The 2001 state Voters Pamphlet marks one of the most important milestones in the history of elections since women were given the right to vote. Thirty years ago Washington was among the first states in the Union to ratify the 26th Amendment to the Constitution, which lowered the voting age to 18. This gave young people a chance to be heard and sent a clear message throughout the United States: those old enough to serve their country in times of war have the right to shape public policy. The Vietnam War inspired a change in election law that has enabled young people to have greater control over their lives. Since 1971, people 18 and older in Washington have been able to cast ballots in seven presidential and gubernatorial elections, and vote on more than 50 initiatives.

The photo on the cover of this 2001 issue captures the faces of Washington’s youth 30 years ago as they pursued the right to vote. Today, this photo represents our progress and, at the same time, is a reminder of the work that remains. We hope you will do what you can to encourage young people in your community to get involved and exercise their own precious right to vote.

There may be no more appropriate time for Americans – young and old – to exercise their right to vote. In the wake of the terrorist attacks on our nation in September, I believe a high voter turnout would be one of the strongest statements we can make in support, and appreciation, of the freedoms guaranteed in our Constitution.

This informative pamphlet is a useful resource for the November 6, 2001 General Election. It includes a digest of three initiatives and two constitutional amendments. For additional election information and more information on the youth vote, see our web sites at www.secstate.wa.gov and www.vote.wa.gov or call our toll-free hotline listed below.

Best wishes,

SAM REED
Secretary of State

Cover photo from Seattle Post-Intelligencer Collection, Museum of History & Industry.
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VOTER’S CHECKLIST

Every Washington voter will have the opportunity to vote on five statewide measures at the state general election on November 6, 2001. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. State law provides: “Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote.” (RCW 29.51.180)

INITIATIVE MEASURE 747
Initiative Measure No. 747 concerns limiting property tax increases. This measure would require state and local governments to limit property tax levy increases to 1% per year, unless an increase greater than this limit is approved by the voters at an election. Should this measure be enacted into law?

initiative measure 773
Initiative Measure No. 773 concerns additional tobacco taxes for low-income health programs and other programs. This measure would impose an additional sales tax on cigarettes and a surtax on wholesaled tobacco products. The proceeds would be earmarked for existing programs and expanded health care services for low-income persons. Should this measure be enacted into law?

INITIATIVE MEASURE 775
Initiative Measure No. 775 concerns long-term in-home care services. This measure would create a “home care quality authority” to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded individual providers of in-home care services to elderly and disabled adults. Should this measure be enacted into law?

ENGROSSED SENATE JOINT RESOLUTION 8208
The Legislature has proposed a constitutional amendment on the use of temporary superior court judges (judges pro tempore). This amendment would allow superior courts to bring in elected Washington judges from other court levels to hear cases on a temporary basis, subject to certain restrictions, as implemented by supreme court rules. Should this constitutional amendment be:

Approved [ ]  Rejected [ ]

HOUSE JOINT RESOLUTION 4202
The Legislature has proposed a constitutional amendment on the investment of state funds. This amendment would grant increased discretion to the Legislature in deciding how to invest state funds. Funds under the authority of the state investment board could be invested as determined by state statute. Should this constitutional amendment be: Approved [ ]  Rejected [ ]

LOCAL ELECTIONS

* NOTE: In the text any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters. To obtain a copy of the text in larger print, call the Secretary of State’s toll-free hotline.
INITIATIVE MEASURE 747
PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 747 begins on page 14.

Argument For

WASHINGTON’S THE 5TH HIGHEST TAXED STATE IN THE NATION – TAXPAYERS NEED AND DESERVE MEANINGFUL RELIEF

We’re 5th. That means 45 other states provide education, transportation, criminal justice, and other government services at a lower level of taxation than Washington does. Taxpayers desperately need and deserve meaningful tax relief.

Consider property taxes. For decades, numerous taxing districts have increased property taxes 6% per year. That means state government has jacked them up, counties, cities, fire districts, library districts, special districts, and ports have all dramatically jacked them up. Property taxes are skyrocketing in Washington. Currently, property taxes double every 7 to 9 years. We need I-747 to defuse Washington’s “property tax time bomb” so working class families and senior citizens, and not just rich people, can afford to buy and own homes.

I-747 LIMITS PROPERTY TAX COLLECTIONS FOR EACH TAXING DISTRICT – OUR COURTS HAVE OK’D THIS APPROACH

Numerous efforts have been made to limit property tax increases but they’ve either been struck down by courts or contained huge loopholes. I-747 carefully follows recent court rulings and closes previous loopholes. 1% ought to be enough for any taxing district (and if it’s not, I-747 allows voter approval for higher increases).

WE KNEW I-747 WOULD BE ATTACKED, SO WE PURPOSELY MADE I-747 A VERY MODERATE PROPOSAL

I-747 doesn’t slash property taxes, it simply limits property tax increases. So, concerning “lost revenue,” politicians simply can’t complain – I-747 doesn’t take away any more money from government than they had in 2000.

Official Ballot Title:
Initiative Measure No. 747 concerns limiting property tax increases. This measure would require state and local governments to limit property tax levy increases to 1% per year, unless an increase greater than this limit is approved by the voters at an election.

Should this measure be enacted into law?
Yes [ ] No [ ]

The law as it presently exists:

Property taxes are levied each year by the state and by local governments on all taxable property in the state. Property taxes are based on the value of the property. Taxable property is assessed each year and valued at its true and fair value. The tax

FAMILY BUDGETS ARE UNDER ASSAULT – TAXES, HEALTH CARE, ENERGY, HOUSING, TRANSPORTATION, RENT – THEY’RE ALL SKYROCKETING

Politicians must learn that family budgets desperately need meaningful tax relief. And I-747 takes an incredibly modest approach: limiting property tax increases. Without I-747, soon only rich people will be able to afford homes. Vote “Yes” and tell politicians to stop ignoring taxpayers – after all, we’re paying the bills.

