

Election Guide for Jurisdictions - Election Year 2016 -



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Brenda Huntingford – Chief Deputy
(360) 385-9358

TO: Jefferson County Jurisdictions

RE: Election Year 2016

We are pleased to provide some “guidelines” for filing resolutions for the year 2016. The Revised Code of Washington citations are offered as references for additional research. The material contained herein may change due to new legislation, judicial determination or rule changes.

Within the pages of this guide you will find information pertaining to:

- Filing a Resolution and Ballot Title – RCW’s
- Cover page for Filing a Resolution (required by Jefferson County)
- Bond and Levy Validation (State Constitution)
- Local On-line Voters’ Guide Information
- Establishing Committees “For” and “Against” a Local Measure (recommended but optional with on-line voters’ guide)
- “For” and “Against” Committee Member Form
- “For” and “Against” Statements
- Voter Data Request

Please contact me if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Betty Johnson".

Betty Johnson
Election Coordinator
bettyj@co.jefferson.wa.us
(360) 385-9117

RCW 29A.36.071

Local measures — Ballot title — Formulation — Advertising.

- (1) Except as provided to the contrary in RCW [82.14.036](#), [82.46.021](#), or [82.80.090](#), the ballot title of any referendum filed on an enactment or portion of an enactment of a local government and any other question submitted to the voters of a local government consists of three elements: (a) An identification of the enacting legislative body and a statement of the subject matter; (b) a concise description of the measure; and (c) a question. The ballot title must conform with the requirements and be displayed substantially as provided under RCW [29A.72.050](#), except that the concise description must not exceed seventy-five words; however, a concise description submitted on behalf of a proposed or existing regional transportation investment district may exceed seventy-five words. If the local governmental unit is a city or a town, the concise statement shall be prepared by the city or town attorney. If the local governmental unit is a county, the concise statement shall be prepared by the prosecuting attorney of the county. If the unit is a unit of local government other than a city, town, or county, the concise statement shall be prepared by the prosecuting attorney of the county within which the majority area of the unit is located.
- (2) A referendum measure on the enactment of a unit of local government shall be advertised in the manner provided for nominees for elective office.
- (3) Subsection (1) of this section does not apply if another provision of law specifies the ballot title for a specific type of ballot question or proposition.

RCW 29A.36.080

Local measures — Ballot title — Notice.

Upon the filing of a ballot title of a question to be submitted to the people of a county or municipality, the county auditor shall provide notice of the exact language of the ballot title to the persons proposing the measure, the county or municipality, and to any other person requesting a copy of the ballot title.

RCW 29A.36.090

Local measures — Ballot title — Appeal.

If any persons are dissatisfied with the ballot title for a local ballot measure that was formulated by the city attorney or prosecuting attorney preparing the same, they may at any time within ten days from the time of the filing of the ballot title, not including Saturdays, Sundays, and legal holidays, appeal to the superior court of the county where the question is to appear on the ballot, by petition setting forth the measure, the ballot title objected to, their objections to it, and praying for amendment of it. The time of the filing of the ballot title, as used in this section in determining the time for appeal, is the time the ballot title is first filed with the county auditor.

A copy of the petition on appeal together with a notice that an appeal has been taken shall be served upon the county auditor and the official preparing the ballot title. Upon the filing of the petition on appeal, the court shall immediately, or at the time to which a hearing may be

adjourned by consent of the appellants, examine the proposed measure, the ballot title filed, and the objections to it and may hear arguments on it, and shall as soon as possible render its decision and certify to and file with the county auditor a ballot title that it determines will meet the requirements of this chapter. The decision of the superior court is final, and the ballot title or statement so certified will be the established ballot title. The appeal must be heard without cost to either party.



Resolution Cover Sheet – Required by Jefferson County

Include this form with each original or certified copy of the resolution. Contact person or persons should have the authority and be available to answer questions. See 2016 Election Calendar for deadlines.

