

STATE OF WASHINGTON

VOTERS' PAMPHLET

State General Election • November 2, 2004



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Edition 16

Introduction to the 2004 Voters' Pamphlet

Welcome to the 2004 Voters' Pamphlet, the 90th anniversary of Washington's comprehensive guide.

On November 2, millions of Washingtonians will help elect America's next president, state and local officials, and decide whether five statewide ballot measures should become law.

The 2004 Voters' Pamphlet, distributed in English, Chinese, and Spanish, is designed to make voting easier for all citizens. I encourage you to visit our website at www.vote.wa.gov for additional information on candidates, measures, and the elections process itself. The website features a civic education program designed by teachers that includes lessons on democracy for kids.

Please join me in congratulating the young Washington student whose patriotic artwork is featured on the cover of this Pamphlet. "Let Freedom Ring" is our 2004 theme and a fitting symbol of the great passion Washingtonians have for this democracy.

I commend you for taking part in the 2004 General Election. By casting your ballot, you can make a difference in your government and in the future of the great state of Washington.



SAM REED
Secretary of State

*The artwork for the cover was done by Hannah Myers.
Hannah is a 6th grade student from the Spokane area.*

Secretary of State Voter Information Hotline 1.800.448.4881

(TDD Hotline for the hearing or speech impaired 1.800.422.8683)

Visit our online voters' guide at www.vote.wa.gov

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NOTE: This edition of the voters' pamphlet includes candidates who will not appear on your ballot. Contact the county auditor to verify which offices will appear on your ballot.

Address Confidentiality Program

If you are a victim of domestic violence, sexual assault or stalking who has chosen not to register to vote because you are afraid the perpetrator will track you down, the Office of the Secretary of State has a program that might be able to help you. The Address Confidentiality Program (ACP) works together with community domestic violence and sexual assault programs in an effort to keep crime victims a little safer. The Address Confidentiality Program provides crime victims with a substitute mailing address that can be used when the victim works with the state and local government agencies. The ACP also provides crime victims with confidential voter registration. All ACP participants must be referred to the program by a local domestic violence or sexual assault advocate who can help the victim develop a comprehensive safety plan.

Need More Information?

For more information about the ACP and the phone number of victim resources in your community call the ACP at 360.753.2972 or visit www.secstate.wa.gov/acp.

Voter's Checklist

Every Washington voter will have the opportunity to vote on five statewide measures, as well as federal, judicial, state and local candidates, at the state general election on November 2, 2004. 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 29A.44.030)

INITIATIVE MEASURE 872

Initiative Measure No. 872 concerns elections for partisan offices.

This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party.

Should this measure be enacted into law? Yes No

INITIATIVE MEASURE 884

Initiative Measure No. 884 concerns dedicating funds designated for educational purposes.

This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%.

Should this measure be enacted into law? Yes No

INITIATIVE MEASURE 892

Initiative Measure No. 892 concerns authorizing additional "electronic scratch ticket machines" to reduce property taxes.

This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes.

Should this measure be enacted into law? Yes No

REFERENDUM MEASURE 55

The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools.

This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.

Should this bill be: Approved Rejected

INITIATIVE MEASURE 297

Initiative Measure No. 297 concerns "mixed" radioactive and nonradioactive hazardous waste.

This measure would add new provisions concerning "mixed" radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits.

Should this measure be enacted into law? Yes No

State and federal law provide procedures for voters to complain about suspected violations of the Help America Vote Act (HAVA). Information about HAVA and the complaint procedures is available at the Office of the Secretary of State website (www.secstate.wa.gov) or by calling 1.800.448.4881.

Voting in the State of Washington

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.

In Washington State, 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 to Vote

Forms are available on the Internet at www.vote.wa.gov or at your county auditor's office, elections department, public libraries, schools, and other government offices. You may also request a form through the State Voter Information 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. You must re-register or transfer your registration at least **30 days** before the election to be eligible to vote in your new precinct.

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 an 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. An absentee ballot request form is 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. **Please 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 2, 2004. 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.

Contact the Office of the Secretary of State for:

- Voters' Pamphlets in other formats (Braille, audio cassette, large print) or languages (Spanish, Chinese);
- Lists of initiatives and referendums;
- Help with finding your elected officials; and
- Voter registration, voting and absentee ballot information.

Much of this information is available through the Secretary of State's home page, www.secstate.wa.gov, or in the Secretary of State's online voters' guide, www.vote.wa.gov. You also may reach the Office of the Secretary of State using the Voter Information Hotline, 1.800.448.4881 (TDD for the hearing- or speech-impaired only is 1.800.422.8683).



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

Voter Participation in Election Campaigns

Those who wish to participate in the election campaign process through financial contributions, volunteer work or other types of involvement, may contact the candidate or party of his or her choice for more information. Listed below are the political parties with candidates on the general election ballot.

Constitution Party (C)
1721 W. Rockwell Avenue
Spokane, WA 99205
509.326.0171
jbealsro517@earthlink.com

Green Party of Seattle (G)
PO Box 95515
Seattle, WA 98145-2515
206.524.3377
info@seattlegreens.org

Republican Party (R)
16400 Southcenter Pky, Ste 200
Seattle, WA 98188
206.575.2900
www.wsrp.org

Socialist Workers Party (SW)
5418 Rainier Avenue S.
Seattle, WA 98118
206.323.1755

Democratic Party (D)
PO Box 4027
Seattle, WA 98104
206.583.0664
www.wa-democrats.org

Libertarian Party (L)
PO Box 7118
Bellevue, WA 98008
425.641.8247 or 1.800.353.1776
office-manager@lpws.org

Socialist Equality Party (SE)
PO Box 48377
Oak Park, MI 48237
248.967.2924
sep2004@socialequality.com

Workers World Party (WW)
55 W. 17th Street
New York, NY 10011
212.627.2994
www.vote4workers.org

Public Access to Campaign Spending Reports

Contributions to Candidates and Political Committees

No person may make contributions to a State Legislative Candidate that exceeds \$675 per election in which the candidate's name is on the ballot. Contributions to State Executive Candidates may not exceed \$1,350 in the primary and \$1,350 in the general election. A person may give unlimited funds to the exempt activities account of a political party, to ballot issue committees or to other political committees. During the 21 days before the general election, however, a person may contribute no more than \$5,000 to a local or judicial office candidate, political party or other political committee. Contributions from corporations, unions, businesses, associations and similar organizations are permitted, subject to limits and other restrictions.

Registration and Reporting by Candidates and Political Committees

No later than two weeks after an individual becomes a candidate or a political committee is organized, a campaign finance registration statement must be filed with the Public Disclosure Commission (PDC) and the local county elections office. (Committees that form within three weeks of the election must register within three business days.) The candidate or committee treasurer is also required to report periodically the source and amount of campaign contributions over \$25 and to list campaign expenditures. The occupation and employer of individuals giving more than \$100 to a campaign must also be identified.

These reports may be inspected and copied at the PDC's Olympia office, the county elections office in the county where

the candidate lives, and on the Internet (www.pdc.wa.gov). Every candidate and political committee participating in the election also must make their actual records available for public review during the eight days before the election. Each campaign's registration form will show when and where these records will be located on the eighth day before the election. For access on one of the other days, except Saturday, Sunday or a holiday, contact the campaign for an appointment.

Independent Campaign Expenditures

Anyone making expenditures totaling \$100 or more in support of or opposition to a state or local candidate or ballot proposition (not including contributions made to a candidate or political committee) must file a report with the PDC and their county elections office within five days. Forms are available from the PDC, the county election office or can be downloaded from the PDC website. Also, all political advertising must identify the person paying for the ad and may have to include other information.

Federal Campaigns

Contributions to U.S. Senate and House of Representative candidates are regulated by federal law. An individual may contribute a maximum of \$2,000 in the primary election and \$2,000 in the general election to each candidate for U.S. Senator and U.S. Representative. Corporations and unions are prohibited from contributing from their general treasury funds to federal campaigns. Contributions may be made from separate segregated funds (also called political action committees or PACs). Copies of the federal campaign finance reports are available from the Federal Elections Commission (FEC).

Need More Information?

Contact the Public Disclosure Commission, 711 Capitol Way, Room 206, P.O. Box 40908, Olympia, WA 98504-0908, 360.753.1111, E-mail: pdc@pdc.wa.gov, Website: pdc.wa.gov; for federal campaigns, the Federal Elections Commission, 202.694.1100 or toll free 1.800.424.9530, Website: www.fec.gov.

Do you know what they do?

Voters in the state of Washington are entrusted to vote candidates into many offices, perhaps without knowing the qualifications and full responsibility of that office. Following are the descriptions for the federal and state offices open for this year's election.



Federal Offices

President/Vice President

Under the U.S. Constitution, the President must be at least 35 years old and a native-born citizen of the United States. The president's term of office is four years; no person may serve more than two consecutive terms as president.

The president's functions, powers, and responsibilities are defined by Article II, Section 1 of the Constitution. The chief duty is to ensure that the laws are faithfully executed, and this duty is performed through a system of appointed executive agencies that includes cabinet-level departments. The president appoints all the cabinet heads and most other high-ranking officials of the executive branch of the federal government. The president also nominates all judges of the federal judiciary, including the members of the Supreme Court; nominees are subject to confirmation by the Senate. The president is the commander in chief of the nation's armed forces, in times of peace as well as war. The president has the power to make treaties with foreign governments, though the Senate must approve such treaties. Finally, the president has the power to approve or reject (veto) the laws passed by Congress.

The Constitution stipulates that the Vice President shall become President in the event the President dies, resigns, or is removed from office. The Vice President also serves as the presiding officer of the U.S. Senate.

U.S. Senator

The U.S. Constitution prescribes that a Senator must be at least 30 years of age, have been a citizen of the United States for nine years, and, when elected, be a resident of the State from which he or she is chosen. A Senator's term of office is six years and approximately one-third of the total membership of the Senate is elected every second year.

The Constitution assigns the Senate and House equal responsibility for declaring war, maintaining the armed forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws necessary for the operation of the government. The Senate holds exclusive authority to advise and consent on treaties and nominations.

U.S. Representative

The U.S. Constitution prescribes that a Representative must be at least 25 years of age, have been a citizen of the United States for seven years, and, when elected, be a resident of the State from which he or she is chosen. A Representative's term of office is two years; the total membership of the House is elected in even-numbered years.

The Constitution assigns the Senate and House equal responsibility for declaring war, maintaining the armed forces, assessing taxes, borrowing money, minting currency, regulating commerce, and making all laws necessary for the operation of the government.



Statewide Offices

Governor

The Governor is the chief executive officer of the state, elected by the people to serve a four-year term. The Governor is responsible for overall administration of the affairs of the state of Washington.

The office was created by Article III, Section 2, of the Washington Constitution. The Governor's powers and duties are outlined in Section 5-13 of the Constitution and RCW 43.06.

Lieutenant Governor

The Lieutenant Governor is elected independently of the Governor and holds office for four years. The State Constitution gives the Lieutenant Governor the following responsibilities: To act as Governor if the Governor is unable to perform his/her official duties; to be presiding officer of the State Senate; to discharge other duties prescribed by law.

The Lieutenant Governor is elected to a four-year term. The office was created by Article III, Section 16 of the State Constitution.

Secretary of State

The Secretary of State is the state's chief elections officer, chief corporation officer, supervises the State Archives and oversees the State Library. Primary functions include supervising state elections and certifying election results; filing and verifying initiatives and referendums; publishing the state voters' pamphlet; registering and licensing corporations, limited partnerships and trademarks; registering charitable organizations; collecting and preserving historical records of the state; administering the state's Address Confidentiality Program; filing official acts of the Legislature and Governor.

The Secretary of State is elected to a four-year term. The office was created by Article III, Section 17 of the State Constitution. The duties are outlined in RCW 43.07.

State Treasurer

As the state's fiscal officer, the State Treasurer's principal duties are to manage and disperse all funds and accounts; be responsible for the safekeeping and interest on all state investments; accounting for and making payments of interest and principal on all state bonded indebtedness and maintaining a statewide revenue collection system for the purpose of expediting the deposit of state funds into the Treasury.

The State Treasurer is elected to a four-year term. The office was created by Article III, Section 19 of the State Constitution. The duties are outlined in RCW 43.08.

State Auditor

The State Auditor conducts financial and legal compliance audits of all state agencies and local governments in Washington to determine compliance with the state constitution, state laws, and local ordinances and Government Auditing



Standards. Audit results are documented and issued in public reports. The Auditor is granted limited authority to conduct performance audits of state agencies as authorized by the Legislature.

The State Auditor is elected to a term of four years. The office was created by Article III, Section 20 of the Washington State Constitution and the duties are outlined in RCW 43.09 and 43.88.

Attorney General

The Attorney General serves as legal counsel to the Governor, members of the legislature, state officials, and more than 230 state agencies, boards and commissions, colleges and universities. The office also represents the various administrative agencies and schools in court or administrative hearings. The Office of the Attorney General enforces consumer protection statutes and serves the public directly by providing information on consumer rights and fraudulent business practices.

The Attorney General is elected to office for a four-year term. The office was created pursuant to Article III, Section 21 of the Washington State Constitution. The duties are outlined in RCW 43.10.

Superintendent of Public Instruction

The Superintendent of Public Instruction is a nonpartisan position and supervises the public schools in the state. The superintendent also acts in an advisory capacity to other areas of public education. The regulatory duties of the office include certification of teaching personnel, approval and accreditation programs, and apportionment of state and local funds. The superintendent also provides assistance to school district's school improvement area; in statistical analysis, accounting, management, assessment, and curriculum development.

The Superintendent is elected to a four-year term of office. The office was created pursuant to Article III, Section 22 of the Washington State Constitution. The duties are outlined in RCW 28A.300.

Commissioner of Public Lands

The Commissioner of Public Lands is the head of the Department of Natural Resources, overseeing the management of 5 million acres of forest, agricultural, range, tidal and shore lands of the state. Subject to proprietary policies established by the Board of Natural Resources, the Commissioner is responsible for the exercise of all duties and functions of the department.