For more information, call 425.493.8707 or visit website: www.i-747.com.

Rebuttal of Argument Against

Washington is the 5th highest taxed state. Property taxes are skyrocketing. I-747 offers moderate, reasonable limits on property tax increases. Politicians offer no alternative – their response to taxpayers is “tough it out.” I-747 ensures long-overdue accountability by requiring politicians to prioritize and effectively utilize existing revenues. With I-747, tax increases will be a last resort. Besides, 1% ought to be enough for any taxing district (and remember, voters can OK higher increases). Please vote “Yes.”

Voters Pamphlet Argument Prepared by:

TIM EYMAN, proud of our volunteers who got I-747 signatures; MONTE BENHAM, co-sponsor, “I’m confident politicians will adjust to I-747”; JACK FAGAN, co-sponsor, “Taxpayers get an equal voice with I-747”; MIKE FAGAN, co-sponsor, “Property taxes are out-of-control – please vote Yes”; MARTIN VAN BUREN, retired, got 1525 volunteer signatures, lives in Lynden; DIANE AUBREY, sold home because of property tax increases, Richland.
levied in a given year on a piece of property depends on its taxable value and on the amount of tax levied that year by the state and by local governments with taxing power.

Existing law limits property tax in several ways. First, the state constitution and state statutes limit the aggregate of all state and local tax levies on any piece of property, generally to a total of 1% of the property’s true and fair value. This limitation does not apply to voter-approved levies.

Second, existing law also limits the amount each taxing district may increase its regular tax levy over the overall amount levied and collected in previous years. Under this “limitation factor,” regular property taxes levied by a taxing district generally may not exceed the lower of 106% or 100% plus inflation, multiplied by the amount collected in the highest of the three most recent years. In other words, a taxing district may increase its levy by no more than the lower of (a) the previous year’s inflation rate or (b) 6%, over the highest levy of the three previous years.

There are some special rules regarding the application of this limitation factor to specific types of taxing districts. Taxing districts with fewer than 10,000 residents are limited by the 106% limitation, and not the inflation factor. Other taxing districts, except the state, may increase their levies up to the 106% level if they follow special procedures and find a substantial need. The state property tax levy increases each year by the lower of 106% or the inflation rate. These limitations on tax increases do not apply to increases in property value attributable to new construction.

Local taxing districts that have not levied the full amounts legally available in prior years may levy the amount that would be allowed under the “limitation factor” if the district had levied the full allowable amounts. RCW 84.55.092 provides that the purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level in order to protect future levy capacity. This provision does not apply to the state.

In November 2000, the people approved Initiative Measure No. 722, which would change the property tax laws in several ways. Initiative 722 would add new property tax exemptions relating to increases in property value and to certain maintenance improvements. Initiative 722 would also change the 106% limit factor to 102% for all taxing districts, and would repeal RCW 84.55.092. After Initiative 722 was approved, lawsuits were brought challenging its constitutionality on several different grounds. The Superior Court declared Initiative 722 unconstitutional and enjoined its implementation. This decision has been appealed, and is awaiting the decision of the State Supreme Court. Because of the court orders, Initiative Measure 722 is not currently in force.

(continued on page 14)

ARGUMENT AGAINST

FIREFIGHTERS, NURSES, LIBRARIANS AND COMMUNITY LEADERS URG A NO VOTE ON I-747

Initiative 747 will restrict funds we invest directly in local services like fire protection, public hospitals, libraries—even transportation.

I-747 THREATENS BASIC LOCAL SERVICES—SERVICES WE RELY ON IN OUR NEIGHBORHOODS

Because I-747 doesn’t allow critical services like fire and emergency medical districts, public hospitals, and road crews to keep pace with inflation and growth, severe cuts may be impossible to avoid.

For example, Woodinville’s Fire and Life Safety District needs additional firefighters and a ladder truck to serve a growing population. Since I-747 cuts funds that come directly from residents to the fire district, critical fire protection is threatened.

Facing similar shortfalls, I-747 will limit the ability of local fire departments and hospitals across the state from planning for the future, or even for emergencies—like the Nisqually earthquake or the devastating 2001 fire season.

I-747 HURTS ALL OF US: REAL EXAMPLES FROM REAL PEOPLE ACROSS WASHINGTON

“King and Snohomish County residents are sick of gridlock. I-747 means intersection and county highway improvements won’t get made,” says Snohomish County road crew worker Roger Moller.

Klickitat County Fire Commissioner Milan Walling is concerned that “we will be unable to purchase safety equipment for rural firefighters.”

Pierce County library employee Patti Cox says a three-year loss of $1.5 million means “we will have to shorten library hours and cut services like children’s reading hours.”

Yakima County Prosecutor Jeff Sullivan invites “anyone to come look over the budget and suggest which felony crimes I shouldn’t prosecute.”

WE DESERVE MORE FIRE, PUBLIC SAFETY, AND LIBRARY SERVICE, NOT LESS; WE DON’T NEED I-747

I-747 will cut directly from funds that stay in our community for services we support. Our neighbors across Washington agree: our communities cannot afford I-747.

For more information, call 206.447.0888 or visit website: www.voteno747.org.

REBUTTAL OF ARGUMENT FOR

• Washington isn’t the “5th highest taxed state.” Our taxes are lower than many similar states.

• It’s inefficient to vote for services we already support: $2 million pays for an election in King County or two complete fire stations—staff and equipment—for a full year.

• Tim Eyman says he is “proud of our volunteers” without mentioning the $529,000 he paid for signatures and to his for-profit initiative business. (www.pdc.wa.gov)

Vote No on I-747.

VOTERS PAMPHLET ARGUMENT PREPARED BY:

KELLY FOX, Washington State Council of Fire Fighters; LOUISE KAPLAN, PhD, ARNP, Washington State Nurses Association; CAROL GILL SCHUYLER, President, Washington Library Association; JEFF SULLIVAN, Yakima County Prosecutor, (GOP); BOB DREWEL, Snohomish County Executive, (Dem).
INITIATIVE MEASURE 773
PROPOSED TO THE PEOPLE

Note: The ballot title was written by the court. The explanatory statement was written by the Attorney General as required by law. The complete text of Initiative Measure 773 begins on page 15.