District Information:

Name of District: _____

District Address: _____

Date of Election: _____

Contact Person: _____ Title: _____

Contact Phone: _____ Fax: _____ Email: _____

2nd Contact Person: _____ Title: _____

2nd Contact Phone: _____ Fax: _____ Email: _____

Attorney for District:

Name: _____

Phone: _____ Fax: _____ Email: _____

Other Information:

Type of Election (levy, bond, lid lift, etc.): _____

State the Pass / Fail requirement for this measure (i.e., Simple Majority, 60%, etc.) as determined by your legal counsel: _____

Comments: _____

Return this form ***with the original resolution*** to Jefferson County Auditor's Office:

1820 Jefferson St (PO Box 563), Port Townsend WA 98368

Contact info: (360) 385-9117 / bettyj@co.jefferson.wa.us

Local On-line Voters' Guide

Jefferson County provides an on-line voters' guide for all elections on our website at <https://wei.sos.wa.gov/county/jefferson/en/pages/default.aspx> or go to www.co.jefferson.wa.us and click on Elections. Jurisdictions with measures or candidates on the ballot are automatically included in the on-line voters' guide.

The full text of a resolution calling for an election will not be included in the guide. Printed copies are available and will be provided upon request.

For each measure, the on-line voters' guide will include:

- Official ballot title.
- Explanatory statement (if provided).

The following is recommended but not required for an **on-line** voters' guide (only required if we provided a **printed** voters' pamphlet)

- Committee contact information, if submitted.
- "For" and "Against" statements if submitted.
- Rebuttal statements if submitted.

Explanatory Statement

An explanatory statement about the measure may accompany ballot measures submitted for inclusion in the Online Voters' Guide. The attorney for the jurisdiction sponsoring the ballot measure, or the Prosecuting Attorney for County measures, will prepare and submit the explanatory statement to the Elections office.

All explanatory statements not approved by the attorney for the jurisdiction submitting the measure shall be reviewed and approved by the County Prosecuting Attorney before inclusion in the guide.

150 word limit.

Committee Appointments

RCW 29A.32.280

Arguments advocating approval or disapproval — Preparation by committees.

For each measure from a unit of local government that is included in a local voters' pamphlet, the legislative authority of that jurisdiction shall, not later than forty-five days before the publication of the pamphlet, formally appoint a committee to prepare arguments advocating voters' approval of the measure and shall formally appoint a committee to prepare arguments advocating voters' rejection of the measure. The authority shall appoint persons known to favor the measure to serve on the committee advocating approval and shall, whenever possible, appoint persons known to oppose the measure to serve on the committee advocating

rejection. Each committee shall have not more than three members, however, a committee may seek the advice of any person or persons. 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.

.....
Although **the above RCW applies to counties that provide a printed voters' pamphlet**, we encourage jurisdictions to provide "For" and "Against" information so the voting public can make an informed decision.

Jefferson County will post an invitation on the county website for any person who wants to be on the committee. Interested persons will be directed to the district to be added to their form. If a district does not submit a Committee Members Form with their resolution, the Auditor's office will make the appointments.

Submit your committee roster with your contact information no later than the resolution deadline. Names will be printed in the order submitted on the roster.

Each committee member may use up to 8 words as a title or identification.

Each committee may submit contact information consisting of a telephone number, and email address and a website URL for publication. This information does not count toward any word limits.

The committees will then have two weeks from the resolution deadline to provide their statements.

Statements For or Against

Deadline to Submit: Statements must be received within two weeks of the resolution deadline.

Length: Each statement must be **150** words or less, in block paragraph form. Hyphenations count as two words.

If a For or Against statement is received that exceeds the applicable word limit the committee will be notified by email and asked to delete words, paragraphs or sentences. Only deletions are allowed. No changes or additions to the statement will be allowed.

If a contact person cannot be reached, or does not respond, within a reasonable amount of time the statement will be shortened by deleting full sentences from the end until the limit is reached.

Format

Up to four headings may be used to summarize and identify major arguments or portions of the statement for the convenience of the reader. Headings may not exceed 15 words each and will be printed in bold type. Headings will not be included in the computation of the number of words in the statement.

Italics may be used to emphasize specific words or statements. Any other formatting, such as all caps, bold, or underlining, will be changed to appear in *italics*.

The use of lists or bullets is not allowed. Lists or bullets will be converted to block paragraph, with a semicolon to separate each item.

