names	Titles of committee members (Dr., President, Ph.D etc.)



Content Rejection Process

(RCW 29A.32.230)

The Auditor's Office reserves the right to reject any submission to the local voters' pamphlet if it does not meet submission requirements. Material submitted for publication in the local voters' pamphlet may be rejected if it:

- is obscene;
- is libelous;
- contains a commercial advertisement;
- contains matter prohibited by law from distribution through the mail;
- contains matter not relevant to the measure;
- contains matter that is otherwise inappropriate or does not comply with applicable law; or
- was received after the submittal deadline.

If an explanatory statement, “for” or “against” statement, rebuttal statement, or contact information is rejected by the Auditor a written notice of rejection shall be sent to the committee chair by email within 48 hours after receipt thereof that shall explain specific grounds for rejection. The committee will have 24 hours (next business day) from the time of notification to submit an revised statement or contact information as long as their rejected material was submitted on time.

Content Appeal Process

The committee chair of a rejected explanatory statement, “For” or “Against” statement, rebuttal statement, or contact information may appeal the Auditor’s decision. A written notice of appeal shall be submitted by email (elections@co.whatcom.wa.us) no more than 48 hours after the notice of rejection was sent and shall explain the specific grounds for appeal. A written decision shall be issued granting or denying the appeal by email no more than 48 hours after receiving the notice of appeal. The decision to grant or deny an appeal shall be final.

If material is rejected, the local voters’ pamphlet will be printed with the rejected material omitted and the appropriate space left blank.

Contents Sole Responsibility of Authors

The contents of explanatory statements, “For” and “Against” statements, and rebuttal statements are the sole responsibility of the authors and do not represent the position of the Auditor or Whatcom County regarding the measure or of any material contained therein; neither the Auditor nor Whatcom County is responsible for the validity or accuracy of the statements.

The following statement is printed on each page containing a local ballot measure; *Statements For, Statements Against, and Rebuttals are the opinions of the authors and have not been checked for accuracy by any government agency.*

Public Inspection of Statements

(RCW 29A.32.100)

Statements submitted for publication in the local voters’ pamphlet shall not be available for release to the public until all statements pertaining to the specified ballot measure have been received, unless a committee was not appointed for one side, or the deadline for submission has elapsed. Requests for public inspection of arguments or statements shall be made in the same manner as requests for public records.