Argument For
People you know and trust are voting “yes” on I-773. Why?
Because they know I-773 will improve the health of low-income working adults and their children by expanding access to the Basic Health Plan and protect kids from tobacco by fully funding programs to prevent kids from smoking.

THE WASHINGTON STATE NURSES ASSOCIATION AND THE WASHINGTON ACADEMY OF FAMILY PHYSICIANS SAY “VOTE YES ON I-773”

Over 750,000 people in our state are uninsured; 70% of them are from working families. I-773 will expand access to no-frills health care so that working families can make ends meet in today’s economy.

THE AMERICAN CANCER SOCIETY AND THE WASHINGTON STATE PTA SAY “VOTE YES ON I-773”

Did you know 65 kids in Washington start smoking every day? We’ve seen alarming increases in tobacco use by kids in Washington – 29% of our high school seniors are smokers. I-773 will mean fewer kids start smoking.

THE AMERICAN LUNG ASSOCIATION AND AMERICAN HEART ASSOCIATION SAY “VOTE YES ON I-773”

Tobacco kills over 8,000 Washingtonians a year and costs $1.3 billion in health care for tobacco-related illnesses. By raising the sales tax on tobacco 60¢ per pack, I-773 will provide health care for working families and reduce smoking, creating stronger and healthier children, schools and workplaces.

By voting Yes on I-773 we can increase health coverage and reduce the incidence of illnesses like heart disease and lung cancer that hit low-income people the hardest.

I-773: FOR KIDS, FOR WORKING FAMILIES, FOR A HEALTHIER WASHINGTON

Warning! Huge out-of-state tobacco corporations will spend millions trying to defeat I-773. They know if you approve I-773 they’ll sell fewer cigarettes to our children. Their adult customers are dying or quitting, so “Big Tobacco” needs kids to start smoking.

To see sources and learn more, please visit www.i773.org. Please join us in voting “Yes on I-773.” Thank you.

Rebuttal of Argument Against
Who do you trust to tell the truth about health and kids? The American Cancer Society, Heart Association, Lung Association, Doctors, Nurses and the PTA support I-773. Philip Morris opposes it.

Tobacco corporations will say anything to protect their profits at the expense of our children.
Don’t be fooled.
I-773 expands health care coverage for low-income working families. It reduces tobacco use, especially among kids. I-773 protects kids from tobacco and increases access to no-frills health care.

Voters Pamphlet Argument Prepared by:
ROBERT A. CRITTENDEN, MD, MPH, President, Washington Academy of Family Physicians; LOUISE KAPLAN, PhD, MN, ARNP, President, Washington State Nurses Association; ANN MARIE POMERINKE, Chief Executive Officer, American Cancer Society, Northwest Division; SANDRA HIJIKATA, Executive Vice-President, American Heart Association, Northwest Affiliate; ASTRID BERG, Executive Director, American Lung Association of Washington; JOHN STOKES, Legislative Director, Washington State PTA.
The law as it presently exists:

Under existing law, cigarettes and other tobacco products are taxed in a number of ways to support various programs.

Four taxes are levied on the sale, use, consumption, handling, possession or distribution of cigarettes. The total of the four taxes is 41.25 mills (4.125 cents) per cigarette. This amounts to 82.5 cents per pack of twenty cigarettes.

The first tax is 11.5 mills (1.15 cents) per cigarette. Revenues from this tax are used for general governmental purposes. The second tax is 5.25 mills (.525 cents) per cigarette. Revenues from this tax are placed in the violence reduction and drug enforcement account, and used for prevention programs and law enforcement. The third tax is 20.5 mills (2.05 cents) per cigarette. Revenues from this tax are placed in the health services account, and used for health care and public health programs, including health services access for low-income residents. The fourth tax is 4 mills (0.4 cents) per cigarette. Revenues from this tax are placed in the water quality account and used for water pollution programs.

There are also four taxes levied on all tobacco products other than cigarettes. These taxes on the sale, use, consumption, handling, or distribution of tobacco products other than cigarettes total 74.9% of the wholesale sales price of these products.

The first two of these taxes amount to 48.15% of the wholesale sales price of the tobacco products. Revenues from these taxes are placed in the state general fund for general governmental purposes. The third tax is 10% of the wholesale sales price. Revenues from this tax are placed in the health services account and used for health care and public health programs.

The fourth tax is 16.75% of the wholesale sales price of tobacco products. Revenues from this tax are deposited in the water quality account and used for water pollution programs.

The effect of the proposed measure, if it becomes law:

This measure would add two additional taxes to the existing sales taxes on cigarettes and tobacco products. Revenues from these taxes would be earmarked to continue existing programs and expand health care services for low-income persons.

An additional tax would be imposed on the sale, use, consumption, handling, possession, or distribution of cigarettes, in the amount of 30 mills (3.0 cents) per cigarette. An additional tax would be imposed on the wholesale sales price of tobacco.

Argument Against

IT’S ABOUT RAISING TAXES — NOT BETTER HEALTH CARE FOR WORKING FAMILIES

Initiative 773 is a dismal failure when it comes to improving health care for working families. It drastically raises consumer taxes that will first cover a host of existing government programs totally unrelated to the Basic Health Plan—before the Basic Health Plan or tobacco prevention receive one penny in additional funding. It’s an unreliable, risky scheme that could have disastrous consequences for all taxpayers.

THERE IS NO REQUIREMENT FOR IMPROVED PATIENT CARE, MORE DOCTORS OR SERVICES

According to the Washington Health Care Authority, some health plans doing business with the state no longer offer services in rural areas. I-773 does nothing to assure coverage in areas currently served, nor to re-establish needed coverage in rural areas.