The commissioner is elected to a four-year term of office. The office was created pursuant to Article III, Section 23 of the Washington State Constitution. The duties are outlined in RCW 43.12 and RCW 43.30.

Insurance Commissioner

The Office of the Insurance Commissioner regulates insurance companies doing business in Washington, licenses agents and brokers, reviews policies and rates, examines the operations and finances of insurers, and handles inquiries and complaints from the public.

The Insurance Commissioner is elected to a four-year term of office. The office was created by the Legislature and the duties are listed in RCW 48.02.060 and 48.43.



Supreme Court Justice

The Supreme Court includes nine justices serving six-year terms, with three justices being chosen by the voters from a nonpartisan judicial ballot at the general election in November of each even-numbered year. The Court determines cases, publishes opinions, adopts rules of procedure, provides continuing guidance for the admission and supervision of the members of the Bar, and conducts a continuous program of training and guidance for the judiciary.

Article IV of the Washington State Constitution stipulates that the Washington Supreme Court is the head of the judicial branch of state government, co-equal with the legislative and executive branches, and it is the state court of last resort.

Court of Appeals Judge

The Court of Appeals provides appellate review of all lower court decisions, except those excluded by RCW 2.06.030. The Court is organized into Divisions I, II, and III, with headquarters located in Seattle, Tacoma, and Spokane, respectively. Each division is divided into three districts, with a specified number of judges, each of whom is elected to a six-year term by the electorate of the district served.

Superior Court Judge

There are 29 superior court judicial districts in the 39 counties. As of 2003 there are 174 superior court judges. Superior court judges are elected on a nonpartisan basis for a four year term.



State Senator

The State Constitution prescribes that a Senator must be a citizen of the United States and a qualified voter in the legislative district from which he or she was chosen. A Senator's term of office is four years; the Senate is made up of 49 members, one from each legislative district in the state. One-half of the membership of the Senate is elected at the General Election held in November of each even-numbered year.

During legislative sessions, the Legislature is called upon to: enact or reject legislation affecting public policy in the state; provide for the levy and collection of taxes and other revenue to support state government and assist local government; and appropriate funds for these purposes.

State Representative

The State Constitution prescribes that a Representative must be a citizen of the United States and a qualified voter in the legislative district from which he or she was chosen. A Representative's term of office is two years; the House is made up of 98 members, two from each legislative district in the state. The total membership of the House is elected at the General Election held in November of each even-numbered year.

During legislative sessions, the Legislature is called upon to: enact or reject legislation affecting public policy in the state; provide for the levy and collection of taxes and other revenue to support state government and assist local government; and appropriate funds for these purposes.


The Ballot Measure Process


The Washington State Constitution affords voters two basic methods of direct legislative power — the Initiative and the Referendum. While differing in process, both initiatives and referenda have the same effect of leaving the ultimate authority to legislate in the hands of the people.

The Initiative

The initiative process is the direct power of the voters to enact new laws or change existing laws. It allows the electorate to petition to place proposed legislation on the ballot. The initiative's only limitation is that it cannot be used to amend the state constitution.

There are two types of initiatives:

 **Initiatives to the People** - Initiatives to the people, if certified to have sufficient signatures, are submitted for a vote of the people at the next state general election.

 **Initiatives to the Legislature** - Initiatives to the Legislature, if certified, are submitted to the Legislature at its regular session each January. Once submitted, the Legislature must take one of the following three actions:

- 1) The Legislature can adopt the initiative as proposed, in which case it becomes law without a vote of the people;
- 2) The Legislature can reject or refuse to act on the proposed initiative, in which case the initiative must be placed on the ballot at the next state general election; or
- 3) The Legislature can approve an amended version of the proposed initiative, in which case both the amended version and the original proposal must be placed on the ballot at the next state general election.

Any registered voter, acting individually or on behalf of an organization, may propose an initiative to create a new state law or to amend or repeal an existing statute.


To certify an initiative (to the people or to the Legislature), the sponsor must circulate the complete text of the proposal among voters and obtain a number of legal voter signatures equal to eight (8) percent of the number of votes cast for the office of Governor at the last regular gubernatorial election.


Initiative measures appearing on the ballot require a simple majority vote to become law (except for gambling or lottery measures which require 60 percent approval).

The Referendum

Washington's referendum process is intended to give voters an opportunity to have the final say regarding laws either proposed or approved by the Legislature. The only acts that are exempt from the power of referendum are emergency laws — those that are necessary for the immediate preservation of the public peace, health or safety, and the support of state government and its existing institutions.

There are two types of referenda:

 **Referendum Bills** - Referendum bills are proposed laws referred to the electorate by the Legislature.

 **Referendum Measures** - Referendum measures are laws recently passed by the Legislature that are placed on the ballot because of petitions signed by voters.

Any registered voter, acting individually or on behalf of an organization, may demand, by petition, that a law passed by the Legislature be referred to a vote of the electorate prior to its going into effect (except that emergency legislation is exempt from the referendum process — see above).

To certify a referendum measure to the ballot, the sponsor must circulate among voters the text of the legislative act to be referred, and obtain a number of legal voter signatures equal to four (4) percent of the number of votes cast for the office of Governor at the last regular gubernatorial election.

A referendum certified to the ballot must receive a simple majority vote to become law (except for gambling and lottery measures which require 60 percent approval).

(Please note: The preceding information is not intended as a substitute for the statutes governing the initiative and referendum process, but rather should be read in conjunction with them. Relevant sections of law are found in Article 2, Section 1 of the Washington State Constitution and Chapter 29A.72 RCW. Visit the Code Reviser's Web Site at <http://slc.leg.wa.gov/> to access these sections online.)





INITIATIVE MEASURE 872

PROPOSED TO THE PEOPLE

Official Ballot Title:

Initiative Measure No. 872 concerns elections for partisan offices.

This measure would allow voters to select among all candidates in a primary. Ballots would indicate candidates' party preference. The two candidates receiving most votes advance to the general election, regardless of party.

Should this measure be enacted into law?

Yes [] No []

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 872 begins on page 27.



Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 872 would authorize a primary election allowing the two candidates with the most votes to advance to the general election, regardless of political party, starting with the primary election in September 2005. Annual costs for this primary election system could be as much as \$6.0 million lower for the state and counties compared to current law. The lower cost of the primary election system is due to ballot size, the number of ballots, and associated processing procedures. One time costs for public education and voter notification of changes in the primary election system may cost the state \$1.3 million.

Assumptions for Analysis of I-872

- As the State Elections Officer, the Secretary of State is projected to spend up to \$1.3 million on one-time costs associated with implementing the new primary system. The most notable one-time cost is a voter outreach campaign to educate voters about changed requirements. The Secretary of State's Office is expected to spend up to \$1 million to conduct a media campaign and up to \$305,000 to publish an eight-page primary voter's pamphlet prior to the primary election in September that explains the primary system changes to voters. Other state one-time costs associated with implementing a new primary are as follows: developing new election processes/procedures; designing a new ballot; and training election and poll-site staff on new processes. The Secretary of State's Office estimates that they would spend up to \$25,000 on these activities.
- County auditors, who administer elections at the county level, are expected to save up to \$6 million annually for on-going costs associated with implementation of the new primary election system. The state, which reimburses the counties for odd-year primary election costs, would share this cost savings. The current system requires either multiple ballots or a larger consolidated ballot that enables voters to either vote by party for all offices or vote only for non-partisan offices. The new primary election system reduces ballot publishing and processing costs.





INITIATIVE MEASURE 872

Explanatory Statement

The law as it presently exists:

The process for electing candidates to federal, state and local offices involves both a primary and a general election. The primary, which is conducted in September, plays a major role in determining which candidates appear on the ballot for the following general election. The general election takes place in November, and is the voters' opportunity to select which of the candidates who appear on the general election ballot (or a write-in) should be elected to office.

The current system, described below, applies to "partisan" offices, which are offices to which candidates are elected using a party affiliation. They include United States Senator, members of Congress, most statewide elected offices (Governor, Lieutenant Governor, Secretary of State, Treasurer, Auditor, Attorney General, Commissioner of Public Lands, and Insurance Commissioner), the state legislature, and most county offices. "Nonpartisan" offices are elected without reference to political party, and include judges (at all levels), the Superintendent of Public Instruction, offices of cities and special districts, and county offices where provided by local charter. Elections for nonpartisan offices are conducted differently from the system described below, and are not affected by the proposed initiative. Elections for President and Vice President of the United States are also not affected by the proposed initiative.

The way in which primaries are currently conducted is the product of longstanding Washington law, a recent lawsuit, and new 2004 legislation. Before it was declared unconstitutional by the courts in 2003, Washington used a system that was commonly known as the "blanket primary." Under that system, all candidates for a particular partisan office appeared together on the primary ballot, and a voter could vote for a candidate of one party for one office and a candidate of another party for a different office. The top vote getter of each major political party (currently meaning the Republicans, Democrats, and Libertarians) then advanced to the general election. Minor party and independent candidates could also advance to the general election if they received at least 1% of the votes for that office. The general election ballot, therefore, included the top candidate of each major party and some minor party or independent candidates as well.

In late 2003, a federal court ruled that the blanket primary was unconstitutional. All appeals in that case have been exhausted and the result is final. This means that a court order prohibits Washington from continuing to use the blanket primary system used in the past.

In response to this court decision, a new law was enacted in 2004 establishing a different way of conducting primaries for partisan offices. This new system applied for the first time at the September 2004 primary. Under the new system, separate primary contests are conducted for each major political party. In order to vote for partisan offices, a voter selects a primary ballot of a particular political party. Voters do not register by party and no record is made of the voters' choice. In the primary, the voter is limited to choosing among the candidates of the party whose ballot he or she selects, and may not vote for candidates affiliated with any other party. Nonpartisan offices and ballot measures appear separately, and a voter may cast votes for those offices and measures regardless of whether the voter cast votes for partisan offices.

The system adopted for use beginning in 2004 does not change the way voters participate in the general election conducted in November of each year. The general election ballot includes the candidate of each major political party who received the most votes at the primary, as well as any minor party or independent candidates who qualify through a convention and petition process. Voters are not limited to a single party at the general election. At the general election voters may choose among candidates of each major political party, as well as any minor party or independent candidates who qualify.

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

This measure would change the system used for conducting primaries and general elections for partisan offices. The initiative would replace the system of separate primaries for each party, as adopted and used for the first time in 2004, with a system in which all candidates for each partisan office would appear together on the primary ballot. Candidates would be permitted to express a party preference or declare themselves independents, and their preference or status would appear on the ballot. The primary ballot would include all candidates filing for the office, including both major party and minor party candidates and independents. Voters would be permitted to vote for any candidate for any office, and would not be limited to a single party.

The general election ballot would be limited to the two candidates who receive the most votes for each office at the primary, whether they are of the same or different political preference. The measure would replace existing provisions that candidates of each major political party, as well as any minor party or independent candidates who qualify, appear on the general election ballot. This measure would change the way that candidates qualify to appear on the general election ballot, but would not otherwise change the way general elections are conducted. This measure would not change the way that primaries or general elections are conducted for nonpartisan offices.

Statement For Initiative Measure 872

VOTE FOR THE PERSON — NOT THE PARTY

Last year the state party bosses won their lawsuit against the blanket primary, and in 2004 they convinced the Governor to veto legislation allowing voters to continue to vote for any candidate in the primary. Most of us believe this freedom to select any candidate in the primary is a basic right. Don't be forced to choose from only one party's slate of candidates in the primary. *Vote Yes on I-872.*

MORE COMPETITIVE PRIMARIES AND GENERAL ELECTIONS

Under I-872, the two candidates with the most votes in the primary win and go on to the general election ballot. No political party is guaranteed a spot on the general election ballot. Parties will have to recruit candidates with broad public support and run campaigns that appeal to all the voters. That's fair — and that's right.

PROTECT PRIVACY AND INCREASE PARTICIPATION

Under I-872, you will never have to declare party or register by party in order to vote in the primary. In the primaries in 2000, the turnout in Washington was *more than twice as high* as in states with party primaries — because voters in this state could support any candidate on the primary ballot. *Vote Yes on I-872.*

RETURN CONTROL OF THE PRIMARY TO THE VOTERS

The September primary this year gave the state party bosses more control over who appears on our general election ballot at the expense of the average voter. I-872 will restore the kind of choice in the primary that voters enjoyed for seventy years with the blanket primary. Protect Washington's tradition as a state that elects people over party labels. *Vote Yes on I-872.*

For more information, call 1.800.854.1635 or visit www.i872.org.

Rebuttal of Statement Against

I-872 gives voters *more choices* in the primary and *better choices* in the general. *All the voters* will decide who is on the November ballot. Whether it's one Republican and one Democrat, one major and one minor party, or even an Independent — they will be *the candidates the voters want the most*. The primary and general election should be decided by voters, not by exclusive party organizations that might be dominated by special interests!

Voters' Pamphlet Argument Prepared by:

TERRY HUNT, President, Washington State Grange; BILL FINKBEINER, State Senator, Republican; BRIAN HATFIELD, State Representative, Democrat; SAM REED, Secretary of State, Republican; JOHN STANTON, Chairman and CEO, Western Wireless; DARLENE FAIRLEY, State Senator, Democrat.

Statement Against Initiative Measure 872

I-872 REDUCES YOUR ELECTION CHOICES THE LEAGUE OF WOMEN VOTERS AND OTHER CONCERNED CITIZENS URGE YOU TO MAKE SURE WASHINGTON VOTERS HAVE CHOICES IN NOVEMBER

Vote No on I-872! Don't be fooled. I-872 creates a Louisiana-style primary that would sharply reduce your choices in general elections. Over a third of the statewide and congressional candidates who appeared on the general election ballot in 2000 would have been eliminated in the primary if I-872 had been the law.

Third Parties and Independents Eliminated: If I-872 is passed, third parties, minor parties and even independents will be eliminated from the general election ballot, leaving (in most cases) one Republican and one Democrat. In November 2000, 180,000 voters who voted for third party candidates in the general election would never have had that choice if I-872 had been the law. Insulating the top two political parties from competition is a bad idea.