Committee member names, a contact phone number, an email address, and/or website address will be included, but are not included in the 150 word count. At least one method of contact (phone, email, website address) must be provided.

Content

Pursuant to RCW 29A.32.230, the Elections Division may reject any material submitted for publication. These materials include, without limitation, explanatory statements, For or Against statements, rebuttal statements, or contact information that:

- Is obscene;
- Is libelous;
- Contains a commercial advertisement;
- Contains matter not limited to the candidate himself or herself or to the measure or political office; or
- Contains matter that is otherwise inappropriate or that does not comply with applicable law.

No more than 5 paragraphs are allowed for arguments. Excessive paragraph returns will be removed.

URLs for websites, Facebook pages, blogs, etc. are not permitted in the argument sections; each committee may list one URL in their contact information section.

Once submitted, arguments cannot be changed by the committee unless requested by the Auditor's Office or court order.



“For” and “Against” Committee Members Form

Return the completed form **by the election resolution deadline**. See 2016 Election Calendar for deadlines. Committees will then have two weeks from that date to submit their statements.

Name of Jurisdiction Submitting Measure: _____

Jurisdiction Contact Name: _____

Email: _____ Phone: _____

Jurisdiction’s responsibility:

- Submit completed form to Jefferson County Elections Department **on or before the resolution submittal deadline**:
 - Email: bettyj@co.jefferson.wa.us
 - Mail: Attn: Betty Johnson, PO Box 563, Port Townsend WA 98368
- Provide committee members with statement submission requirements and deadlines.

At least one type of committee contact (phone, email, or website) must be checked below to be included in the on-line voters’ guide.

Questions? Email bettyj@co.jefferson.wa.us or call (360) 385-9117.

Check the red box if you want this information included in the on-line voters’ guide.

“For” Committee

1st Committee Member is responsible for contact with Election Coordinator on behalf of the committee.

Name: _____

Phone: _____

Email: _____

Website: _____

Committee Name: _____

2nd Committee Member:

Name: _____

Phone: _____

Email: _____

3rd Committee Member:

Name: _____

Phone: _____

Email: _____

“Against” Committee

1st Committee Member is responsible for contact with Election Coordinator on behalf of the committee.

Name: _____

Phone: _____

Email: _____

Website: _____

Committee Name: _____

2nd Committee Member:

Name: _____

Phone: _____

Email: _____

3rd Committee Member:

Name: _____

Phone: _____

Email: _____

Rebuttal Statements

If both For and Against statements are submitted, the Election Coordinator will email the text of the statement to the spokesperson for the opposing committee listed on the committee appointment form. An email address is required for the spokesperson.

Rebuttal statements are not required; however, it gives each committee an opportunity to provide a response to the opposing statement.

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

Rebuttal statements must be returned with two weeks from the time the committees are notified.

Length: Rebuttal statements must be **75** words or less, in block paragraph form.

If the rebuttal statement exceeds the applicable word limit, it will be shortened by deleting full sentences from the end until the limit is reached.

Format: No headings may be used in rebuttal statements.

Italics may be used to emphasize specific words or statements. Any other formatting, such as all caps, bold, or underlining, will be changed to appear in *italics*.

The use of lists or bullets is not allowed. Lists or bullets will be converted to block paragraph, with a semicolon to separate each item.

Content: Rebuttal statements may not interject new issues or arguments and are limited to addressing issues and arguments raised in the opposing argument.

How to Submit For or Against, and Rebuttal Statements

Email to: bettyj@co.jefferson.wa.us

General Provisions Applicable to All Statements

The contents of candidate statements, explanatory statements, For or Against statements and rebuttal statements are the sole responsibility of the authors and do not represent the position of the Auditor or Jefferson County regarding the measure or of any material contained therein; nor are the Auditor or Jefferson County responsible for the validity or accuracy of the statements.

Statements should be edited and prepared as carefully as one would edit and prepare a resume. Spelling, grammar and punctuation errors will not be corrected. Statement content will be printed exactly as received, as long as it complies with format specifications.

Be sure the campaign contact email, web address, or phone number to be included in the on-line voters' guide is accurate and functional when submitted.

After submittal, all statements are final and may not be amended.

Public Inspection of Statements RCW 29A.32.100

Statements submitted for publication in the on-line voters' guide are not available for public inspection or copying until all statements pertaining to the specified ballot measure have been received. Requests for public inspection of arguments or statements shall be made in the same manner as requests for public records.

Rejection and Appeal RCW 29A.32.230

The Election Division may reject any material submitted for inclusion in the on-line voters' guide. These materials include, without limitation, candidate statements, explanatory statements, For or Against statements, rebuttal statements and contact information.

If an explanatory statement, candidate statement, For or Against statement, rebuttal statement or contact information is rejected by the Election Division, a written notice of rejection shall be sent to the proponent by email not more than 48 hours after receipt thereof and shall set forth specific grounds for rejection.

Appeal

The proponent of a candidate statement, explanatory statement, For or Against statement or rebuttal statement or contact information may appeal the Election Division's decision to reject. A written notice of appeal shall be submitted to the Auditor by email not more than 48 hours after the notice of rejection was sent and shall set forth the specific grounds for appeal. The Auditor shall issue a written decision granting or denying the appeal by email not more than 48 hours after receiving the notice of appeal. The decision of the Auditor to grant or deny an appeal shall be final.

If material is rejected, the on-line voters' guide will reflect the original submitted material with the rejected material omitted and the appropriate space left blank.

Bond and Levy Validation - State Constitution, Article VII, Section 2

LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money. Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, Municipal Corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election. Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodeling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election. Any such taxing district shall have the right by vote of its governing body to refund any

general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein. The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [**AMENDMENT 101**, 2007 Engrossed House Joint Resolution No. 4204, pp 3143-3145. Approved November 6, 2007.]

The above was copied directly from the State Constitution. The next page has a more comprehensive explanation of Levy and Bond Validation Requirements.

Passing a levy or bond issue isn't always a simple matter of "majority rules." State law requires a "60% super majority" for bond issues and some types of levies to pass. Other levies such as levy lid lifts and school levies only require a simple majority.

Levy Validation for Schools

The passage of Engrossed House Joint Resolution 4204 in November of 2007 changed the constitutional requirement as it relates to school district levy elections. A school district levy requires a simple majority to pass.

Levy Validation (excluding school levies)

Levy issues must meet two separate criteria to pass.

- First, they must validate. The number of "Yes" votes must equal 24% (60% of the 40%) of the voters who cast a ballot in the last general election.
- Second, the issue must receive a 60% favorable majority, or 60% of the ballots cast are "Yes" votes.

Example – Levy Validation

If there were 10,000 votes cast in the last general election for the district, to pass the levy issue:

- The district must have a minimum turnout of at least **2,400 YES votes.**

$$(10,000 \times 40\% = 4,000)$$

$$(4,000 \times 60\% = 2,400)$$

Plus

- At least **60%** of the voters must vote **YES.**

Bond Validation

Bond issues must meet two separate criteria to pass.

- First, they must validate. The voter turnout must equal 40% of the voters who cast a ballot in the last general election.
- Second, the issue must receive a 60% favorable majority, or 60% of the ballots cast are "Yes" votes. So, a bond measure could get the required percentage of "Yes" votes, but could still fail if not enough people vote in the election.

Example – Bond Validation

If there were 10,000 votes cast in the last general election for the district, to pass the bond issue:

- The district must have a minimum turnout of at least **4,000 TOTAL voters.**

$$(10,000 \times 40\% = 4,000)$$

Plus

- At least **60%** of the voters must vote **YES.**

Validation Summary

Following certification of the General Election each year, the validation summary will be mailed to each district.

Jefferson County Voter Data

Voter information is available in the form of a txt file or pdf reports. The most current information is available approximately 29 days prior to each election. Data listing voters who have returned their ballots (matchbacks) is also available.

The data includes:

- Voter's name.
- Registered address, city, state, zip.
- Mailing address.
- Precinct number.
- Date of registration.
- Date of birth.
- Voter history for the last five elections.
- A field identifying those who have or have not returned a ballot.

State law does not allow phone numbers or email addresses to be made public.

Common Data Requests

- Data file of all registered voters in the County or in a specific district or precinct.
- Data file of targeted voters who voted in a specific election(s).
- Walking lists which includes voters in address / precinct order. Does not include voter history.
- Data file of voters who have returned their ballot (matchbacks).

To order data or lists

Visit the Election Department in the Auditor's office to place an order or mail your payment, if applicable, with the order form.

Payment, if applicable, is required in advance for all orders. Your order will generally be completed within 24 hours.

Restricted Use of Voter Data RCW 29A.08.740

See restrictions / violations listed directly after request form.

Maps

Maps of the county with precinct information are located on the Jefferson County Website www.co.jefferson.wa.us click on Maps, then Map database and enter Precinct in the search box. Maps can also be purchased from the Jefferson County Auditor's Office.



Voter Registration Data Order Form & Affidavit
Jefferson County WA
PO Box 563, Port Townsend WA 98368
(360) 385-9119

Name of requestor: _____ Phone No: _____

Address: _____ Email: _____

Campaign / Organization: _____

What would you like to order? (check all that apply)

1. Select Source

Voter data _____
 Walking list _____ Does not include history _____
 Labels _____ Individual or Household (circle one) _____
 Election returns _____ Matchbacks from starting date _____ to ending date _____
 Circle one (daily or cumulative) _____ Circle one (returned or not returned) _____

Select Type

Active Voters _____ and/or Inactive Voters _____

2. Select Area

Countywide _____
 Specific district(s) _____ District name(s) _____
 Specific precinct(s) _____ Precinct(s) _____
 Voter History _____ Last 5 dates _____ or list up to 5 specific dates below
 Dates requested: _____

3. Select Format

Electronic data via email _____ Free _____ Paper List _____ \$0.15/page
 Electronic data on CD _____ \$5.00 _____ Sheets of Labels _____ \$0.25/sheet
 (electronic data is a txt file)

4. Read and sign

I understand the County Auditor is required by law to furnish current lists and / or labels of registered voters to any person, upon written request, PROVIDED: That such lists be used for political purposes and **shall not be used for any commercial purposes** (RCW 29A.08.720). I further understand that any violation of RCW 29A.08.720 relating to the use of lists of registered voters is a class C felony punishable by imprisonment in a state correction facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, in addition to possible civil penalties as cited in RCW 29A.08.740.

Therefore, I hereby certify under penalty of perjury under the laws of the state of Washington that I will not use said records for commercial purposes, or any other purpose prohibited by law.

X _____ Date: _____
 Signature of Requestor

For office use only:

Date received: _____ Approved by: _____ Date of Delivery: _____
 Payment: _____ Cash / Check No: _____ Order filled by: _____
 Order picked up by or delivered to: _____

Title 29A RCW: Elections

29A.08.740 Violations of restricted use of registered voter data – Penalties – Liabilities.

(1) Any person who uses registered voter data furnished under RCW 29A.08.720 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value is guilty of a Class C felony punishable by imprisonment in a state correctional facility for a period of not more than five years or a fine of not more than ten thousand dollars or both such fine and imprisonment, and is liable to each person provided such advertisement or solicitation, without the person's consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to the person's residence. However, a person who mails or delivers any advertisement, offer, or solicitation for a political purpose is not liable under this section unless the person is liable under subsection (2) of this section. For purposes of this subsection, two or more attached papers or sheets or two or more papers that are enclosed in the same envelope or container or are folded together are one item. Merely having a mailbox or other receptacle for mail on or near the person's residence is not any indication that the person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section, and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) Each person furnished data under RCW 29A.08.720 shall take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person is jointly and severally liable for damages under subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data.

We hope you found the information in the "Election Guide for Jurisdictions – Election Year 2015" helpful.

If you have any questions, comments and/or suggestions please don't hesitate to contact us.

Comments and suggestions for future publications are encouraged and welcome.

Contact information:

Jefferson County Auditor's Office

Physical address:

1820 Jefferson St (1st Floor)
Port Townsend WA 98368

Mail address:

Jefferson County Auditor's Office
PO Box 563
Port Townsend WA 98368

Website: www.co.jefferson.wa.us click on Elections

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Election Division

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(360) 902-4180 Main phone for Elections in Olympia