I-773 EXPANDS THE BASIC HEALTH PLAN WITHOUT A RELIABLE WAY TO FUND IT

The initiative assumes that the taxes it raises will cause revenues for other state programs to decline. That’s why it requires new taxes to cover such shortfalls first. Still, it allows for continuous expansion of the Basic Health Plan, creating a huge potential liability for state taxpayers in the future.

I-773 ENDANGERS VITAL STATE PROGRAMS INCLUDING K-12 EDUCATION

I-773 is a poorly drafted measure that hampsters future state budgets. Without the flexibility to meet changing needs with limited resources, critical programs like K-12 Education, Higher Education and Environmental Protection will suffer unless general taxes are increased.

VOTE NO ON INCREASED SPENDING WITHOUT ACCOUNTABILITY

I-773 throws hundreds of millions of dollars into premiums for health care coverage without any fundamental auditing requirements. Washington has $300 million in tobacco settlement payments available this biennium alone. Let’s use these funds first and improve management of the health plan before raising additional taxes on consumers.

Rebuttal of Argument For

Follow the Money! Who really profits from I-773? The big HMOs who will pocket hundreds of millions of consumer tax dollars for more premiums. But they won’t have to provide more doctors or improve the quality of medical treatment. They spent $789,000 just to get on the ballot, and they’ll spend millions more to get voters to go along with this special interest money grab. Cut through their smokescreen, and just say “no” to I-773!

Voters Pamphlet Argument Prepared by:

TOM HUFF, former Republican Chair, House Appropriations Committee; VALORIA LOVELAND, former Democratic Senate Ways & Means Committee; ANGELA DUNCAN, board member, Washington Association Neighborhood Stores; WAYNE CHOE, Korean American Grocers Association; JOHN & PAM ZYCH, owners, Le Bon Vie/Washington.
Argument For

I-775 WILL HELP SENIORS AND PEOPLE WITH DISABILITIES LIVE AT HOME WITH DIGNITY AND INDEPENDENCE

Home care helps tens of thousands of Washington seniors and people with disabilities stay in their own homes. Home care workers bathe, dress, and feed their consumers; lift them from beds into wheelchairs; and assist with bowel and bladder care, medication schedules, household management, and other tasks these consumers can’t do on their own.

AS WASHINGTON’S ELDERLY POPULATION GROWS, WHO WILL CARE FOR THEM?

Seniors are having a harder time finding reliable and trained home care workers. Too many families face the hard choice of institutionalizing their parents and grandparents in nursing homes because there is no place to go to find qualified caregivers.

HELP SENIORS AND THEIR FAMILIES FIND QUALIFIED CAREGIVERS

I-775 creates a caregiver registry so families have a way to find qualified home care workers. For the first time consumers will have access to a list of trained caregivers who have passed criminal and employment background checks.

INTRODUCE REAL ACCOUNTABILITY AND STANDARDS

Right now, no one is holding the home care program accountable to consumers or taxpayers. I-775 requires a performance audit of Washington’s home care program every two years and empowers a consumer board of seniors and people with disabilities to set minimum quality standards, improve training, and increase accountability.

ADDRESS THE SHORTAGE OF CAREGIVERS

As Washington’s population grows older, high turnover and wages barely above minimum wage have led to a shortage of caregivers. I-775 establishes worker recruitment programs and helps workers make a profession of providing quality home care by receiving better training and negotiating for a living wage and benefits.

STRENGTHEN HOME CARE NOW TO SAVE TAXPAYER MONEY IN THE LONG RUN

Nursing homes cost three times as much as home care. By improving home care, I-775 will save taxpayers money by helping more seniors stay at home.

SUPPORT QUALITY HOME CARE

VOTE YES ON I-775

For more information, visit website: www.wahomecare.org.

Rebuttal of Argument Against

Katrinka Gentile, home care consumer, chair, disability-rights group ADAPT, responds:

“Don’t be misled by the opposition’s anti-union rhetoric. The AFL-CIO contributed only 1% of campaign funds (source: Public Disclosure Commission).

“I-775 improves care for seniors and disabled people. I-775 helps us find qualified caregivers so we can live at home. I-775 outlaws strikes, protects our right to fire caregivers, and requires the Governor to submit funding for home care improvements. Yes for Quality Home Care.”

Voters Pamphlet Argument Prepared by:

LARS HENNUM, President, Washington Council of Senior Citizens, retired pharmacist; KATRINKA GENTILE, disability activist, 20-year home care consumer; REV. JOHN BOONSTRA, Executive Minister, Washington Association of Churches; LOUISE KAPLAN, PhD, RN, ARNP, President, Washington State Nurses Association; KIMBERLY SIMPSON, home care worker, Spokane; DEANA KNUTSEN, parent of developmentally disabled child, elected Hospital Commissioner.
Social and Health Services (DSHS). Depending on the situation, the services provided may include “personal care services” such as bathing, dressing, and transferring from bed to wheelchair, “chore services,” such as preparing meals and housekeeping, or a mixture of both types of service.

Caregivers are typically selected by the persons receiving the care. In many cases, the care is provided by an “individual provider,” who provides services in his/her individual capacity. Individual providers are compensated through contracts with DSHS. Individual providers are not employees of DSHS and do not receive state employee benefits. Individual provider compensation is paid by DSHS from federal and state funds appropriated by the legislature. The 2001-2003 budget sets individual provider compensation at $7.68 per hour.

The legislature has adopted policies encouraging the use of in-home caregivers, both for personal care and for chore services. The legislature has adopted laws requiring background checks and training for providers and defining who is eligible to receive publicly funded services. DSHS, by rule, establishes training requirements for individual providers. DSHS is required to deny payment to an individual provider who does not meet certain requirements, including background checks and required training. The rules currently in force require that a background check be conducted when a person applies for an individual provider contract. The rules also define the training requirements for individual providers and set deadlines for obtaining the required training.