Single-Party Elections Will Result: Under I-872 many voters will not be able to vote for a candidate that represents their philosophy because the two top vote-getters in a race may be of the same party resulting in only one party being represented on the November ballot. In one-third of the races for Governor in the last twenty-five years, I-872 would have resulted in two general election gubernatorial candidates from the same party. In fact, the voters' ultimate choice for Governor in 1980, John Spellman, would never have appeared on the November ballot.

We urge you to preserve Washington's independent, multi-partisan election system by voting No on I-872.

For more information, call 206.652.8904 or visit www.No872.org.

Rebuttal of Statement For

The League of Women Voters and many others believe I-872 is bad for Washington. I-872 does not "restore the kind of choice" voters had in the past. *It reduces everybody's choice in the general election.*

It decreases general election ballot diversity by eliminating third party candidates and independents. Some November ballots may have choices from only one party for an office.

Support good government and general election choices. *Vote No on I-872.*

Voters' Pamphlet Argument Prepared by:

JUDY GOLBERG, Chair, President of Washington League of Women Voters; GARY LOCKE, Governor of the State of Washington, Democrat; KEN EIKENBERRY, former Washington Attorney General, past State Republican Chair; JOCELYN LANGLOIS, acting Chair, Libertarian Party of Washington State; JODY GRAGE HAUG, Membership Chair, Green Party of Washington; JOAN THOMAS, past President Seattle LWV, past President Washington LWV.



INITIATIVE MEASURE 884

PROPOSED TO THE PEOPLE

Official Ballot Title:

Initiative Measure No. 884 concerns dedicating funds designated for educational purposes.

This measure would create an education trust fund for smaller classes, extended learning programs, certain salary increases, preschool access, and expanded college enrollments and scholarships, funded by increasing retail sales tax by 1%.

Should this measure be enacted into law?

Yes [] No []

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 884 begins on page 29.



Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 884 would generate approximately \$1 billion in new education funding annually by increasing the state sales/use tax rate from 6.5% to 7.5%. In the first five years of implementation, \$4.7 billion would be distributed as follows:

- \$2.3 billion for K-12 investments in class size reduction, extended learning opportunities, certain salary increases, and professional development.
- \$1.9 billion to increase state-funded higher education enrollments by at least 25,000 students, expand financial aid, and boost state-funded research.
- \$464 million to expand preschool opportunities for low-income three- and four-year old children.
- \$23 million for citizen oversight and statewide projects.

Assumptions for Analysis of I-884

- A one-penny per dollar increase in the state retail sales and use tax would be effective April 1, 2005, raising the state rate from 6.5 percent to 7.5 percent. The impact of Initiative 884 on individual consumers would depend upon the total amount of taxable goods purchased by the individual in any given year. When applied to a household at the state median income level of about \$50,000 per year, a one-penny per dollar increase in the state sales tax is estimated to result in an additional \$215 per year in state sales tax paid.
- Receipts from the additional sales tax would be deposited into the Washington Education Trust Fund. The additional tax is estimated to generate \$4.7 billion for the fund in the first five years of implementation. Fiscal year revenue and expenditures totals are below (dollars in millions):

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Estimated Revenue					
Increased Sales/Use Tax (1.0% effective 4/1/05) ¹	164.5	1,037.1	1,093.9	1,153.7	1,216.8
Available for Expenditure					
Education Trust Student Achievement Fund	81.8	516.0	544.2	574.0	605.3
Education Trust Higher Education Account	65.5	412.8	435.4	459.2	484.3
Education Trust Early Education Account	16.4	103.2	108.8	114.8	121.1
Citizen Oversight Board & Statewide Projects	0.8	5.2	5.5	5.8	6.1

¹FY05 totals reflect two months of cash receipts due to the April 1, 2005 effective date.

- Initiative 884 would cap the amount of the state property tax that is dedicated to specific education activities, resulting in an additional \$484.1 million of state property tax revenue for the General Fund during the first five years of implementation. Partly offsetting this additional revenue would be a decrease in general fund sales and use tax collections caused by the estimated impact that a higher sales tax rate would have on consumer spending. The table below illustrates the estimated revenue impact to the state general fund (dollars in millions).

	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
State General Fund					
Impact on Existing State Sales/Use Tax Collections	(10.8)	(68.1)	(71.8)	(75.7)	(79.9)
Impact on Property Tax Deposits	-	35.5	99.0	166.2	183.5
Total General Fund	(10.8)	(32.6)	27.2	90.4	103.6

- Revenue and expenditure estimates are based on June 2004 forecasts of the Economic and Revenue Forecast Council and the Caseload Forecast Council.

The Office of the Secretary of State is not authorized to edit statements, nor is it responsible for their contents.



INITIATIVE MEASURE 884

Explanatory Statement

The law as it presently exists:

Washington has established a number of publicly supported educational institutions at various age and education levels. These include a system of common schools providing kindergarten through high school education, known as "K-12" education. They also include a system of state universities, regional universities, a state college, and community and technical colleges offering opportunities for higher education.

The way that public schools and state-supported institutions of higher education are funded varies from level to level. Preschool programs, serving children not yet old enough for kindergarten, are not as a general rule financially supported by the state. Some public money can be used for this purpose, however. State law authorizes the use of state funds to provide early assistance for children who need particular support before entering kindergarten, and some federal funds are also provided through the Head Start program.

At the K-12 level, the common school system is primarily funded by the state, with revenue derived from the state property tax levy for the support of common schools and other sources. The legislature appropriates funds to the superintendent of public instruction for distribution to individual school districts. Districts also receive additional funding for specific programs under various state laws. Federal funds are provided through a number of federal programs as well. In addition, local districts may levy voter-approved special property taxes, and may also seek funds from private sources.

Higher education at state universities, regional universities, a state college, and community and technical colleges is also supported with state funds. Each institution is assigned an authorized enrollment cap. The state provides funding to the school for each student enrolled up to that cap, in addition to tuition and fees that the school receives from (or on behalf of) the student. This may include public or private scholarship money paid on behalf of a student. If the school enrolls more students than its authorized cap, it receives only the money it collects from (or on behalf of) students, which is less than the full cost of education. Higher educational institutions also have other sources of funds, such as grants, tuition received from out-of-state students, and enrollment that is paid for under a contract (such as by an employer seeking specialized training). Institutions may also receive support from private donations and from foundations formed to manage and invest donated funds.

Funds raised through the state sales tax are not explicitly dedicated to education, but are used to support governmental functions in general, which may include education. The state sales tax is currently 6.5%. The total sales tax paid when buying a taxable product includes the state sales tax plus any additional local sales taxes that have been authorized and adopted at the city or county level. The total sales tax, therefore, varies from place to place around the state, ranging from a low of 8.3% in some parts of the state to a high of 8.9% in some cities and counties.

State public schools and educational institutions and agencies are subject to audit by the Office of the State Auditor.

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

This measure would raise the state sales tax by one percentage point, to 7.5%, stating that the new revenue would be dedicated to providing additional financial support for education at all levels. The new revenue would be deposited into a "Washington education trust fund" created by the initiative, and could be used for additional K-12 programs, preschool assistance for low-income children, and higher education. The portion of the new funds that could be used for administration would be limited.

This initiative apportions some of the new funds to K-12 education to be used for additional programs selected by school districts, with citizen input. School districts could use the funds to reduce class sizes, extend the school day or school year, offer all-day kindergarten, provide early assistance for children who need pre-kindergarten support, provide advanced and specialized classes, provide additional counseling, and support parental involvement. The amount of new funding to be distributed to each district would depend on the number of students enrolled, with additional funds provided to districts serving the most academically at risk students.

The initiative also provides that some of these funds are to be used by the legislature to provide pay raises to teachers and other employees of the school districts and of community and technical college districts to a level such that no eligible employee receives less than the increase they would have otherwise received had the legislature not suspended the cost-of-living increases adopted in Initiative 732 for the 2003-2004 and 2004-2005 school or fiscal years. These education funds could also be used to pay teachers for additional time devoted to curriculum and lesson redesign, training, district-approved mentor teaching and principal training programs, supplemental contracts for performing other roles such as coach or mentor, and reimbursing costs for classroom supplies. Teachers who have been specially certified by a national board would receive a \$5,000 bonus each year, with additional bonuses for such teachers who are assigned to teach or mentor teach in high-need schools. These education funds could also be used to support teachers seeking national certification, to support mentor teaching programs, and for scholarships for certain students to pursue teaching degrees.

This measure also apportions some of the new funds to higher education, to be used to support additional higher education enrollments, financial aid programs, and research. Methods of allocating funds among these purposes and among higher educational institutions are specified. The initiative states that the new funding is to produce a minimum of 25,000 additional state-supported positions for student enrollments in higher education.

This measure apportions some of the new funds to providing preschool assistance for low-income children. A new "great beginnings preschool partnership program" would be established to provide voluntary early education services to three- and four-year old children. New revenue would be used to pay all or part of the costs for low-income children on a sliding scale basis, and other children could also participate using other funding, including parent fees. An early education board would be created to: oversee the program; establish early education goals and standards; develop a plan; establish funding criteria and formulas; approve plans submitted by local organizations; oversee expansion of an existing early education program; make recommendations to the governor and legislature; solicit gifts, grants, and other funding; adopt necessary administrative rules; and employ an executive director and staff. This state board would work with local partnership organizations, ordinarily consisting of regional educational service districts, to assess needs and plan for additional early educational services at the local level.

Finally, this measure would establish a citizen oversight board with authority to review expenditures made in accordance with this initiative. The board would be authorized to monitor implementation of the initiative, including providing for financial audits and performance audits, enter into certain contracts, commission projects, make recommendations to the governor and legislature, employ an executive director and staff, and adopt administrative rules. The board would report annually to the public, the governor, and the legislature on progress in implementing the initiative, use of funds derived from the new sales tax mentioned above, and the results of reviews and audits.

Statement For Initiative Measure 884

DELIVERING ON OUR PROMISES

For years Olympia politicians have under-funded our schools and compromised the promises we have made to children and families:

That every child starts school prepared and ready to learn. That class sizes are small, and struggling students get the help they need. That teachers are better paid and supported. That every student who works hard has a place in higher education. That workers can get the retraining they need. That every student who needs it has financial aid.

I-884 - THE EDUCATION TRUST - WILL MAKE THESE PROMISES A REALITY

I-884 funds 16,000 lower income kids for quality pre-school every year. I-884 lets schools reduce class sizes, increase teacher pay and help struggling students. I-884 creates 32,000 new state-funded enrollments at 2 and 4-year colleges and universities, and increases both student aid and Promise Scholarships that reward academic achievement.

AN EDUCATION TRUST PROTECTED FROM POLITICAL MEDDLING

I-884 establishes a dedicated Trust Fund *only* for improvements in pre-school, K-12 and higher education. With a Citizen Board, full accountability, regular audits and oversight by the State Auditor, I-884 builds a firewall between the Trust and the Legislature. Unless we citizens act to protect education, the politicians will keep ignoring the problem.

DELIVERING ON OUR FUTURE

Education is the key to a better future for our families. Good schools mean good jobs. As Federal Reserve Chairman Alan Greenspan recently said, what's critical for individuals is critical for the economy: "rigorous education and on-going training for all members of the society." Now is the time for citizens to invest in our children and our future.

VOTE YES ON I-884. LET'S MAKE GOOD ON OUR PROMISES

Rebuttal of Statement Against

More tired rhetoric from the politicians who failed our children for a decade.

Student funding is below national average, class sizes too large, colleges turn away qualified students. Half the children who need preschool are left out.

Under 884, citizens, and the State Auditor, take control. Public reporting and strict accountability will see that dollars go to classrooms not bureaucracy.

This *one cent* increase builds an Education Trust Fund for children — protected from politicians.

Voters' Pamphlet Argument Prepared by:

WILLIAM H. GATES, SR.; MEG BUSHNELL, President, Washington State PTA; GARY A. LIVINGSTON, K-12 and higher education leader, Spokane; NICK HANAUER, Chairman, aQuantive, Inc.; PAOLA MARANAN, Children's Alliance; LISA MACFARLANE, League of Education Voters.

Statement Against Initiative Measure 884

SKYROCKETING SALES TAXES WILL DEVASTATE WASHINGTON'S SLUGGISH ECONOMY AND HURT STRUGGLING WORKING FAMILIES

Washington already has one of the highest sales taxes in the nation. Now, politicians want it to be *the* highest. Increasing the state sales tax rate by 15% will hurt the poor, cost tens of thousands of jobs, and steer customers to tax-free Oregon and the internet. We're taxed enough. Crushing property taxes, job-killing business taxes, sky-high utility taxes, and hundreds of taxes and fees on virtually every government service. We cannot tax ourselves into prosperity.

WASHINGTON IS THE 7TH HIGHEST TAXED STATE IN THE NATION – WE CAN'T AFFORD BEING #1

Politicians imposed a .3% vehicle sales tax increase last year. Counties are pushing additional sales tax increases this year and Puget Sound politicians have already said they're pursuing an additional .5% sales tax increase next year. I-884's \$1 billion increase is *on top of* those increases. Politicians just don't get it – working families and struggling senior citizens don't have bottomless wallets!

DON'T LET POLITICIANS HOLD OUR CHILDREN HOSTAGE, DEMANDING A TAX RANSOM FOR A QUALITY EDUCATION

We all know how politicians manipulate us: putting essential services on the ballot while they fund their pet projects with our existing taxes. It's the same old game with I-884. Don't fall for it.

VOTE NO AND DEMAND THAT EXISTING EDUCATION TAXES BE SPENT IN CLASSROOMS, NOT FOR BUREAUCRACY

We all want our kids to get a quality education. But we already pay *billions* in taxes every year, investing more per student than ever before. More than half is eaten by administration and bureaucracy and many dollars are unaccounted for or wasted on failed programs. I-884 will hurt kids by making the problem worse. More money won't make failed programs work. Vote No and demand that politicians prioritize *existing* dollars on proven academic programs and in the classrooms.

For further information, call 877.257.9156 or visit www.freedomvoters.org.

Rebuttal of Statement For

Imposing the largest tax increase in state history on the people that can least afford to pay, like our fixed-income senior citizens, isn't the solution. Education spending has steadily increased without corresponding student achievement improvement. Don't be misled - I-884 is just another blank check with no reforms, accountability, or prioritization of existing dollars. To improve our economy we need to increase jobs - not taxes - and spend wisely. We're taxed enough. Vote No.

Voters' Pamphlet Argument Prepared by:

CLYDE BALLARD, former Speaker of the House of Representatives, Wenatchee; JAMIE DANIELS, Director of Washington CSE/FreedomWorks, parent, Olympia; ROXANNE HUSMANN, farmer, small business owner, community volunteer, Sultan; TOM HUFF, former House Appropriations Chairman and retailer, Gig Harbor; MINNIE KNYCH, former school superintendent and teacher, activist, Friday Harbor.



INITIATIVE MEASURE 892

PROPOSED TO THE PEOPLE

Official Ballot Title:

Initiative Measure No. 892 concerns authorizing additional “electronic scratch ticket machines” to reduce property taxes.

This measure would authorize licensed non-tribal gambling establishments to operate the same type and number of machines as tribal governments, with a portion of tax revenue generated used to reduce state property taxes.

Should this measure be enacted into law?

Yes [] No []

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 892 begins on page 41.



Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 892 would allow non-tribal establishments including horseracing tracks, bingo games, punch board and pull-tab operators to operate electronic scratch ticket terminals connected to a central system operated by the state Lottery. The number of terminals cannot exceed the number authorized for tribes. A 35 percent state tax is imposed on the net win from the terminals. Ninety-nine percent of the tax would be used to reduce the state property tax levy beginning in 2007 after deducting the state Lottery’s system costs. In 2009 the state levy is reduced by \$252 million, saving taxpayers \$32 per \$100,000 of property value.

Assumptions for Analysis of I-892

- Initiative 892 would task the state Lottery Commission with creating a statewide system and infrastructure for conducting centralized electronic scratch ticket games.
- The Lottery Commission would issue a license to sell or distribute electronic scratch tickets to licensed non-tribal gambling establishments licensed by the state Gambling Commission or the state Horse Racing Commission and subject to their oversight and enforcement. Licensed non-tribal gambling establishments include non-profit charities, restaurants, taverns, bowling alleys, horse racing facilities, and state-regulated, licensed Phase II house-banked card rooms.
- Establishments other than these cannot be licensed for electronic scratch ticket terminals. Electronic scratch ticket terminal licenses could not be issued to agents registered to sell lottery tickets in venues such as convenience stores or other locations readily accessible to minors.
- Licensed non-tribal gambling establishments would be allocated the same type and number of electronic scratch ticket machines, up to a total of 18,225 machines that may operate under compacts with the state.
- Prizes would not be less than 75 percent of the gross annual revenue from electronic scratch ticket games.
- The measure would impose a 35 percent tax on the net win from electronic scratch ticket machines operated by licensed non-tribal gambling establishments. Licensees would keep 65 percent of the net win.
- Proceeds from the state tax would be deposited in the Electronic Scratch Ticket Account. The Lottery Commission would fund administration of the electronic scratch ticket games, central computer, accounting and auditing systems, from the account.
- After deduction of the Lottery Commission’s expenses for operating the system, 99 percent of the proceeds of the state tax would be deposited in the Equal Treatment Equals Lower Property Taxes Account. All revenues in the account must be used to reduce the subsequent year’s state property tax levy.
- The state property tax levy in 2007 and each subsequent year would be reduced from the amount that otherwise would have been levied by an amount equal to the previous year’s deposit in the Equal Treatment Equals Lower Property Taxes Account.
- The remaining one percent of the amount in the Electronic Scratch Ticket Account would be dedicated for distribution to a contractor that will address problem gambling issues.
- The fiscal analysis assumes that 500 new scratch ticket terminals could be in place by January 2006. Total deployed terminals would rise to 13,100 by July 2006 and to 18,225 by January 2007.
- Expected net revenue per machine is assumed to be about \$112 per operating day.





INITIATIVE MEASURE 892

Explanatory Statement

The law as it presently exists:

The Washington State Lottery Commission was created by state law in 1982. The Lottery Commission is authorized to conduct several types of lottery, including "scratch ticket" lotteries in which printed tickets are sold, each with a cover concealing information as to whether the holder of the ticket has won a prize. The ticket holder discovers whether the ticket bears a prize by scratching the cover off. The tickets are distributed in large sets, with the winning tickets randomly scattered through each set, and sold through various business establishments.

Scratch ticket lotteries can be readily adapted for electronic play, so that in lieu of purchasing a physical ticket, the player "scratches" information displayed through graphics on a computer screen. The Lottery Commission has discretion to determine the types of lottery conducted, but cannot use electronic or mechanical devices or video terminals which allow for individual play against such devices or terminals. (This description bans traditional slot machines and similar devices.) Up to the present time, the state lottery has not conducted electronic versions of its scratch ticket games.

The revenue from the state lottery is used for various state and local public purposes after payment of prizes, agent fees, and administrative expenses. The Lottery Commission has supervisory authority over agents distributing and selling lottery tickets or conducting lottery games, but does not otherwise regulate gambling activity.

The Horse Racing Commission is a state agency with authority to permit and regulate horse racing. Horse racing establishments are permitted to operate certain pari-mutuel betting activities, which are regulated by the Horse Racing Commission.

The State Gambling Commission was created by the Gambling Act in 1973. The Gambling Commission does not directly conduct any gambling, but regulates and enforces state law against private entities that conduct gambling activities. The Gambling Act authorizes several specified types of gambling, but prohibits slot machines and certain other gambling devices. The Gambling Act does not authorize any private party to conduct a "scratch ticket" lottery.

A federal law, the Indian Gaming Regulatory Act (IGRA), defines the forms of gaming (gambling) which may be conducted by federally recognized Indian tribes. For most types of gambling, a tribe may conduct an activity if the activity is permitted anywhere within the state in which the tribal land is located. Under federal law, states must negotiate concerning any form of gaming permitted within the state, and the tribes are not subject to state law restrictions on the time, place, or manner of play. The federal law encourages states and tribes to negotiate compacts (agreements) defining the extent of tribal gaming, and provides appeal procedures if the tribe and state cannot reach agreement. A number of tribes based in Washington have negotiated compacts permitting the tribes to conduct electronic versions of "scratch ticket lottery" games. Electronic scratch ticket machines can be built to visually resemble slot machines, but their internal operation is significantly different from true slot machines. Each Washington tribe operating electronic scratch ticket lottery machines has a compact with the state specifying the number of machines which may be operated and otherwise defining how, when, and where such activities may occur. Tribal gaming revenue must be used for tribal government operations, providing for the general welfare of the tribe, promoting economic development, donations to charity, or funding operations of local government agencies.

The state levies a property tax for the benefit of the common school system. The statutory rate is \$3.60 per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state. The Department of Revenue is responsible for adjusting this rate in each county to reflect a statewide equalization of property tax rates. Existing law limits increases in the state property tax levy to the lesser of 101% of the highest amount levied in the three previous years or the inflation rate for personal consumption expenditures as determined by the U.S. Department of Commerce.

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

This measure would authorize non-tribal gambling establishments to operate electronic scratch ticket gambling machines of the same type as authorized in state-tribal gaming compacts. The term "non-tribal gambling establishments" would include any establishment licensed by the Gambling Commission to conduct a gambling activity, or any establishment licensed by the Horse Racing Commission. The total number of machines authorized for the non-tribal establishments would be equal to the total number of machines authorized for tribes in state-tribal compacts.

The measure would direct the Lottery Commission to operate an electronic scratch ticket lottery in which non-tribal gambling establishments could participate through the installation of electronic scratch ticket machines (player terminals) in the businesses where they are authorized to conduct other gambling activities. The largest 40 operations conducting bingo games and the largest house-banked card rooms would be authorized to use 125 player terminals per licensed location. Other establishments would be allocated smaller numbers of terminals as described in the measure. The Lottery Commission would regulate the conduct of the lottery, including the allocation of terminals to individual licensees.

The measure would require that the prizes to the holders of winning tickets or shares in the lottery be at least 75% of the gross annual revenue from electronic scratch ticket games. The remainder of the revenue would be defined as the "net win." Of this net win, 65% would be retained by the individual licensee. The remainder would be placed in an electronic scratch ticket account. Thus, at least 75 cents of each dollar of electronic scratch ticket revenue would be paid out as winnings, 16 cents could be retained by the licensee, and the remainder (about 9 cents) would be placed in the electronic scratch ticket account.

Of the money placed in the account, the Lottery Commission would be authorized to use amounts reasonably necessary to administer the electronic scratch ticket games, the central computer used in the games, and related accounting and auditing functions. After deduction of administrative expenses, the money in the electronic scratch ticket account would be further allocated as follows. One percent (1%) would be dedicated exclusively for distribution to a contractor to pay for services associated with problem gambling. The remaining 99% would be transferred to a special account in the state treasury named the "equal treatment equals lower property taxes account." Beginning with the state property tax levy for collection in the year 2007, the total state property tax levy would be reduced by the previous year's gross deposits in this account.

Play of electronic scratch ticket games would be restricted to players 21 years old or more. Electronic scratch ticket licenses could not be issued to convenience stores or other locations readily accessible to minors. Sales would be limited to establishments licensed to conduct other gambling activities, and establishments losing their gambling licenses would also lose their licenses to participate in the electronic scratch ticket lottery. The Lottery Commission would be authorized to establish rules governing the conduct of the electronic scratch ticket lottery.

Statement For Initiative Measure 892

TAXPAYERS PAID \$1 BILLION IN PROPERTY TAXES IN 1980 – WE PAID \$6.25 BILLION IN 2003

That six-fold increase is obscene and unsustainable. Property taxes will continue skyrocketing unless voters say “enough.” I-892 substantially lowers property taxes for citizens without costing government a penny. It’s a win-win revenue-neutral tax cutting initiative. Washington is the 7th highest taxed state in the nation (www.taxfoundation.org) – I-892 keeps us from hitting #1.

WORKING CLASS FOLKS, ESPECIALLY STRUGGLING FIXED-INCOME SENIOR CITIZENS, SHOULDN'T BE TAXED OUT OF THEIR HOMES

I-892 imposes a 35% user fee on electronic scratch ticket machines, using these new revenues – \$400 million per year – to substantially lower property taxes. Currently, these machines aren’t taxed. I-892 allows *existing* non-tribal establishments to compete with the tribes (who don’t pay taxes), levels the playing field, and substantially lowers property taxes without costing government a penny.

THESE STATE-REGULATED, LICENSED, SMALL AND MEDIUM-SIZED TAXPAYING BUSINESSES AND NON-PROFITS SIMPLY WANT TO COMPETE

Opponents’ main objection is I-892 “expands gambling.” Wrong. I-892 only allows *existing* non-tribal establishments (*not* grocery stores or 7-Elevens – only gambling licensees with 21 and older customers) to compete with the tribes *who already offer these same machines*. So I-892 authorizes nothing new – it just gives the fixed number of people who play these machines a different place to go. I-892 doesn’t “take away” from the tribes – it only requires them to compete.

“JUST TREAT US THE SAME” I-892 ADVOCATES A PRINCIPLE WE ALL BELIEVE IN: EQUAL TREATMENT

Government shouldn’t discriminate or give preferential treatment to citizens based on their group affiliation. I-892 requires equal treatment of non-tribal and tribal establishments. That’s fair. I-892 provides permanent funding, which doesn’t exist now, for problem gambling. I-892 is a balanced, reasonable proposal which allows competition, levels the playing field, and substantially lowers property taxes (\$400 million annually) without costing government a penny. Politicians *never* reduce taxes. Vote “Yes.”

For more information, call 425-493-8707 or visit www.JustTreatUsTheSame.com.

Rebuttal of Statement Against

Skyrocketing property taxes are obscene and unsustainable – I-892 provides long-overdue relief. *Opponents have no alternative*. They’re only offering threats, lies, and scare tactics. I-892 substantially lowers property taxes (\$400 million, annually) without costing government a penny – it’s revenue-neutral. Tribes are spending *multi-millions* from their government-protected monopoly to maintain their unfair advantage. I-892 means equal treatment, competition, and a more level playing field. I-892 provides permanent funding for problem gambling. Politicians *never* reduce taxes. Vote “Yes.”

Voters’ Pamphlet Argument Prepared by:

ERMA TURNER, beauty shop owner, gathered 1781 signatures, Cle Elum; ERIC PHILLIPS, hiker, label company owner, gathered 1702 signatures, Everett; ANDRE GARIN, retired Post Office, father, gathered 1642 signatures, Vancouver; JACK FAGAN, retired policeman, retired Navy, grandfather, campaign organizer, Spokane; MIKE FAGAN, small businessman, community leader, father, campaign organizer, Spokane; TIM EYMAN, \$30 car tab guy, taxpayer advocate, Yakima / Mukilteo.

Statement Against Initiative Measure 892

I-892 is a bad bet for Washington. Gambling would double – as would the social problems associated with gambling. Washington would be in the same gambling league as big casino states like Nevada, Mississippi and New Jersey.

ELECTRONIC SCRATCH TICKET MACHINES ARE REALLY ELECTRONIC SLOT MACHINES

The ballot title says “electronic scratch ticket machines,” but don’t be deceived. I-892 legalizes Las Vegas-style electronic slot machines.

I-892 would allow 18,000 new slot machines in 2,000 neighborhood restaurants, bowling alleys, bingo halls, card rooms and other establishments.

I-892 WOULD BRING ELECTRONIC SLOT MACHINES INTO OUR NEIGHBORHOODS AND WOULD HURT SMALL BUSINESSES

Las Vegas-style gambling would be allowed near schools, malls, libraries, churches and other areas where children gather.

Cities that ban most gambling could find their laws overridden and slot machines in their neighborhood establishments.

Gambling hurts small businesses when consumers spend money at casinos instead of at neighborhood shops and restaurants.

ELECTRONIC SLOT MACHINES HURT KIDS AND FAMILIES

Kids pay the consequences when parents suffer from gambling addictions.

Experts say that expanding gambling opportunities increases the number of problem gamblers.

Domestic violence, child neglect, divorce, theft, and substance abuse are strongly associated with problem gambling.

I-892 PROFITS OUT-OF-STATE GAMBLING COMPANIES, BUT IT WOULD COST WASHINGTON TAXPAYERS MILLIONS

Foreign and out-of-state gambling corporations are promoting I-892 and would reap huge profits.

Taxpayers would foot the bill for the millions associated with increased crime, bankruptcies, and treatment of gambling addictions.

We already have more than enough gambling opportunities in Washington. It’s time to say “no” to the big gambling interests. Our quality of life is at stake.

I-892 is a bad bet for Washington. It’s bad for kids, bad for families, bad for neighborhoods, bad for taxpayers, bad for small businesses. Vote no on I-892.

Rebuttal of Statement For

I-892 is built on deception. It says “electronic scratch ticket machines,” but it means *slot machines* in neighborhoods.

Gambling always over-promises and under-delivers. Remember – the Lottery was supposed to pay for education?

I-892 claims that taxpayers will save, but sends most of the profits out-of-state. The gambling companies take a 65% profit, while the problems stay here. After administration and problem gambling costs, who knows what will be left for a tax cut?

Voters’ Pamphlet Argument Prepared by:

REV. JOHN BOONSTRA, Executive Director, Washington Association of Churches; JEAN GODDEN, former PTA leader and journalist; JOHN LADENBURG, Pierce County Executive, former prosecutor; NORM MALENG, King County Prosecutor; SID MORRISON, Yakima farmer and businessman, former member of Congress; SHARON TOMIKO SANTOS, Asian community leader, State Representative, 37th Legislative District.



REFERENDUM MEASURE 55

PASSED BY THE LEGISLATURE AND ORDERED REFERRED BY PETITION
CHAPTER 22, LAWS OF 2004

Official Ballot Title:

The legislature passed Engrossed Second Substitute House Bill 2295 (ESSHB 2295) concerning charter public schools.

This bill would authorize charter public schools and would set conditions on operations. Charter schools would be operated by qualified nonprofit corporations, under contracts with local education boards, and allocated certain public funds.

Should this bill be:

Approved [] Rejected []

Votes cast by the 2004 Legislature on final passage:

Senate: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

House: Yeas, 51; Nays, 46; Absent, 0; Excused, 1.

Note: The ballot title was written by the court. The explanatory statement was written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Referendum Measure 55 begins on page 45.



Fiscal Impact Statement

Summary of Fiscal Impact

Referendum 55 would authorize creation of charter public schools by local school districts or, through an appeals process, the state Superintendent of Public Instruction. State education spending would increase \$14.0 million over five years, primarily the result of new students entering the public school system to attend charter schools. State funding for charter public schools would be provided in the same manner as other public schools. As students already enrolled in the public school system move to charter schools, student instructional and other costs would shift and associated state revenue would be reallocated. District-sponsored schools also would receive local revenue.

Fiscal Impact Assumptions

- For the purposes of this analysis and contrary to the assumptions in the 2004 supplemental budget, it is assumed that the delayed implementation of the charter school legislation would preclude the creation of any charter schools in the 2004-05 school year.
- The cumulative number of charter schools assumed is shown below with the associated student enrollments, estimated new state expenditures, and state and local revenues that would be redistributed as current public school students transfer to charter public schools:

	2004-05	2005-06	2006-07	2007-08	2008-09
Cumulative number of new charter schools	0	10	15	25	35
Cumulative number of public schools converting to charter schools	0	3	4	6	8
Total charter school enrollment	0	2,510	3,580	5,720	7,860
New state expenditures	\$236,000	\$1,589,000	\$2,622,000	\$3,950,000	\$5,647,000
State revenues for existing enrollments that transfer to charter schools	0	\$9,696,000	\$16,845,000	\$27,127,000	\$39,094,000
Potential local levy funding for existing enrollments that transfer to district sponsored charter schools	0	\$3,077,000	\$4,389,000	\$7,013,000	\$9,396,000

- Based on national averages, enrollment in each new charter public school would be 140 students with 13.7 percent assumed to be crossover enrollment – new students who leave private or home schooling to enter public schools. Average enrollment in each converted charter public school would be 370 with 10 percent crossover enrollment.
- Per student funding from the state General Fund is based on the 2004-05 school year amount (\$5,287 per student), which is adjusted for inflation (Seattle CPI) in future years. Estimates for the Student Achievement Fund allocation are based on current law.
- Local levy estimates are based on 2003 statewide average local levy collections per student of \$1,226. The actual amount will vary based on the specific districts that enter agreements to run charter public schools, and local levy amounts in those districts.
- No assumptions were made as to the level of federal or private funding that might be available for public charter schools from either existing federal programs (like special education or free and reduced price lunch support) or competitive grants. Similarly, estimates were not made regarding state competitive grant awards or school construction funds.
- State agency costs are based on current budget amounts for Fiscal Year 2005 and reflect agency estimates of workload increases expected in subsequent years.



REFERENDUM MEASURE 55

Explanatory Statement

The law as it presently exists:

The state constitution imposes upon the state the paramount duty of making ample provision for the education of all resident children. The legislature has implemented this duty through the creation of a public school system. Public schools are operated by local school districts under the overall supervision of the state superintendent of public instruction.

School districts are local government bodies responsible for operating the common schools (kindergarten through 12th grade) in their boundaries. Each school district is governed by a board of directors whose members are elected by the people of the district. Each board appoints a superintendent of schools and employs teachers, administrators, and other staff as needed. School district boards must comply with certain statewide standards, but each district selects the number, size, and location of school buildings, employs staff, and chooses curriculum and textbooks.

Each school district has discretion to determine where a student attends school, except students home-schooled or enrolled in private school. Most districts assign students to schools on a geographic basis but may also offer students some choice of school within the district. Many districts offer special programs that are available to students on a non-geographical basis. If agreed to by both districts, a student may attend school in another district.

Currently, public schools are established by local school boards and cannot be created or operated by any other entity. They are primarily funded by the state. The legislature appropriates funds to the superintendent of public instruction for distribution to individual school districts. District allotments are based primarily on the number of students enrolled in the district. Districts also receive additional funding for specific programs as defined in various state laws. In addition to their state funding, districts may levy voter-approved special property taxes and seek funding from the federal government and/or private sources for district educational programs.

The legislature has enacted requirements for educational programs offered by school districts. Examples include provisions relating to student/teacher ratios, alternative education programs, special education, student transportation, bilingual instruction, highly capable students, visual and auditory screening of students, immunization, early childhood programs, school attendance, compulsory course work, food services for students, and management of school district property.

Educational service districts (ESD's) are regional agencies which provide cooperative and information services to local school districts. Each ESD is governed by a board elected by the school directors of school districts located within the ESD.

The legislature has enacted an Education Employment Relations Act (Chapter 41.59 RCW) to govern school district employment relations issues. This statute provides for collective bargaining as to wages, hours, and terms and conditions of employment, and sets requirements and limitations on the collective bargaining process. Collective bargaining matters are within the jurisdiction of the public employment relations commission, a state agency.

The effect of the bill, if approved:

This measure is a referral to the people of a bill (ESSHB 2295) passed by the 2004 session of the legislature. The term "this measure" refers here to the bill as passed by the legislature. **A vote to "approve" this measure is a vote to approve ESSHB 2295 as passed by the legislature. A vote to "reject" this measure is a vote to reject ESSHB 2295 as passed by the legislature.**

ESSHB 2295 would authorize the establishment of "charter schools" within the state's public school system. The term "charter school" is defined as "a public school managed by a charter school board and operating according to the terms of a charter approved under this chapter." The term includes both "new" charter schools (public schools which did not previously exist) and "conversion charter schools" (existing public schools which are converted in their entirety to charter schools). A charter school would include one or more of grades kindergarten through twelve, operated according to the terms of the school's charter. Each charter school would be operated by a public benefit nonprofit corporation (a nonprofit corporation that has been designated as a tax-exempt charity under the federal internal revenue code). The nonprofit corporation may not be a sectarian or religious organization.

The nonprofit corporation must apply first to the local school board for approval of a charter to establish a new or conversion charter school. If the school board rejects the application for a new school, there is a right of appeal to the state superintendent of public instruction, who attempts to mediate a resolution. If a resolution is not reached, the superintendent of public instruction must approve the application if he or she finds that the application meets the statutory criteria and is in the best interests of students. An educational service district board or the superintendent of public instruction would then act as the new school's sponsor. No appeals are available for a school board's rejection of a proposal to establish a conversion charter school.

The basic structure and operations of a charter school would be set forth in its charter, which would be a five-year contract between the non-profit corporation and a charter school sponsor (school district, educational service district, or superintendent of public instruction). The charter school board would be appointed or elected by the nonprofit corporation as set forth in the school's





REFERENDUM MEASURE 55

Explanatory Statement (continued)

The effect of the bill, if approved: *(continued)*

charter and related materials. A local school district board may appoint one of its directors to serve as an ex officio member of the board of directors of a charter school located in the school district. A charter school board would have the power to: hire and discharge employees; enter into contracts to carry out the school's functions; rent, lease, and own property; and borrow money and issue debt. A charter school could not use a "for-profit" entity to manage the charter school.

Charter schools would receive allocations of state school funding based on their student enrollments, including both basic education funding and other categories of state funding for common schools. Charter schools sponsored by local school boards would also be entitled to per-pupil allocations of local levy proceeds, but new charter schools could receive funds only from levies submitted to voters after the school's start-up date. A charter school may not charge tuition, levy taxes, or issue tax-backed bonds. A charter school could accept and administer gifts and donations from governmental and private entities (but not sectarian or religious organizations).

Charter schools would be exempt from most state statutes and rules applicable to school districts, except statutes and rules made applicable through the school's charter. However, charter schools would be required to comply with certain state and federal laws such as state and federal health and safety laws, laws concerning parents' rights, and laws against discrimination. Charter schools would be required to employ certificated instructional staff (with certain exceptions also applicable to other public schools), would be subject to performance audits, and would be required to comply with open public meetings and open public records acts.

Conversion charter schools must enroll all students who wish to remain enrolled and new charter schools must enroll all students who submit a timely application. Only students who wish to be enrolled in a charter school would attend the school. Charter schools could not limit admission on any basis other than age group and grade level, and must be willing to enroll educationally disadvantaged students and conduct outreach to such students. If capacity were insufficient, the schools would give priority to siblings and use a lottery to fill the remaining spaces. Organizations proposing charter schools must submit an application with the applicant's name, mission statement, educational program, financial plan, and related matters as set forth in the legislation. Once approved, a charter would be valid for five years, and then could be renewed, modified, or revoked.

Any liability incurred or debt issued by a charter school would be an obligation of the charter school only, and would not be an obligation of the state or its political subdivisions, or the charter school sponsor (school district, educational service district, or superintendent of public instruction). The charter school sponsor would not be liable for the acts or omissions of the charter school.

A maximum of 45 new charter schools could be established statewide during the six consecutive years beginning on July 1, 2004, with not more than five new schools statewide in each of the first three years and not more than ten new schools statewide in each of the next three years. In each year, a majority of new charters must be reserved for those established for the primary purpose of serving educationally disadvantaged students. During the six-year period, a school district may establish a conversion charter school for any existing public school that serves primarily educationally disadvantaged students. These are existing public schools that are already eligible or become eligible for the state's school improvement assistance program, plus those existing public schools that fail to make adequate yearly progress for three consecutive years.

Charter schools would generally be subject to the same collective bargaining requirements as other public schools. At least for the first five years, the employees of a new charter school, if they chose to unionize, would be in a separate bargaining unit rather than a part of the bargaining unit representing the employees of the district in which the charter school is located. Conversion charter school employees would be required to remain part of the district's bargaining unit and could never choose to be in a separate bargaining unit, but could request variances reflecting the specific needs of the charter school and its employees. Variances to the bargaining agreement must be negotiated and if there is an impasse then mediation must occur.

Statement For Referendum Measure 55

30% OF OUR KIDS DROP OUT OF HIGH SCHOOL. CHARTER PUBLIC SCHOOLS WILL HELP.

Our public schools work well for most children, but not all. 30% of students drop out of high school. More than 50% of African-American, Latino and Native-American children drop out.

Charter public schools are tuition-free public schools that are managed independently from the usual bureaucracy. They help children who are falling through the cracks of our regular public school system.

EQUAL OPPORTUNITY IN PUBLIC EDUCATION IS OUR GOAL.

CHARTER PUBLIC SCHOOLS WILL HELP.

In low-income areas, too many children are trapped in low-performing schools because their families cannot afford to live in neighborhoods with better schools. The system doesn't work for them. They are denied equal opportunity to learn.

While spending more money may help many kids, we need more than just money to solve the dropout and "achievement gap" problems. The system needs to change. Charter schools reduce bureaucracy and empower teachers and principals to innovate.

R-55 FREES EDUCATORS FROM BUREAUCRACY SO THEY CAN HELP EDUCATIONALLY UNDERSERVED CHILDREN.

Qualified nonprofits run charter public schools under detailed, 5-year performance contracts. Like other public schools, charters employ state-certified teachers and cannot discriminate in admissions. Unlike other public schools, charters must pass independent performance audits.

Charters get results because they receive state funding *only if* families choose them. They receive local funding *only if* local school boards *and* voters approve.

CHARTER PUBLIC SCHOOLS HELP KIDS WITHOUT RAISING YOUR TAXES.

Charter public schools don't raise taxes. Charters actually generate *more money for public education* by tapping millions in federal and charitable dollars available only to charters.

Of course, the education bureaucracy doesn't want to compete with charter public schools. But when public schools innovate, children win.

Please vote to help children. Approve charter public schools. Approve R-55.

For more information, call 206.652.5596 or visit www.ApproveR55.org.

Rebuttal of Statement Against

"Progress"? Washington's 30% dropout rate is higher than most and not getting better. Children trapped in failing schools need alternatives, now. Children slipping through the cracks need alternatives, now. R-55 doesn't take money from public schools, it takes children out of failing schools. Failing schools waste taxpayers' money. Dropouts waste taxpayers' money. *Approve R-55 and improve* our public schools through more parental involvement, choices, innovation, accountability, independent performance audits, and less bureaucracy, without raising taxes.

Voters' Pamphlet Argument Prepared by:

DAVE QUALL, Democrat, State Representative, teacher, Chair, House Education Committee; STEPHEN JOHNSON, Republican, State Senator, Chair, Senate Education Committee; DAVID SHAW, past Pasco Superintendent and State Accountability Commission Chair; DR. SAM SMITH, former President, Washington State University; RAUL YZAGUIRRE, President, National Council of La Raza; ROSA PARKS, Mother of the Modern American Civil Rights Movement.

Statement Against Referendum Measure 55

PROTECT OUR PUBLIC SCHOOLS AND REJECT REFERENDUM 55

By voting to Reject Referendum 55, you protect the progress we are making in our public schools. You will tell the Legislature, once and for all, you do not want to spend public money on expensive, risky propositions like charter schools that, in other states, have not performed as promised. Vote to Reject Referendum 55 and tell the legislature that you want quality public schools for every student.

Washingtonians understand education. We know that to improve our schools we must reduce class sizes and put a well-qualified educator in every classroom. Instead of implementing the voter-approved initiatives to reduce class sizes and provide annual cost-of-living increases for teachers and school employees, the legislature passed a bill authorizing charter schools in Washington.

REJECT TAKING MONEY AWAY FROM OUR PUBLIC SCHOOLS

Charter schools will drain more than \$100 million from public schools in the coming years and diminish our ability to continue improving *all* schools. Charter schools take money away from all students to benefit just a few.

REJECT SPENDING OUR TAX DOLLARS WITHOUT ACCOUNTABILITY

Charter schools are run by private boards, *not* publicly-elected local school boards. This means that charter schools spend public money but are excused from being accountable to taxpayers.

REJECT CHARTER SCHOOLS, AGAIN

Charter school initiatives have been rejected by Washington voters twice in the past eight years. Join the thousands of teachers, school employees, parents, the Washington Education Association, the American Association of University Women, the Washington State Labor Council, the Washington Association of Churches, and many others by rejecting charter schools—again. *Reject Referendum 55.*

For more information, call 206-270-5500 or visit www.protectourpublicschools.org.

Rebuttal of Statement For

All children in Washington deserve a quality education, but charter schools don't deliver. That's why Washington voters have rejected charter schools twice.

The New York Times recently reported, "Federal data show children in charter schools perform worse on math and reading tests than their counterparts in regular schools." Washington voters already approved initiatives for smaller class sizes and a quality educator in every classroom. The State must fulfill this commitment first. *Reject Referendum 55.*

Voters' Pamphlet Argument Prepared by:

CATHERINE AHL, Education Chair, League of Women Voters of Washington; TRACEY EIDE, State Senator, Democrat, 30th District; MARY E. BASS, President, Seattle School Board (for identification purposes only); IDALIA APODACA, high school ESL teacher, Spokane; CHRISTIE PERKINS, parent, Washington State Special Education Coalition; JIM KOWALKOWSKI, Superintendent, Pomeroy Schools; Director, Rural Education Center.



INITIATIVE MEASURE 297

PROPOSED TO THE LEGISLATURE

Official Ballot Title:

Initiative Measure No. 297 concerns “mixed” radioactive and nonradioactive hazardous waste.

This measure would add new provisions concerning “mixed” radioactive and nonradioactive hazardous waste, requiring cleanup of contamination before additional waste is added, prioritizing cleanup, providing for public participation and enforcement through citizen lawsuits.

Should this measure be enacted into law?

Yes [] No []

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. For more in-depth Office of Fiscal Management analysis, visit www.ofm.wa.gov/initiatives/default.htm. The complete text of Initiative Measure 297 begins on page 53.



Fiscal Impact Statement

Summary of Fiscal Impact

Initiative 297 would prohibit disposal at contaminated facilities, such as the Hanford Nuclear Reservation, of mixed radioactive hazardous waste from off-site sources until on-site wastes are properly managed and the sites comply with all state and federal environmental standards. The initiative also would increase grant funding to help the public and local governments to evaluate whether these standards are being met, and to review funding priorities. Over the first five years of implementation, additional grant funding of \$4.8 million and implementation costs of \$3.5 million would be paid, primarily by the federal government through surcharges on current mixed waste fees.

Assumptions for Analysis of I-297

- **Start-up:** A February 1, 2005, start-up date is assumed.
- **Grants:** The annual public and local government participation grant program is calculated to be \$1.2 million per year starting in 2006, the initiative’s formula for the current Hanford clean-up budget of \$2 billion authorized by the federal government (.0015 times the first \$200 million plus .0005 times the balance of \$1.8 billion).
- **Fees:** The initiative specifies a calculation for the Department of Ecology’s (Ecology) annual mixed waste management fee that could total \$11 million per year, based on a \$2 billion annual Hanford clean-up budget (not less than 1-percent of the first \$200 million plus .0005 times the remaining balance of \$1.8 billion). Ecology would bill the federal Department of Energy (Energy) for the actual costs incurred to implement its regulatory program. Based on Ecology’s current costs of approximately \$5 million per year and the projected costs to implement the initiative, it is not anticipated that the annual billing would reach \$11 million per year.
- **Regulatory implementation costs:** Ecology’s implementation costs, other than the grant program listed above and the commercial low-level waste disposal facility costs listed below, are estimated to total \$3.3 million for the first five years. These costs include amending existing laws, issuing permits, developing revised clean-up standards, and issuing an order that Energy stop additional disposal of mixed wastes at Hanford until the site meets the revised clean-up standards.
- **Permit appeals:** Under Initiative 297, some of Ecology’s actions could be appealed to the Pollution Control Hearings Board (PCHB) or other courts. The PCHB estimates that five appeals may be filed each year, at an estimated cost of \$49,000 per year beginning in 2005, until the appeals are resolved.
- **Environmental impact analysis:** The commercial low-level waste disposal facility at Hanford also would be required to comply with the revised clean-up standards. The Department of Health and Ecology would complete a supplemental environmental impact statement for the site during the 2005-06 period due to the revised clean-up standards, at an estimated cost of \$200,000. These costs would be paid for by fees charged for waste disposal at this site – or the state General Fund if fee implementation is delayed. Additional costs, if any, to implement the revised clean-up standards are not known at this time. Any additional costs would be paid from fees already collected from generators, packagers, and brokers who have disposed of waste at this site.



Explanatory Statement

The law as it presently exists:

Washington has a number of laws regulating hazardous waste and radioactive substances. When hazardous wastes are mixed with radioactive wastes, more than one of these laws may apply. Whether these laws apply to federal activities depends on whether Congress has consented to state jurisdiction.

The Department of Ecology administers laws that address hazardous waste management and cleanup. The Hazardous Waste Management Act governs the transportation, treatment, storage, handling, and disposal of hazardous wastes. It implements the requirements of a parallel federal law, the Resource Conservation and Recovery Act. When hazardous wastes are mixed with radioactive wastes, this law applies only to the hazardous wastes in this "mixed waste." Under the law, the Department of Ecology may allow a hazardous waste facility to operate under an "interim permit" after the facility has submitted an application for a "final facility permit" but before the final permit is issued. Another state law, the Model Toxics Control Act, provides for the cleanup of sites contaminated with hazardous substances and determines financial responsibility for cleanup costs. Risk assessments are used to determine the cleanup standards.

The state Department of Health is the state radiation control agency. It administers regulatory and licensing laws concerning radioactive materials, including radioactive waste. Most of the Department of Health's regulation of radioactive materials is done by agreement with the federal Nuclear Regulatory Commission. Department of Health rules address the licensing and operation of land disposal facilities, other types of radioactive materials licenses, radiation protection standards, and cleanup standards for radioactive contamination.

Depending on the nature of the materials and substances stored or released, the regulation of such materials might also implicate laws regulating water pollution, air pollution, and the disposition of solid wastes. These laws are administered in part by the Department of Ecology and the Department of Health, and in part by local governments.

One of the sites to which these laws have been applied is the Hanford Reservation, approximately 586 square miles in eastern Washington, north of Richland. The United States originally created the Hanford Reservation in the 1940's as part of the Manhattan Project to produce plutonium for the production of nuclear weapons. The federal government continued to operate the site for this purpose throughout the Cold War. Plutonium is no longer produced at Hanford. However, as a result of approximately fifty years of nuclear weapons production at the site, portions of the Reservation are contaminated with materials meeting state and federal definitions of hazardous substances, hazardous waste, radioactive substances, and mixtures of substances falling into more than one category. The United States Department of Energy currently operates the Hanford Reservation. The site's current mission is focused primarily on cleanup. A 1989 Tri-Party Agreement among the Washington Department of Ecology, the Environmental Protection Agency, and the U.S. Department of Energy addresses the setting of milestones and requirements for cleanup at Hanford.

Because of the "supremacy clause" in the federal constitution, state laws may not apply to federal agencies and activities unless Congress has consented to their application. While Congress has consented to the application of state environmental laws to certain wastes and actions at the Hanford Reservation, there remain some disputes about the exact extent of the state's regulatory authority.

A commercial low-level radioactive waste disposal site is located on leased property within the Hanford Reservation, but has a separate purpose that is not related to the U.S. Department of Energy. This site accepts low-level radioactive waste, including medical wastes, from eleven states that are part of an Interstate Compact on Low-Level Radioactive Waste Management or have entered an agreement with the Compact. Under the compact, which has been approved by the United States Congress, Washington prohibits the import of low-level radioactive waste from any other states for disposal at this site. (An initiative was adopted in 1980 to prohibit the importation of any radioactive waste, except medical waste, into the state of Washington for storage. The initiative was declared unconstitutional.)





INITIATIVE MEASURE 297

Explanatory Statement (continued)

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

This measure would add state law requirements for the operation and closure of sites at which mixed radioactive and hazardous wastes have contaminated or threaten to contaminate the environment. The Hanford Nuclear Reservation is named in the measure as an example of such a site. State law would provide that no additional wastes could be added to these sites until waste that is already on-site has been cleaned up and stored, treated, or disposed of in compliance with all state and federal environmental laws.

The Department of Ecology would be directed to regulate mixed hazardous and radioactive wastes to the fullest extent that is not preempted by federal law. Facility owners and operators would be required to obtain final facility permits under state and federal hazardous waste laws, prior to adding mixed waste that was not generated at the facility. The Department of Ecology would be directed not to issue final facility permits unless the facility owner or operator is in compliance with all legal requirements. The addition of new trenches or cells, or widening or deepening of trenches, would be considered an expansion of existing facilities requiring a new permit. The Department of Ecology would be directed not to issue or modify any permit for treatment, storage, or disposal of additional mixed waste not generated at the facility until all hazardous substances, including radioactive substances, have been cleaned up in full compliance with specified standards.

The measure would require radioactive substances (radionuclides) to be cleaned up to the same risk level as established for hazardous substances under the state Model Toxics Control Act. Site operators would be required to cease disposal of all wastes into unlined trenches, to develop an inventory of hazardous substances that have been disposed of in the unlined trenches, conduct an investigation of releases of those substances, and develop plans for closure.

The measure would require site owners or operators to disclose to the Department of Ecology annually the projected total and annual cost of each project or action required to meet the provisions of applicable federal and state laws. Government agency owners or operators would also be required to disclose their budgets or budget requests for site cleanup and operation for the current and the next three upcoming fiscal years, together with related information.

The measure would exempt from its requirements disposal of sealed nuclear reactor vessels and compartments from submarines and other vessels of the United States Navy, and would exempt storage and disposal of the low-level radioactive waste consistent with the Interstate Compact (RCW 43.145). If hazardous or mixed wastes have been disposed or released at any facility operated pursuant to the Compact, the relevant provisions of this measure would apply.

At any site or facility where there has been a release of mixed wastes, the Department of Ecology would be required to establish permit conditions requiring the operation and funding of an advisory board composed of representatives chosen by potentially affected tribes, regional and statewide citizen groups with a record of concern about human health or the environment, local groups concerned with health and source impacts, local governments, and the state of Oregon if impacted by a release or threatened release. The department would be required to formally consider and respond to comments from the advisory board before issuing decisions on remedial, corrective, or closure actions. The department would be directed to make local government and participation grants for public review and comment. These would be funded through a surcharge added to the service charge paid by permit applications as established by RCW 70.105.280.

The measure would authorize any citizen to bring a civil action to compel the owner or operator of a mixed waste facility to comply with the requirements of the measure or of permits or orders, or to compel the Department of Ecology to perform any nondiscretionary function under this measure. The court could award attorney fees and other costs to a prevailing plaintiff. Orders of the Department of Ecology relating to mixed waste facilities could be appealed to the Pollution Control Hearings Board by any person whose interests in natural resources or health might be adversely affected by the action or inaction of the department. Civil actions could be brought in the superior court for Thurston County or in a county in which a release or threatened release occurs, or where mixed wastes are transported, stored, treated, or disposed.

Statement For Initiative Measure 297

TOXIC RADIOACTIVE WASTE AT THE HANFORD NUCLEAR RESERVATION IS A DANGEROUS THREAT

Over a million gallons of toxic radioactive waste have leaked from Hanford's High-Level Nuclear Waste tanks. Contamination is spreading toward the Columbia River.

The federal Department of Energy wants to avoid cleaning up this contamination, while using Washington as a national radioactive waste dump. Their plan doubles the radioactive waste dumped at Hanford.

I-297 ends the dumping of waste directly into the ground in unlined soil trenches and requires cleanup before more waste can be trucked into Hanford. I-297 requires cleanup before adding more waste from other nuclear weapons plants.

CLEAN UP CONTAMINATION FIRST. DON'T ADD TO THE PROBLEM.

High-Level Nuclear Waste has leaked from 68 of Hanford's 177 aging underground tanks. Instead of emptying the tanks and cleaning up contamination, the Energy Department wants to leave the radioactive sludge and avoid cleanup.

Without I-297, the Energy Department will add more radioactive waste to Hanford — exposing our families to 70,000 truckloads driven through our communities along I-90, I-405 and I-5.

NEWSPAPER EDITORIALS ACROSS WASHINGTON HAVE CRITICIZED THE ENERGY DEPARTMENT'S PLANS AT HANFORD

• "...Tank waste at Hanford threatens to pollute the Columbia River. ...[Energy] needs to clean up nuclear waste fully, not evade public accountability." —Seattle Post-Intelligencer

• "...[Energy] hatched a plan to transport radioactive waste from around the country and dump it into what might as well be called the Great Columbia River Landfill." —Spokane Spokesman-Review

• "...The department simply cannot be trusted to act in the interest of Washington and its environment." —Tacoma News-Tribune

VOTE YES ON I-297: HOLD THE FEDERAL ENERGY DEPARTMENT ACCOUNTABLE FOR HANFORD CLEANUP

I-297 is based on similar measures elsewhere. It takes a reasonable, straightforward approach: *the federal government should clean up its mess before making it worse.*

For more information, call 206.382.1014 or visit www.YesOnI-297.org.

Rebuttal of Statement Against

Enough is enough. The Hanford Nuclear Reservation is already the most contaminated site in the Western Hemisphere. Millions of gallons of leaking toxic radioactive waste threaten the Columbia River. It's time for government accountability. It's time to clean up this dangerous mess before trucking in more radioactive waste. Other states have adopted standards that require cleanup before new dumping. Washington can too. I-297 protects jobs and costs no new taxes. *Vote yes on I-297.*

Voters' Pamphlet Argument Prepared by:

PEGGY SAARI, First Vice President, League of Women Voters - Washington; ADAM SMITH, U.S. Representative, 9th Congressional District, Armed Services Committee; LISA BROWN, Ph.D., State Senator, Democrat, Spokane, Senate Minority Leader; TOBY NIXON, State Representative, Republican, Kirkland, Republican Caucus Vice-Chair; PETER McGOUGH, M.D., former President, Washington State Medical Association; GERALD POLLET, J.D., Heart of America Northwest, Chair - Protect Washington.

Statement Against Initiative Measure 297

I-297 is not about health and safety. It does not protect the average citizen in any way. Its design will enrich the attorney/special-interest industry.

I-297 is a mechanism to provide funding for certain non-technical groups to "advise" the State on scientific waste issues for decades to come.

I-297 adds to the heavy burden of business-hostile tax and regulations in this state.

If implemented, this short-sighted law would:

- Adversely impact nuclear medicine and patients in Washington and elsewhere;

- Diminish, and possibly eliminate, the jobs of experienced working men and women who now safely handle and treat the materials of concern;

- Add no more authority to the State than it already has in existing law; and

- Probably destroy the agreements we currently have with other states for them to accept wastes from Washington.

The handling of hazardous materials is an important matter not merely to voters in Washington, but to all Americans. The current compacts and management practices have been carefully negotiated and codified to protect all members of the public. These reciprocal agreements are working properly. If Washington rejects or complicates legally permitted shipments from other states, why would those other states continue to accept materials from us? And we are, right now, shipping to other states' repositories, just as our planned programs intended. We can not possibly "clean up existing contamination" in Washington otherwise.

The initiative is misleading in its title. Statements of belief are represented as fact.

I-297 would make a bad, unnecessary law.

Rebuttal of Statement For

The support statement is as misleading as much of the initiative itself. Proponents infer that:

- Any wastes entering this state would have the same form and same level of hazard as liquid generated 50 years ago. *Untrue.*

- Cleanup projects won't continue or have adequate safeguards without I-297. *Untrue.*

- Newspaper editorial opinion alone is a good basis for credible decisions. *Untrue.*

Your taxes already buy ample State protection. I-297 adds nothing. *Vote no.*

Voters' Pamphlet Argument Prepared by:

MICHAEL R. FOX, Ph.D., Co-chair, science and technology consultant; WANDA MUNN, Co-chair, engineer; SHIRLEY HANKINS, State Representative, 8th Legislative District; JEROME DELVIN, State Senator, 8th Legislative District; LEROY KORB, M.D., physician; SID MORRISON, orchardist.



AN ACT Relating to elections and primaries; amending RCW 29A.04.127, 29A.36.170, 29A.04.310, 29A.24.030, 29A.24.210, 29A.36.010, 29A.52.010, 29A.80.010, and 42.12.040; adding a new section to chapter 29A.04 RCW; adding a new section to chapter 29A.52 RCW; adding a new section to chapter 29A.32 RCW; creating new sections; repealing RCW 29A.04.157, 29A.28.010, 29A.28.020, and 29A.36.190; and providing for contingent effect.

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

TITLE

NEW SECTION. Sec. 1. This act may be known and cited as the People's Choice Initiative of 2004.

LEGISLATIVE INTENT: PROTECTING VOTERS' RIGHTS AND CHOICE

NEW SECTION. Sec. 2. The Washington Constitution and laws protect each voter's right to vote for any candidate for any office. The Washington State Supreme Court has upheld the blanket primary as protecting compelling state interests "allowing each voter to keep party identification, if any, secret; allowing the broadest possible participation in the primary election; and giving each voter a free choice among all candidates in the primary." *Heavey v. Chapman*, 93 Wn.2d 700, 705, 611 P.2d 1256 (1980). The Ninth Circuit Court of Appeals has threatened this system through a decision, that, if not overturned by the United States Supreme Court, may require change. In the event of a final court judgment invalidating the blanket primary, this People's Choice Initiative will become effective to implement a system that best protects the rights of voters to make such choices, increases voter participation, and advances compelling interests of the state of Washington.

WASHINGTON VOTERS' RIGHTS

NEW SECTION. Sec. 3. The rights of Washington voters are protected by its Constitution and laws and include the following fundamental rights:

- (1) The right of qualified voters to vote at all elections;
- (2) The right of absolute secrecy of the vote. No voter may be required to disclose political faith or adherence in order to vote;
- (3) The right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

DEFINITIONS

NEW SECTION. Sec. 4. A new section is added to chapter 29A.04 RCW to read as follows:

"Partisan office" means a public office for which a candidate may indicate a political party preference on his or her declaration of candidacy and have that preference appear on the primary and general election ballot in conjunction with his or her name. The following are partisan offices:

- (1) United States senator and United States representative;

(2) All state offices, including legislative, except (a) judicial offices and (b) the office of superintendent of public instruction;

(3) All county offices except (a) judicial offices and (b) those offices for which a county home rule charter provides otherwise.

Sec. 5. RCW 29A.04.127 and 2003 c 111 s 122 are each amended to read as follows:

"Primary" or "primary election" means a ~~((statutory))~~ procedure for ~~((nominating))~~ winnowing candidates ~~((to))~~ for public office ~~((at the polls))~~ to a final list of two as part of a special or general election. Each voter has the right to cast a vote for any candidate for each office without any limitation based on party preference or affiliation, of either the voter or the candidate.

Sec. 6. RCW 29A.36.170 and 2003 c 111 s 917 are each amended to read as follows:

(1) ~~((Except as provided in RCW 29A.36.180 and in subsection (2) of this section, on the ballot at the general election for a nonpartisan))~~ For any office for which a primary was held, only the names of the top two candidates will appear on the general election ballot; the name(s) of the candidate who received the greatest number of votes will appear first and the candidate who received the next greatest number of votes ~~((for that office shall appear under the title of that office, and the names shall appear in that order. If a primary was conducted;))~~ will appear second. No candidate's name may be printed on the subsequent general election ballot unless he or she receives at least one percent of the total votes cast for that office at the preceding primary, if a primary was conducted. On the ballot at the general election for ~~((any other nonpartisan))~~ an office for which no primary was held, the names of the candidates shall be listed in the order determined under RCW 29A.36.130.

(2) ~~((On the ballot at the general election))~~ For the office of justice of the supreme court, judge of the court of appeals, judge of the superior court, or state superintendent of public instruction, if a candidate in a contested primary receives a majority of all the votes cast for that office or position, only the name of that candidate may be printed ~~((under the title of the office))~~ for that position on the ballot at the general election.

NEW SECTION. Sec. 7. A new section is added to chapter 29A.52 RCW to read as follows:

(1) A primary is a first stage in the public process by which voters elect candidates to public office.

(2) Whenever candidates for a partisan office are to be elected, the general election must be preceded by a primary conducted under this chapter. Based upon votes cast at the primary, the top two candidates will be certified as qualified to appear on the general election ballot, unless only one candidate qualifies as provided in RCW 29A.36.170.

(3) For partisan office, if a candidate has expressed a party or independent preference on the declaration of candidacy, then that preference will be shown after the name of the candidate on the primary and general election ballots by appropriate abbreviation as set forth in rules of the secretary of state. A candidate may express no party or independent preference. Any party or independent preferences are shown for the information of voters only and may in no way limit the options available to voters.

CONFORMING AMENDMENTS

Sec. 8. RCW 29A.04.310 and 2003 c 111 s 143 are each amended to read as follows:



((Nominating)) Primaries for general elections to be held in November must be held on:

- (1) The third Tuesday of the preceding September; or ((on))
- (2) The seventh Tuesday immediately preceding ((such)) that general election, whichever occurs first.

Sec. 9. RCW 29A.24.030 and 2003 c 111 s 603 are each amended to read as follows:

A candidate who desires to have his or her name printed on the ballot for election to an office other than president of the United States, vice president of the United States, or an office for which ownership of property is a prerequisite to voting shall complete and file a declaration of candidacy. The secretary of state shall adopt, by rule, a declaration of candidacy form for the office of precinct committee officer and a separate standard form for candidates for all other offices filing under this chapter. Included on the standard form shall be:

- (1) A place for the candidate to declare that he or she is a registered voter within the jurisdiction of the office for which he or she is filing, and the address at which he or she is registered;
- (2) A place for the candidate to indicate the position for which he or she is filing;

(3) For partisan offices only, a place for the candidate to indicate ((a)) his or her major or minor party ((~~designation, if applicable~~)) preference or independent status;

(4) A place for the candidate to indicate the amount of the filing fee accompanying the declaration of candidacy or for the candidate to indicate that he or she is filing a nominating petition in lieu of the filing fee under RCW 29A.24.090;

(5) A place for the candidate to sign the declaration of candidacy, stating that the information provided on the form is true and swearing or affirming that he or she will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

In the case of a declaration of candidacy filed electronically, submission of the form constitutes agreement that the information provided with the filing is true, that he or she will support the Constitutions and laws of the United States and the state of Washington, and that he or she agrees to electronic payment of the filing fee established in RCW 29A.24.090.

The secretary of state may require any other information on the form he or she deems appropriate to facilitate the filing process.

Sec. 10. RCW 29A.24.210 and 2003 c 111 s 621 are each amended to read as follows:

Filings for a partisan elective office shall be opened for a period of three normal business days whenever, on or after the first day of the regular filing period and before the sixth Tuesday prior to ((a primary)) an election, a vacancy occurs in that office, leaving an unexpired term to be filled by an election for which filings have not been held.

Any ((such)) special three-day filing period shall be fixed by the election officer with whom declarations of candidacy for that office are filed. The election officer shall give notice of the special three-day filing period by notifying the press, radio, and television in the county or counties involved, and by ((such)) any other means as may be required by law.

Candidacies validly filed within the special three-day filing period shall appear on the primary or general election ballot as if filed during the regular filing period.

The procedures for filings for partisan offices where a vacancy occurs under this section or a void in candidacy occurs under RCW 29A.24.140 must be substantially similar to the procedures for nonpartisan offices under RCW 29A.24.150 through 29A.24.170.

NEW SECTION. Sec. 11. A new section is added to chapter 29A.32 RCW to read as follows:

The voters' pamphlet must also contain the political party preference or independent status where a candidate appearing on the ballot has expressed such a preference on his or her declaration of candidacy.

Sec. 12. RCW 29A.36.010 and 2003 c 111 s 901 are each amended to read as follows:

On or before the day following the last day allowed for ((political parties to fill vacancies in the ticket as provided by RCW 29A.28.010)) candidates to withdraw under RCW 29A.24.130, the secretary of state shall certify to each county auditor a list of the candidates who have filed declarations of candidacy in his or her office for the primary. For each office, the certificate shall include the name of each candidate, his or her address, and his or her party ((~~designation, if any~~)) preference or independent designation as shown on filed declarations.

Sec. 13. RCW 29A.52.010 and 2003 c 111 s 1301 are each amended to read as follows:

Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no ((September)) primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, ((~~either of the following circumstances exist:~~

(1) ~~No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or~~

(2)) no more than two candidates have filed a declaration of candidacy for a single ((nonpartisan)) office to be filled.

In ((~~either~~)) this event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the ((September)) primary ballot, but for the provisions of this section, shall be printed as ((~~nominees~~)) candidates for the positions sought upon the ((November)) general election ballot.

Sec. 14. RCW 29A.80.010 and 2003 c 111 s 2001 are each amended to read as follows:

((+)) Each political party organization may((:

- (a) ~~Make its own~~ adopt rules ((~~and regulations; and~~
- (b) ~~Perform all functions inherent in such an organization.~~

(2) Only major political parties may designate candidates to appear on the state primary ballot as provided in RCW 29A.28.010)) governing its own organization and the nonstatutory functions of that organization.

Sec. 15. RCW 42.12.040 and 2003 c 238 s 4 are each amended to read as follows:

(1) If a vacancy occurs in any partisan elective office in the executive or legislative branches of state government or in any partisan county elective office before the sixth Tuesday prior to the ((primary for the)) next general election following the occurrence



of the vacancy, a successor shall be elected to that office at that general election. Except during the last year of the term of office, if such a vacancy occurs on or after the sixth Tuesday prior to the ((primary for that)) general election, the election of the successor shall occur at the next succeeding general election. The elected successor shall hold office for the remainder of the unexpired term. This section shall not apply to any vacancy occurring in a charter county ((which)) that has charter provisions inconsistent with this section.

(2) If a vacancy occurs in any legislative office or in any partisan county office after the general election in a year that the position appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified as defined in RCW ((29.01.135)) 29A.04.133 and shall continue through the term for which he or she was elected.

CODIFICATION AND REPEALS

NEW SECTION. Sec. 16. The code reviser shall revise the caption of any section of Title 29A RCW as needed to reflect changes made through this Initiative.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) RCW 29A.04.157 (September primary) and 2003 c 111 s 128;

(2) RCW 29A.28.010 (Major party ticket) and 2003 c 111 s 701, 1990 c 59 s 102, 1977 ex.s. c 329 s 12, & 1965 c 9 s 29.18.150;

(3) RCW 29A.28.020 (Death or disqualification--Correcting ballots--Counting votes already cast) and 2003 c 111 s 702, 2001 c 46 s 4, & 1977 ex.s. c 329 s 13; and

(4) RCW 29A.36.190 (Partisan candidates qualified for general election) and 2003 c 111 s 919.

NEW SECTION. Sec. 18. This act takes effect only if the Ninth Circuit Court of Appeals' decision in *Democratic Party of Washington State v. Reed*, 343 F.3d 1198 (9th Cir. 2003) holding the blanket primary election system in Washington state invalid becomes final and a Final Judgment is entered to that effect.



AN ACT Relating to education; amending RCW 28A.505.210, 82.14.410, 84.52.068, 28B.119.010, 43.09.050, 82.08.020, 82.12.045, and 67.28.181; reenacting and amending RCW 43.79A.040; adding new sections to chapter 28A.215 RCW; adding a new section to chapter 82.12 RCW; adding a new chapter to Title 28A RCW; adding a new chapter to Title 28B RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 28A.215.100, 28A.215.110, 28A.215.120, 28A.215.130, 28A.215.140, 28A.215.150, 28A.215.160, 28A.215.170, 28A.215.180, 28A.215.190, 28A.215.200, 28A.215.900, 28A.215.904, 28A.215.906, and 28A.215.908; and providing an effective date.

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

NEW SECTION. Sec. 1 FINDINGS. The people of the state of Washington find that:

(1) To compete successfully in the 21st century economy, Washington's citizens must be equipped with the best education and skills in the nation. Education today requires a seamless, integrated, and connected approach to learning, from early childhood to higher education and beyond.

(2) We are demanding more than ever from students and teachers, but our political leaders have ignored the will of the people and have failed to make the investments called for to meet these demands. The state has fallen behind the nation in funding per student at a time when we have committed ourselves to higher standards for all children.

(3) Too many of this state's kindergartners are not ready for school. Too many children do not read at grade level. Too many children do not graduate from high school. Too many college students need remedial classes and too many leave without degrees.

(4) Thousands of eligible low-income children are denied preschool opportunities that would better prepare them for school. Our students sit in the fourth most crowded classrooms in the nation. The state's colleges and universities cannot accommodate tens of thousands of students expected to graduate from high school in the next few years.

(5) To create the best-prepared work force in the country, to fuel the state's economic development, and to strengthen civic participation of the next generation, we must invest more in early childhood education, K-12, and postsecondary education.

(6) Any new funds raised to improve education must be protected and used only for that purpose.

NEW SECTION. Sec. 2 INTENT. (1) It is the intent of the people to create a dedicated education trust fund that will enhance current education funding and make the additional investments needed to help students meet the educational and economic challenges of our time. The education trust fund will operate on three core principles:

(a) **STRATEGIC, TARGETED INVESTMENT.** The education trust fund makes carefully targeted investments to help teachers have the greatest impact on their students and to help families make the greatest gains in access to education and opportunity.



(b) **ACCOUNTABILITY.** The education trust fund will be accountable to the citizens. Its resources will be protected from unauthorized uses or political interference. The education trust fund will include citizen oversight and local control to ensure that resources are spent wisely and appropriately.

(c) **COMMON SENSE INTEGRATION AND EFFICIENCY.** The education trust fund is designed to ensure that early childhood education, K-12, and higher education become more tightly integrated and efficient for the benefit of all children.

(2) In particular, it is the intent of the people through this act to:

(a) Help close the achievement gap by expanding access to high-quality early childhood education programs, particularly for low-income students;

(b) Increase student achievement by reducing class sizes, providing more learning opportunities, and providing additional support for students to meet or exceed higher standards;

(c) Support teachers in the classroom, help deliver on the promise for better pay, and increase professional skill development at all levels;

(d) Make higher education more affordable for working families by expanding promise scholarships and financial aid programs;

(e) Expand college and job training opportunities for students of all ages by funding twenty-five thousand new college enrollments;

(f) Invest in university research that will generate the jobs and economic opportunities of the future;

(g) Promote greater efficiencies within the education system to benefit students and taxpayers; and

(h) Ensure greater accountability in education funding by requiring trust fund recipients to develop and meet key performance benchmarks.

PART I

K-12 EDUCATION

Education Trust Student Achievement Fund: Reduced Class Size, Extended and Expanded Learning Opportunities, Teacher Support, and Academic Support

Sec. 101 RCW 28A.505.210 and 2001 c 3 s 3 are each amended to read as follows:

School districts shall have the authority to decide the best use of the education trust student achievement ((funds)) fund created in section 504 of this act to assist students in meeting and exceeding the new, higher academic standards in each district consistent with the provisions of ((chapter 3, Laws of 2001)) this act.

(1) Student achievement funds shall be allocated for the following uses:

(a) To reduce class size by:

(i) Hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

~~((b) To make))~~ (ii) Making selected reductions in class size in grades 5-12, such as small ~~((high school))~~ math and writing classes;

~~((c))~~ (b) To provide extended and expanded learning opportunities to improve student academic achievement in grades K-12, including, but not limited to ~~((:))~~;

(i) Extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school

programs, and summer school ~~((and))~~;

~~((d))~~ (i) Optional all-day kindergarten, with priority given to students eligible for free and reduced-price lunch;

(iii) Early assistance for children who need prekindergarten support in order to be successful in school;

(iv) Providing advanced classes such as advanced placement and dual high school and college credit programs, and adding other course options with an emphasis on subject areas assessed for the certificate of mastery;

(c) To provide additional ~~((professional development for educators, including))~~ direct support for school-based educators through the following:

(i) Additional paid time for curriculum and lesson redesign and alignment~~((:))~~;

(ii) Training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing ~~((teaching))~~ professional skills and knowledge, and ~~((mentoring programs to match teachers with skilled, master teachers.))~~ fees, expenses, and support related to professional certifications;

(iii) Training in effective instructional strategies for certificated instructional staff and classified staff who have instructional responsibilities for special education students or students whose first language is not English;

(iv) Participation in district-approved mentor teacher and principal training programs and supplemental contracts for performing the roles of instructional coach or mentor, for reading, writing, math, and/or science; and

(v) Reimbursement to teachers for approved out-of-pocket costs related to classroom supplies.

(d) To provide additional support for academic success for students through the following activities:

(i) Providing additional student counseling and guidance at all levels to assure student academic success in high school and that students are well-prepared for a variety of postsecondary options;

(ii) Increasing parent involvement through proven strategies tailored to the community and school neighborhood;

(e) The funding in this section shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

~~((c) To provide early assistance for children who need prekindergarten support in order to be successful in school;))~~

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) ~~((through (c)))~~ and (b) of this subsection.

(2) Annually on or before May 1st, the school district board of directors shall meet at the time and place designated for the purpose of a public hearing on the proposed plan for the use of these funds to improve student achievement for the coming year. Such plans shall be prepared with citizen participation and will include the rationale for the district's choices among authorized activities in this section, the division of education trust student achievement funds, and benchmarks the district has chosen to track expected improvements in student achievement and instructional effectiveness through the district's selected activities. Any person may appear or by written submission have the opportunity to comment on the proposed plan for the use of these funds. No later than August 31st, as a part of the process under RCW 28A.505.060, each school district shall adopt ~~((a))~~ the plan for the use of these funds for the upcoming school year.

(3) Annually, each school district shall provide to the citizens of



their district a public accounting of the funds made available to the district during the previous school year under chapter 3, Laws of 2001, how the funds were used among the authorized activities, and the progress the district has made in increasing student achievement, as measured by required state assessments and other assessments and benchmarks deemed appropriate by the district. The annual report shall include any proposed amendments for the next year's plan based on the progress towards the district's benchmarks. Copies of this report shall be provided to the education trust citizen oversight board, the superintendent of public instruction, and to the academic achievement and accountability commission.

NEW SECTION. Sec. 102 Funds from the education trust student achievement fund shall be distributed to school districts in the amounts and manner provided in this section.

(1) Funds from the education trust student achievement fund shall be appropriated to the superintendent of public instruction for distribution to meet the provisions set out in sections 101 through 105 of this act.

(2) The amount of the distribution to each school district shall be based upon the number of average annual full-time equivalent students in the school district for the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(3) For the 2004-05 school year:

(a) An annual amount equal to two hundred fifty-four dollars per full-time equivalent student shall be distributed to each school district.

(b) A one-time amount equal to thirty-five dollars per full-time equivalent student shall be distributed to each school district on an equal per full-time equivalent basis in the months of July and August. It may be used for the local district share of compensation for nonstate funded staff as would be required to match restoration of pay rates provided for by section 104 of this act.

(4) For the 2005-06 school year:

(a) An amount shall be distributed to each school district equal to five hundred twenty dollars per full-time equivalent student.

(b) Each district shall receive an additional amount for district needs related to serving the most academically at risk students, equal to 0.667 times the amount provided in (a) of this subsection times the sum of the school district's percentage of October headcount enrollment in kindergarten through twelfth grade eligible for free and reduced-price lunch from the previous school year plus the annual average percentage of English language learning students enrolled in transitional instructional programs pursuant to chapter 28A.180 RCW from the previous school year.

(5) Each subsequent year following the 2005-06 school year, the amount distributed in subsection (4) of this section shall be adjusted for inflation as defined in RCW 43.135.025(8).

(6) The projected account balance in the education trust student achievement fund shall be set at no less than two percent of projected expenditures from the fund in each of the five subsequent years. If enrollment factors or sales tax collections vary from projections to the extent that the required minimum projected account balance is not maintained or the projected account balance is in excess of the amount necessary to meet the provisions of this

section, RCW 84.52.068, and sections 104 through 108 of this act, any appropriate one-time or long-term adjustments in the amount provided by subsections (4) and (5) of this section shall be recommended by the education trust citizen oversight board to the legislature. The adjustments by the legislature may result in additional appropriations to the superintendent of public instruction, up to the amount recommended by the education trust citizen oversight board, for distribution to school districts in direct proportions to the total of funds distributed in accordance with subsections (4) and (5) of this section, strictly for the uses outlined in section 101 of this act; or the adjustments by the legislature may result in reductions in appropriations up to the amount recommended by the education trust citizen oversight board. Recommendations to the legislature for adjustments in the amount provided by subsections (4) and (5) of this section shall be based on amounts calculated and reported by the office of financial management.

(7) The school district annual amounts as defined in this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

Sec. 103 RCW 84.52.068 and 2003 1st sp.s. c 19 s 1 are each amended to read as follows:

(1) A portion of the proceeds of the state property tax levy shall be ~~((distributed to school districts))~~ deposited in the education trust student achievement fund in the amounts and in the manner provided in this section.

(2) The amount of the ~~((distribution to each school district))~~ deposit shall be based upon the ~~((average))~~ number of average annual full-time equivalent students in ~~((the))~~ all school districts during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year, and shall be calculated as follows:

~~((a))~~ ~~((Out of taxes collected in calendar years 2001 through and including 2003, an annual amount equal to one hundred forty dollars per each full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on one hundred forty dollars per full-time equivalent student in the school district for each year beginning with the school year 2001-2002 and through the end of the 2003-2004 school year.~~

~~((b)))~~ For the 2004-2005 and 2005-2006 school years, an annual amount equal to two hundred fifty-four dollars per full-time equivalent student in all school districts shall be deposited in the education trust student achievement fund ~~((to be distributed to each school district based on two hundred fifty-four dollars per full-time equivalent student.~~

~~((c))~~ For the 2005-2006 school year, an amount equal to three hundred dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred dollars per full-time equivalent student.

~~((d))~~ For the 2006-2007 school year, an amount equal to three hundred seventy-five dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on three hundred seventy-five dollars per full-time equivalent student.

~~((e))~~ For the 2007-2008 school year, an amount equal to four hundred fifty dollars per full-time equivalent student in all school districts shall be deposited in the student achievement fund to be distributed to each school district based on four hundred fifty dollars per full-time equivalent student)).

~~((f)))~~ (b) Each subsequent year following the ~~((2007-2008))~~



2005-2006 school year, the amount deposited (~~and distributed~~) shall be adjusted for inflation as defined in RCW 43.135.025(8).

~~(3) (For the 2001-2002 through 2003-2004 school years, the office of the superintendent of public instruction shall verify the average number of full-time equivalent students in each school district from the previous school year to the state treasurer by August 1st of each year.~~

~~(4) Beginning with the 2004-2005 school year:~~

~~(a) The annual distributions to each school district shall be based on the average number of full-time equivalent students in the school district from the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year; and~~

~~(b) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.)~~ The office of the superintendent of public instruction shall notify the department of the monthly amounts to be deposited into the education trust student achievement fund to meet the apportionment schedule distributions pursuant to section 102 of this act.

NEW SECTION. Sec. 104 The voters of Washington have required the legislature to address the issue of compensation for teachers by adopting Initiative Measure No. 732. However, Initiative Measure No. 732 has been suspended by the legislature for the current (2003-2005) biennium by chapter 20, Laws of 2003 1st sp. sess. Notwithstanding the provisions of chapter 20, