



# Administrative Rules and Regulations

## Official Local Voters' Pamphlet

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Last Amended – March 27, 2009

### Summary of Changes:

Changed candidate statement word limit from 200 words to 150 words – See Section 14.2.

- 1.0 SUBJECT:** Pierce County Local Voters' Pamphlet: Requirements for Participation & Jurisdictions.
- 1.1 EFFECTIVE DATE: March 27, 2009
- 1.2 TYPE OF ACTION: New, amended
- 2.0 INTENT:** It is the County's intent to publish an Official Local Voters' Pamphlet for all Primary, General, and Special Elections to establish uniform requirements and procedures for the jurisdictions within Pierce County with regard to participation in and contribution to its preparation and distribution as permitted by state law.
- 3.0 ORGANIZATIONS AFFECTED:**
- 3.1 Each city, town, and special taxing district located wholly or partially within Pierce County will be included in the Voters' Pamphlet. First class or code cities shall not be included in the pamphlet if the city publishes and distributes its own Voters' Pamphlet for the primary or general election for its offices and measures.
- 3.2 The Pierce County Council, as determined by law to be the legislative authority of the "participating jurisdiction".
- 3.3 The Pierce County Auditor's Office.
- 4.0 REFERENCES:**
- 4.1 Revised Code of Washington (RCW), Chapter 29A.32 - Local Voters' Pamphlets.
- 4.2 Pierce County Code, Chapter 1.20

## **5.0 DEFINITIONS:**

- 5.1 “Official Local Voters’ Pamphlet” shall mean a pamphlet prepared by the Pierce County Auditor’s Office containing information on local ballot measures and candidates within Pierce County, and containing information including but not limited to registration and voting procedures.
- 5.2 “Jurisdiction” shall mean any city, town, or taxing district located within Pierce County.
- 5.3 “County Legislative Authority” shall mean the Pierce County Council.
- 5.4 “Explanatory Statement” shall mean the statement prepared by the appropriate jurisdiction’s attorney stating the effect of a ballot measure, if passed into law.
- 5.5 “Auditor” shall mean the Pierce County Auditor.
- 5.6 “Deadline” shall mean as of close-of-business for the Auditor’s Office (4:30 p.m.) on the day referenced.
  - 5.6.1 Deadlines indicated by “not later than a specified number of days before an election”, shall mean the number of calendar days counted backwards starting with and including the day before the election date.
  - 5.6.2 If the deadline day as determined above falls on a Saturday, Sunday, or legal holiday, the actual deadline date shall be defined as the preceding working day unless otherwise indicated.
- 5.7 “Measure” includes any proposition or question submitted to the voters of any specific constituency. It does not include the entire text of the ordinance or resolution passed by the jurisdiction submitting the measure to the voters.
- 5.8 “Ballot or Ballot Title” refers to the issues or offices to be voted upon in jurisdiction or portion of a jurisdiction at a particular primary, general or special election.

**6.0 NOTIFICATION:** A notification letter will be issued to all Pierce County jurisdictions prior to the first of each calendar year stating that a Voters’ Pamphlet will be published for all future Primary, General, and Special county elections.

## **7.0 CONDITIONS:**

- 7.1 The Pierce County Council has mandated the publication and distribution of a local voters' pamphlet for each Primary, General, and Special election.
- 7.2 A first class or code city shall not be included in the pamphlet if the city publishes and distributes its own Voters' Pamphlet for the primary or election for its offices and measures. First class or code cities may enter into a local agreement or obligate by ordinance for the County to produce the Local Voters' Pamphlet for the jurisdiction.
- 7.3 If a city, town, or district is located within more than one county, the respective County Auditors may enter into an interlocal agreement to permit the distribution of each county's Local Voters' Pamphlet into those parts of the city, town, or district located outside of that county.
- 7.4 If at the close of official filing week, it is determined that no Primary will be held for a particular office, candidate statements for that office will be printed only in the pamphlet issued for the General Election unless a city charter provides otherwise. The City of Tacoma charter provides candidates appear in the Primary pamphlet regardless of whether that office will appear on the Primary ballot. (Section 5.6 Tacoma City Charter).

## **8.0 WAIVER OF PARTICIPATION:**

- 8.1 If the required appearance in a county Voters' Pamphlet of the offices or measures of a unit of local government would create undue financial hardship for the unit of government, the legislative authority of the unit may petition the Pierce County Council to waive this requirement. The Pierce County Council may provide such a waiver if it does so not later than 60 days before the publication of the pamphlet.
- 8.2 If a local unit of government wishes to petition the county council for such a waiver, the petition process must begin not more than 90 days and not less than 75 days before the election.
- 8.3 The cost of a Local Voters Pamphlet shall be considered an election cost to those local jurisdictions included in the pamphlet and shall be pro-rated in the manner provided in RCW 29A.04.410, RCW 29A.32.270.

## **9.0 DEADLINES FOR SUBMISSION OF MATERIALS FOR PUBLICATION:**

- 9.1 All candidates' statements and photos must be submitted to the Auditor no later than the close of business (4:30 p.m.) on the Monday following the last day of official filing week. Statements and photos are accepted in person, by mail, and electronically. Once submitted, statements may not be withdrawn or changed, except for grammatical or typographical errors. If a special 3-day filing period is required, all candidate statements are due at the time of filing the Declaration of Candidacy.
- 9.2 Local jurisdictions requesting offices or measures to be placed on the upcoming election must submit any written or photographic material to be included in the Voters' Pamphlet along with their election request not later than the resolution cutoff. Voter Pamphlet materials are accepted in person, by mail, and electronically. Once submitted, they may not be withdrawn or changed.
- 9.3 For each measure from a jurisdiction that is included in the Local Voters' Pamphlet, the legislative authority of the jurisdiction shall formally appoint a committee supporting the measure and a committee opposing the measure whenever possible. Once appointed, the committees are solely responsible for submitting their argument statements to the Auditor not later than the prescribed deadline.
- 9.4 If both "For" and "Against" Statements are received, Rebuttal Statements will be accepted. Statements will be forwarded to each committee either electronically, by fax or by mail. Rebuttals are due from the committee at the close of business on the prescribed deadline.

## **10.0 COMPOSITION:** As required by state law, the voters' pamphlet shall contain at a minimum the following information:

- \* Ballot Title
- \* An explanatory statement prepared by the jurisdiction and approved by the jurisdiction's attorney describing the effect if the measure passed.
- \* Arguments for and against each measure and rebuttals to be submitted by committees selected for that purpose.
- \* Photos and statements from candidates for elective public office.
- \* The complete text of county charter amendments showing additions and deletions.
- \* Instructions on the process for registering, applying for absentee ballots, and voting.

## **11.0 SPECIFICATIONS - STATEMENTS FOR BALLOT MEASURES:**

- 11.1 Explanatory statement: An explanatory statement shall be prepared for each measure included in the voters' pamphlet. It shall be prepared in block paragraph style, not to exceed 200 words in length, by the responsible jurisdiction and must be reviewed by the jurisdiction's attorney. The statement shall cover only the anticipated effect of the measure in the event that it is passed into law. Statement may be submitted on a cd or electronically. A hard copy may also be requested.
- 11.1.1 A cover letter confirming a review of the explanatory statement signed by the jurisdiction's attorney must accompany the explanatory statement upon its submission to the Auditor.
- 11.1.2 In the event that a jurisdiction does not have a letter of review from their attorney concerning the explanatory statement, or if a jurisdiction does not retain legal counsel to do the review, the statement shall be submitted to the Prosecuting Attorney's Office for review. In this instance, the explanatory statement must be submitted to the prosecutor no later than 10 days prior to the Resolution cutoff.

## **12.0 ESTABLISHMENT OF STATEMENT COMMITTEES**

- 12.1 For each measure from a jurisdiction that is included in the Local Voters' Pamphlet, the legislative authority of the jurisdiction shall formally appoint a committee supporting the measure and a committee opposing the measure whenever possible. Once appointed, the committees are solely responsible for submitting their argument statements in accordance with the specified timeline for that election.
- 12.2 It is the responsibility of the jurisdiction to make every effort to contact supporters and opponents of the measure to write the arguments for or against so that they may meet the deadline. The jurisdiction shall whenever possible appoint persons known to favor the measure to serve on the committee advocating approval and appoint persons known to oppose the measure to serve on the committee advocating rejection. Each committee shall not have more than three members; however, a committee may seek the advice of any person or persons.
- 12.3 If the legislative authority of a unit of local government fails to make such appointments by the prescribed deadline, the County Auditor shall, whenever possible, make the appointments. The assignment of up to three committee members will be made on a first come, first serve basis. All arguments must be received by the prescribed deadline. Arguments may be submitted on a cd or electronically. A hard copy may also be requested.

- 12.4 The supporting and opposing statements are limited to 150 words in block paragraph form. Bullets, multiple indents, words in all CAPS, and underlining are **NOT** allowed. Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will not count toward the maximum word count of the argument. No headings may be used in Rebuttal statements. Statements are due by the prescribed deadline.
- 12.5 The name of the committee and the three committee member names listed on the statement form will be included in the pamphlet, but not be included in the statement word count. No titles for individuals will be published. Each committee must submit at least one form of contact information for inclusion in the voters' pamphlet consisting of: a phone number, an email address, or website address which will not count toward the maximum word allowance.
- 12.6 Rebuttals will be accepted if a "Statement For" and a "Statement Against" are submitted on the date due. A copy of the original statement will be forwarded to the opposing committee. The rebuttal is limited to 75 words. Headings, bullets, multiple indents, words in all CAPS, and underlining are **NOT** allowed. Rebuttals may not interject new points; they must address only issues raised in opposing arguments. If the Rebuttal Statement is not submitted by the date due, it may not be printed.
- 12.7 The Auditor reserves the right to make minor typographical or grammatical changes as appropriate.
- 12.8 The Auditor shall have the authority to grant any deadline extension that he/she feels is in the best public interest. All extensions shall be equally granted to opposing candidates or committees.

### **13.0 SPECIFICATIONS FOR CANDIDATE PHOTOS**

- 13.1 Candidates may submit a photo along with their statement for the Pamphlet prior to the deadline. If no photo or statement is received, a statement stating "No photo submitted" or "No statement submitted" will appear in the Voters' Pamphlet.
- 13.2 Candidate photos must have been taken within the last 5 years and determined by the Pierce County Auditor to be suitable for reproduction in the Pierce County Local Voters' Pamphlet. Photo must show only the candidate's face, neck, and shoulders in the manner of a portrait with a light (not white) background. RCW 29A.32.110 provides,

“All photographs of candidates submitted for publication must conform to standards established by the secretary of state by rule. No photograph may reveal clothing or insignia suggesting the holding of a public office.” The Secretary of State has promulgated a regulation, WAC 434-381-140, as follows: “No photograph submitted for inclusion in the voters pamphlet may reveal clothing or insignia suggesting the holding of a public office. Examples of such clothing or insignia include, but are not limited to, judicial robes, law enforcement or military uniforms, official seals or symbols similar thereto other than the flag of the state of Washington, or other similar indicia of public office.” The photo must not include other images, such as the candidate’s hands, anything held in hands, or other people. The photo may be submitted on a cd or electronically. A hard copy may also be requested.

- 13.3 Once the photo is submitted, it becomes property of the Auditor’s Office. Therefore, if a candidate is likely to appear in a publication other than the Pierce County Voters’ Pamphlet, the candidate should be able to provide that photo without the assistance of the Auditor’s Office. The Auditor’s Office cannot be responsible for your photo appearing in publications other than the Official Local Voters’ Pamphlet.

If a candidate does not have a photo, the Elections Division may offer a photography service at the discretion of the Auditor. If the candidate is unable to sit for the photo immediately after filing, an appointment can be made to have the photo taken at a later time, up to the Friday following the close of official filing week.

#### **14.0 SPECIFICATIONS FOR CANDIDATE STATEMENTS:**

- 14.1 Candidates must submit their statements by 4:30 p.m. on the Monday following the last day of official filing week. City of Tacoma candidate statements, photos and sponsor lists will be forwarded to the City Clerk to review for compliance with the Tacoma City Charter and the City of Tacoma Administrative Rules & Regulations.
- 14.2 All candidate statements have a standardized format focusing on specific areas of a candidate’s background: education, occupation, professional qualifications, personal information, community involvement, and personal views. The headings are not counted into the 150-word limit allowed the candidate. THE STANDARDIZED FORMAT IS MANDATORY. If a response under a heading is omitted, the heading will appear in the printed statement with no response after it. If no statement is received, the following will be printed next to the candidates’ name: “No statement was received.”
- 14.3 Length: The maximum number of words for each candidate shall be 150.

- 14.4 Format: Emailed statements and photos are preferred, sent to [pcvoterpamphlet@co.pierce.wa.us](mailto:pcvoterpamphlet@co.pierce.wa.us). Candidates who email statements and/or photos will receive a confirmation email. It is the responsibility of the candidate to ensure his or her statement and photo have been received by our office. A standardized form will be provided that includes statement format and contact requirements. If the candidate fails to provide contact information using the standardized form, the contact information provided on the declaration of candidacy form will be published in the pamphlet.
- 14.5 Statements shall be submitted in block paragraph form. No bullets, multiple indents, words in all CAPS, or underlining is permissible. Words may be bold faced and/or italicized. Where words appear in all CAPS or underlined, the text will be changed to appear in italics.
- 14.6 The candidate's ballot name, contact information, and party (if running for a partisan office) shall be provided in the voters' pamphlet and on the Auditor's website. If no contact information is provided, the following will be printed in the pamphlet: "no contact information provided."
- 14.7 The following statement shall appear at the bottom of each page where arguments and/or candidate statements appear: "The above statements were written by candidates/committees who are solely responsible for the contents therein".
- 14.8 The Auditor reserves the right to make minor typographical or grammatical changes as appropriate.
- 14.9 Word Count will be determined by the Microsoft Word "Word Count" application. This application counts all words including "1", "a", "of", "on", etc.

## **15.0 GENERAL PROVISIONS**

### **15.1 Rejection and Reconsideration**

15.1.1 The Auditor will notify any candidate whose statement does not follow the mandatory format and/or fails to comply with the state law limitation of being about him or herself. Rejection will also occur for any statement (candidate or committee) which contains any obscene matter or matter that is otherwise prohibited by law from distribution through the mail. Notice of rejection, which shall set forth the specific reason(s) for rejection, shall be made by certified mail.

15.1.2 Within five days following the mailing date of any rejection, the committee or candidate proposing the statement may request reconsideration of the decision to reject. The request for reconsideration shall set forth specific reasons why the committee or candidate believes the Auditor's decision to reject was wrong. If requested, the Auditor may agree to a meeting with the committee or candidate to discuss the matter further. The Auditor may submit any rejected statement to the Prosecuting Attorney's office for review. The Pierce County Auditor shall render a decision on the request for reconsideration within three days following receipt of same, or within three days of any meeting held to discuss the matter, whichever comes later. This reconsideration procedure is optional, and failure to pursue such procedure does not preclude the aggrieved part from taking the matter directly to Superior Court for review pursuant to RCW 29A.68.011.

## 15.2 Judicial Review

15.2.1 Judicial review of the Pierce County Auditor's decision to reject a statement (either initial, or following reconsideration) may be obtained pursuant to RCW 29A.68.011, a copy of which will be enclosed with any and every notice of rejection.

15.2.2 Any challenge to an explanatory statement prepared or reviewed and approved pursuant to RCW 29A.32.241 shall be brought within 5 business days from the date set forth in these administrative rules for the Local Voters' Pamphlet for filing the explanatory statement with the County Auditor's Office. Any such challenge shall be brought by filing a petition in the Superior Court for Pierce County pursuant to RCW 29A.68.011. The petition shall set forth the measure, the explanatory statement, and the objection thereto, and shall request amendment of the explanatory statement. A copy of the petition shall be served on the County Auditor and the attorney who prepared or reviewed and approved the explanatory statement.

**16.0 DISTRIBUTION:** The Auditor will mail a copy of each Local Voters' Pamphlet published by Pierce County to every residence in each jurisdiction represented in the pamphlet or to each registered voter or registered household.

## **17.0 RESPONSIBILITIES:**

17.1 The Auditor is responsible for assuring that the requirements of PCC 1.20 relating to the Local Voters' Pamphlet, are implemented consistent with governing statutes codified in RCW 29A.32.

17.2 All jurisdictions and candidates are responsible for providing the required materials within the deadlines specified herein

**18.0 INCLUSION:** The following items may or may not be included at the discretion of the Auditor:

18.1 An introduction letter from the Pierce County Auditor.

18.2 A Table of Contents.

18.3 Measures and candidates if included in the Voters' Pamphlet will appear in the same order as listed on the ballot. Variations to this order are permitted to facilitate pamphlet layout. Variations shall be made at the discretion of the Auditor.

18.4 A sample ballot, which is to follow as closely as possible the order in which candidates and/or measures are scheduled to appear on the ballot.

18.5 Polling Places list or other information as required, to satisfy RCW and WAC requirements in lieu of publication of all or part of the 3-10 day "Notice of Election".

18.6 Information on voter registration and obtaining an absentee ballot.

18.7 Additional information deemed by the Auditor to be appropriate and/or necessary for inclusion.

**19.0 PUBLIC INSPECTION OF STATEMENTS:**

19.1 An argument or statement submitted for publication in the voters' pamphlet is not available for public inspection or copying until all statements or arguments have been received or the deadline for submission of statements has elapsed.

APPROVED BY:

\_\_\_\_\_  
Jan Shabro - Pierce County Auditor

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Date

Approval as to form:

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David Prather – Deputy Prosecuting Attorney

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Date