The effect of the proposed measure, if it becomes law:

This measure would establish a new Home Care Quality Authority governed by a nine-member board appointed by the Governor. At least five board members would be current or former consumers of in-home care services provided for functionally disabled persons, and at least one board member would be a person with a developmental disability. The remaining board members would represent the Developmental Disabilities Planning Council, the Governor’s Committee on Disability Issues and Employment, the State Council on Aging, and the Association of Area Agencies on Aging.

The Authority would: establish qualifications and reasonable standards for accountability for publicly funded individual providers; provide for investigating the background of individual providers and prospective providers; undertake recruiting activities; provide training opportunities; assist consumers and prospective consumers in finding providers; provide routine emergency and respite referrals of individual providers; establish a referral registry of individual providers; remove providers or prospective providers from its registry for not

(continued on page 14)
Official Ballot Title:
The Legislature has proposed a constitutional amendment on the use of temporary superior court judges (judges pro tempore). This amendment would allow superior courts to bring in elected Washington judges from other court levels to hear cases on a temporary basis, subject to certain restrictions, as implemented by supreme court rules.

Should this constitutional amendment be:
Approved [ ]   Rejected [ ]

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Engrossed Senate Joint Resolution 8208 begins on page 20.

Argument For
COURT CONGESTION COSTS US ALL TIME AND MONEY

Court cases take too long and cost too much. That’s bad for taxpayers and bad for those seeking justice in Washington courts. ESJR 8208 addresses these concerns.

JUSTICE DELAYED IS JUSTICE DENIED

Court congestion is a problem. When cases come up for a hearing, superior court judges are often unavailable because they are already busy hearing other cases. As a result, cases have to be postponed.

Postponement of civil cases is a costly inconvenience. And postponement of criminal cases may result in dismissal of all charges because the “speedy trial” rule requires criminal cases to be heard within 60 or 90 days.

ESJR 8208 PROVIDES MORE JUDGES WHERE AND WHEN WE NEED THEM – AT NO ADDITIONAL COST

ESJR 8208 provides a common-sense alternative to relieve court congestion, makes efficient use of judges and courtrooms, and saves tax dollars.

ESJR 8208 simply allows superior courts to use elected Washington judges from other court levels to hear cases on a temporary basis as needed. The result — more effective use of existing judges at no additional cost to taxpayers.

VOTE “YES” ON ESJR 8208

Judges, lawyers, prosecutors, legislators, concerned citizens, business and civic leaders throughout the state support this sensible approach to making our courts more efficient and getting cases heard on time. Please vote “yes” on ESJR 8208!

Rebuttal of Argument Against
Don’t be misled by the opposition statement. With ESJR 8208, only an elected judge can be assigned to a case. And each side can reject up to two assigned judges. ESJR 8208 also requires that judges have demonstrated ability and experience.

These judges will be used when cases would otherwise be delayed or dismissed – an expensive and unjust result. Without additional cost to taxpayers, this proposal improves court efficiency. Vote yes on ESJR 8208.

Voters Pamphlet Argument Prepared by:

GERRY L. ALEXANDER, Chief Justice, Washington Supreme Court; JAN ERIC PETERSON, President, Washington State Bar Association; ADAM KLINE, State Senator; IDA BALLASIOTES, State Representative; STEPHEN JOHNSON, State Senator; PATRICIA LANTZ, State Representative.
The constitutional provision as it presently exists:

Article IV, section 7 of the state Constitution now defines who can serve as a judge to hear cases in state superior court. Cases are ordinarily heard by the judges elected to serve the county in which the case is filed. A visiting superior court judge from another county may hear a case at the request of the presiding judge in the “host” county, or at the request of the governor.

A case may also be heard by a temporary judge ("judge pro tempore") who may be a judge from another court level, a lawyer who is a member of the Washington state bar, or a retired judge. Under the existing constitutional language, a temporary judge may serve only with the written agreement of all parties to the case, except that a retiring judge may continue, after retiring, to complete a pending case as a judge pro tempore without written agreement.

The effect of the proposed amendment, if it is approved:

The proposed amendment would permit the expanded use of temporary judges. The amendment would permit the use of an elected Washington judge from another court level (such as an appellate court, or district or other local court) to hear superior court cases as a judge pro tempore without the agreement of the parties, as allowed by a new supreme court rule. The amendment would require that judges be assigned to cases based on their experience. A party to a case would have the right to one change of temporary judge, in addition to a similar right available under current law.

The amendment would not change the provision requiring the agreement of the parties for a lawyer or retired judge to serve as a judge pro tempore, or the provision allowing a retired judge to complete pending cases.

Argument Against

ESJR 8208 MAKES IT HARDER TO GET RID OF BAD JUDGES

“We, The People” have a right to elect judges from the communities we live in and in which they serve. This is an important right because those we elect sit in judgment over our lives, property and freedoms. This right ensures judges we may face in court someday live in our midst and share our values. Thus we elect judges who are accountable directly to us. If they prove to be incompetent, if they show favoritism, or if they are corrupt we can vote them out at the next election.

ESJR 8208 TAKES AWAY OUR CONSTITUTIONAL RIGHTS

“Pro tempore” judges are “judges” who are appointed temporarily to hear cases. Most “pro tem” judges are attorneys who have never been elected by the people. Currently, our state constitution provides that a case in the superior court may be tried by a “judge pro tempore” but only if the parties before the court agree in writing. This protects the parties and gives them the right to choose a capable and fair person to be their judge.

ESJR 8208 RESTRICTS ACCOUNTABILITY TO VOTERS

This is a bad referendum. Even though it attempts to provide some protections, it still allows a judge pro tem ultimately to be appointed even if the parties strongly oppose the person being appointed. This person may not be elected from the area in which the parties live and therefore is wholly unaccountable to the voters. The people should maintain their control over who their judges will be.

It is difficult enough now to remove bad judges who sit on the courts.

PLEASE VOTE “NO” ON ESJR 8208

Rebuttal of Argument For

Most people know how frustrating the legal system is – from attorneys who don’t return phone calls to judges who don’t spend enough time in the courtroom. These are things that clog the system and waste taxpayer money.

Inefficiencies and incompetency aren’t solved by bringing in judges who aren’t accountable to the people. ESJR 8208 only enhances the same “good-old-boy” network – with all its problems – at our expense.

Protect your right to elect judges. Please vote “No.”

Voters Pamphlet Argument Prepared by:

JOYCE MULLIKEN, State Representative, 13th District; VAL STEVENS, State Senator, 39th District; DON BENTON, State Senator, 17th District.
Argument For

HJR 4202 PROVIDES A BETTER RETURN FOR TAXPAYERS

The State Investment Board is responsible for managing many trust funds, including funds for retirees, injured workers and persons with disabilities. State law allows 97% of this money to be invested in a way that gives taxpayers a higher rate of return – but the investment of 3% of this money is restricted. HJR 4202 will remove these restrictions, allowing the State Investment Board to seek greater security and a higher rate of return through diversification for all funds it invests.

HJR 4202 WILL SAVE TAXPAYER DOLLARS NOW AND IN THE FUTURE

Taxpayers deserve the highest rate of return possible. HJR 4202 will permit a wider variety of investments. These investments will be managed by investment professionals, who are bound by the highest fiduciary and investment standards. Higher investment earnings means more money is available and fewer tax dollars are needed.

VOTERS HAVE APPROVED SIMILAR CHANGES IN THE PAST – HJR 4202 FINISHES THE JOB

Voters have approved this type of change three times, helping retirees, injured workers and persons with disabilities. HJR 4202 completes the job. It simply applies the same standard to the remaining 3% of funds managed by the State Investment Board. This is a fair and common sense proposal.

Rebuttal of Argument Against

HJR 4202 has nothing to do with pension funds. It simply gives the state flexibility in the investment of 3% of its portfolio. The state already has this flexibility for 97% of the funds it manages.

The funds are invested safely by investment professionals. These professionals are held to strict ethical and fiduciary standards. They make investment decisions — they do not regulate companies.

Vote yes on HJR 4202 for safe and wise investments.

Voters Pamphlet Argument Prepared by:

DAN EVANS, Governor (1965-77), U.S. Senator (1983-89); RALPH MUNRO, Secretary of State (1981-2001); MICHAEL J. MURPHY, State Treasurer; SID SNYDER, State Senator, Majority Leader; HELEN SOMMERS, State Representative, Democratic Co-chair, House Appropriations Committee; BARRY SEHLIN, State Representative, Republican Co-chair, House Appropriations Committee.
The constitutional provision as it presently exists:

The Constitution generally places restrictions on the investment of public funds. Article VIII, sections 5 and 7, and article XII, section 9 generally prohibit the state from investing in the stock of any private association or company. Article XXIX, section 1, first approved by the voters in 1968, authorized the Legislature to permit broader investment of funds in public pension or retirement funds. By amendments approved in 1985 and in 2000, the Legislature has been granted the same broader authority for the industrial insurance trust fund and for trust funds held for the developmentally disabled.

The effect of the proposed amendment, if it is approved:

The proposed amendment would add additional language to Article XXIX, section 1 of the state Constitution. The amendment would permit the Legislature to determine, by statute, which investments to allow for any funds or accounts placed by law under the investment authority of the State Investment Board. For these funds and accounts, the Legislature could, if it chose, permit investment in the stocks and bonds of private organizations and companies.

Argument Against

POSSIBILITY OF ETHICS VIOLATIONS

Currently, the investment board must ask you the taxpayers for their authority. Sometimes you have granted it, sometimes not. Voting no on HJR 4202 keeps you in the loop. More serious than increased risk to retirees is the possibility of ethics violations caused by allowing the state to both invest and regulate the same companies. The possibility for regulatory decisions affecting investment decisions or vice versa are considerable and any irregularities either real or supposed could undermine confidence in the entire system.

SECURITY SHOULD BE THE FIRST PRIORITY

$1.6 billion vanished in the Orange County bankruptcy of 1994, but Washington still holds the record of $2.25 billion in the WPPSS debacle. Looking at the above sentence, it looks like just numbers on a page, but in reality it represents the hopes and dreams of thousands, even millions, of citizens.

HJR 4202 could mean higher returns; it also means higher risk. Putting public billions into the NASDAQ made sense in March 2000. It makes no sense today. It is June, and the NASDAQ is down. That proves the point. But if it turns up before the election, such volatility only demonstrates risk. Risk is where the money is made...and lost. When dealing with someone else’s future, security should be the first priority.

HJR 4202 changes our Constitution. It allows increased risk and the possibility of ethics violation. If citizens want risk they can buy a lottery ticket. If they hope to retire they should vote no on HJR 4202.

For more information, call 509.765.8164.

Rebuttal of Argument For

Proponents of HJR 4202 tantalize voters with “Greater security and a higher rate of interest” as if these two factors moved together rather than in opposite directions. Promising increased security and earnings should be a red flag for any investor. Earnings are the price of risk bearing. Incurring greater risk potentially increases earnings. Greater security likely decreases earnings. You can’t have it both ways. Security must be the first concern. Vote no on HJR 4202.

Voters Pamphlet Argument Prepared by:

HAROLD HOCHSTATTER, State Senator, 13th District;
MARK SCHOESLER, State Representative, 9th District;
VAL STEVENS, State Senator, 39th District.
INITIATIVE MEASURE 747 (continued from page 5)
The effect of the proposed measure, if it becomes law:

The measure would change all of the limitation factors on property tax levy increases to "101%." For taxing districts with populations less than 10,000, the new limitation factor would be 101% of the highest of the three previous annual levies. For the state, the new limitation factor would be the lower of 101% or the previous year's inflation rate. For other taxing districts, the limitation factor would be the lower of these two numbers, but if the inflation rate is less than 1%, the district could increase its levy to the 101% level using the same special procedure and declaration of special need as in existing law.

A taxing district could levy higher amounts with approval of the voters at a general election held in the district or at a special election called for that purpose. The election must be held less than twelve months before the date on which the proposed levy will be made. A majority of those voting would be required for approval.

INITIATIVE MEASURE 773 (continued from page 7)
The effect of the proposed measure, if it becomes law (continued):

products (not including cigarettes), in the amount of 54.515625% of the wholesale sales price.

The revenue from the two new taxes would be first deposited in the health services account. To assure a continued source of revenue for those programs funded with the existing taxes, the measure would provide that specified amounts first be transferred to the violence reduction and drug enforcement account, the water quality account, and the existing health services account, with the remainder available for expenditure for the measure's new purposes.

Revenues collected above these specified amounts would be distributed as follows. First, the Legislature is requested to appropriate $5 million each for the fiscal years beginning on July 1, 2002, and July 1, 2003, for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. Second, the state treasurer is directed to transfer 10% of the remainder to the tobacco prevention and control account, to be appropriated and used exclusively for implementation of the state tobacco prevention and control plan. Third, the remainder of the money collected is designated for Washington Basic Health Plan enrollment. The Basic Health Plan is authorized to enroll 20,000 additional persons (over a base of 125,000) in the two-year budget period beginning July 1, 2001, plus an additional 50,000 enrollees in the two-year budget period beginning July 1, 2003.

INITIATIVE MEASURE 775 (continued from page 9)
The effect of the proposed measure, if it becomes law (continued):

meeting qualifications or for crimes or misconduct; and give preference in recruiting, training, referral and employment to recipients of public assistance or other qualified low-income persons.

Those persons receiving services would retain the right to choose, hire, supervise, and terminate individual providers. The Authority could not increase or decrease the hours of service for any consumer below or above the amount determined appropriate by DSHS or the appropriate local agency.

Solely for purposes of the collective bargaining laws, the Authority would be deemed the public employer of the individual providers. The Authority would engage in collective bargaining with the individual providers as a single, statewide unit concerning matters, such as individual provider compensation. Individual providers would not have the right to strike. The Authority, its board members, the area agencies on aging, and their contractors would be entirely or partially immune from certain types of liability for the actions or inaction of individual providers.

The Governor would be directed to request legislative funding to implement the Initiative, as well as meet the terms of each collective bargaining agreement. The Legislature could accept a collective bargaining agreement or reject it and require re-negotiation. The Joint Legislative Audit and Review Committee would be directed to conduct periodic performance reviews of the Authority.

COMPLETE TEXT OF Initiative Measure 747

AN ACT Relating to limiting property tax increases; amending RCW 84.55.005 and 84.55.0101; and creating new sections.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

POLICIES AND PURPOSES

NEW SECTION. Sec. 1. This measure would limit property tax increases to 1% per year unless approved by the voters. Politicians have repeatedly failed to limit skyrocketing property taxes either by reducing property taxes or by limiting property tax increases in any meaningful way. Throughout Washington every year, taxing authorities regularly increase property taxes to the maximum limit factor of 106% while also receiving additional property tax revenue from new construction, improvements, increases in the value of state-assessed property, excess levies approved by the voters, and tax revenues generated from real estate excise taxes when property is sold. Property taxes are increasing so rapidly that working class families and senior citizens are being taxed out of their homes and making it nearly impossible for first-time home buyers to afford a home. The Washington state Constitution limits property taxes to 1% per year; this measure matches this principle by limiting property tax increases to 1% per year.

LIMITING PROPERTY TAX INCREASES TO 1% PER YEAR UNLESS APPROVED BY THE VOTERS

Sec. 2. RCW 84.55.005 and 2001 c 2 s 5 (Initiative Measure No. 722) are each amended to read as follows:

As used in this chapter:

(1) “Inflation” means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the
AN ACT Relating to improving the health of low-income persons; amending RCW 43.72.900; adding a new section to chapter 70.47 RCW; adding a new section to chapter 82.24 RCW; and adding a new section to chapter 82.26 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 70.47 RCW to read as follows:

It is the intent of the people to improve the health of low-income children and adults by expanding access to basic health care and by reducing tobacco-related and other diseases and illnesses that disproportionately affect low-income persons.

Sec. 2. RCW 43.72.900 and 1993 c 492 s 469 are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under sections 3 and 4 of this act shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under sections 3 and 4 of this act remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under sections 3 and 4...
of this act shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, 2002, and every fiscal year thereafter. The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees. For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under sections 3 and 4 of this act shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-seven million five hundred fifty thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

NEW SECTION. Sec. 3. A new section is added to chapter 82.24 RCW to read as follows:

In addition to the tax imposed upon the sale, use, consumption, handling, possession, or distribution of cigarettes set forth in RCW 82.26.020, there is imposed a tax in an amount equal to the rate of thirty mills per cigarette effective January 1, 2002. All revenues collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

NEW SECTION. Sec. 4. A new section is added to chapter 82.26 RCW to read as follows:

In addition to the taxes imposed upon the wholesale sales price of tobacco products set forth in RCW 82.26.020 and 82.26.025, a surtax is imposed equal to ninety-three and three-quarters percent of taxes levied under RCW 82.26.020, effective January 1, 2002. The surtax payable under this subsection shall be deposited in the health services account created under RCW 43.72.900 for the purposes set forth in that section.
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The above text is an exact reproduction as submitted by the Sponsor. The Office of the Secretary of State has no editorial authority.
ment entered into under section 6 of this act, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

Sec. 10. RCW 74.39A.030 and 1995 1st sp.s. c 18 s 2 are each amended to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section 1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home Medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care. In the event of any conflict between any such rule and a collective bargaining agreement entered into under sections 6 and 9 of this act, the collective bargaining agreement prevails.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes and boarding homes for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

Sec. 11. RCW 74.39A.095 and 2000 c 87 s 5 are each amended to read as follows:

(1) In carrying out case management responsibilities established under RCW 74.39A.090 for consumers who are receiving services under the Medicaid personal care, community options programs, entry system or chore services program through an individual provider, each area agency on aging shall provide (adequate) oversight of the care being provided to consumers receiving services under this section (Such oversight shall) to the extent of available funding. Case management responsibilities incorporate this oversight, and include, but (is) are not limited to:

(a) Verification that (the) any individual provider who has not been referred to a consumer by the authority established under this act has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) (Home visits or telephone contacts, sufficient to ensure that the plan of care is being appropriately implemented) Monitoring the consumer’s plan of care to ensure that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(d) Reassessment and reauthorization of services;

(e) Monitoring of individual provider performance. If, in the course of its case management activities, the area agency on aging identifies concerns regarding the care being provided by an individual provider who was referred by the authority, the area agency on aging must notify the authority regarding its concerns; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual provider who has not been referred to a consumer by the authority.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer’s needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer’s area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer’s well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer’s primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer’s right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in
accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer’s primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer’s plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider’s inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW.

When the department or area agency on aging terminates or suspends a contract under this subsection, it must provide oral and written notice of the action taken to the consumer.

The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

NEW SECTION. Sec. 12. In addition to the entities listed in RCW 41.56.020, this chapter applies to individual providers under sections 6 and 9 of this act.

NEW SECTION. Sec. 13. The authority established by this act is subject to regulation for purposes of this chapter.

NEW SECTION. Sec. 14. The department must seek approval from the federal health care financing administration of any amendments to the existing state plan or waivers necessary to ensure federal financial participation in the provision of services to consumers under Title XIX of the federal social security act.

NEW SECTION. Sec. 15. CODIFICATION. Sections 1 through 9 of this act are each added to chapter 74.39A RCW. Section 12 of this act is added to chapter 41.56 RCW. Section 13 of this act is added to chapter 70.127 RCW. Section 14 of this act is added to chapter 74.09 RCW.

NEW SECTION. Sec. 16. CAPTIONS. Captions used in this act are not any part of the law.
Voter Qualifications

To register to vote, you must be:
• A citizen of the United States
• A legal resident of Washington state
• At least 18 years old by election day
• Not currently denied civil rights as a result of being convicted of a felony.

In Washington, you do not have to declare political party membership when you register to vote.

Registration Deadlines

While you may register to vote at any time, keep in mind that there are registration deadlines prior to each election. You must be registered at least 30 days before an election if you register by mail or through the Motor Voter program. You may register in person, at the office of your county auditor or elections department, up to 15 days before an election. However, you must vote by absentee ballot for that particular election. The phone number and address of your county auditor or elections department is located in this pamphlet.

How to Register

Complete a voter registration form and put it in the mail. Forms are available from your county auditor or elections department, public libraries, schools, other government offices or the Internet. You may also request a form through the State Voter Hotline. (See Services and Additional Assistance on this page.)

Keep Your Voter Registration Up-to-date

If your voter registration record does not contain your current name or address, you may not be able to vote. You can use the mail-in voter registration form to let your county auditor or elections department know when you move or change your name.

Absentee Ballots

Absentee ballot requests must be made to your county auditor or elections department (not the Secretary of State). No absentee ballots are issued on election day except to a registered voter who is a resident of a health care facility. A ballot may be requested in person, by phone, mail, electronically or by a member of your immediate family as early as 90 days before an election. You may also apply in writing to automatically receive an absentee ballot before each election. You can find an absentee ballot request form on the back page of this pamphlet. If you have already requested an absentee ballot or have a permanent request for a ballot on file, please do not submit another application.

You will receive your absentee or mail-in ballot approximately 14 days prior to the election. Upon receipt, vote your ballot. Do not attempt to vote at your polling location. Absentee and mail-in ballots must be signed and postmarked or delivered to your county auditor or elections department on or before election day. In order to assist processing, return your voted ballot early.

Election Dates and Poll Hours

The general election is November 6, 2001. Polling place hours for all primaries and elections are 7:00 a.m. to 8:00 p.m.

Services and Additional Assistance

Contact your county auditor or elections department for help with voting your ballot or finding your polling location. The phone number and address of your county auditor or elections department is located in this pamphlet.

Services of the Office of the Secretary of State are:

By Phone
Voter information hotline 1.800.448.4881 (TDD for the hearing or speech impaired only, 1.800.422.8683).
• If you have not received a Voters Pamphlet
• To request a Voters Pamphlet in the following versions: Braille, Audio, large print, Spanish and Chinese
• Lists of initiatives and referendums
• Help with finding your elected officials
• Voter registration, voting, and absentee ballot information.

Via the Internet
• The Secretary of State’s home page is at http://www.secstate.wa.gov
• The Secretary of State’s online voters guide is at http://www.vote.wa.gov

Request for Mail-in Voter Registration Form

(Please print)

Name: _____________________________________________

Address: ___________________________________________

City: ____________________________  ZIP Code: ____________

Telephone: ____________________________ Number of forms requested:

MAIL TO: Office of the Secretary of State, Voter Registration, PO Box 40230, Olympia, WA 98504-0230
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<td>DAYTON</td>
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<td>COWLITZ</td>
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<td>KELSO</td>
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<td>DOUGLAS</td>
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<td>WATERVILLE</td>
<td>98858</td>
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<td>350 E DELAWARE AVE #2</td>
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<td>FRANKLIN</td>
<td>P O BOX 1451</td>
<td>PASCO</td>
<td>99301</td>
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<td>GRAYS HARBOR</td>
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<td>KING</td>
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<td>KITSAP</td>
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<td>KITTITAS</td>
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<td>KLIckITAT</td>
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<td>LEWIS</td>
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<td>PIERCE</td>
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<td>BELLINGHAM</td>
<td>98225</td>
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<tr>
<td>WHITMAN</td>
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<tr>
<td>YAKIMA</td>
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<td>YAKIMA</td>
<td>98901</td>
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➢ Attention speech or hearing impaired Telecommunications Device for the Deaf users: If you are using an “800 number” from the list above for TDD service, you must be prepared to give the relay service operator the telephone number for your county auditor or elections department.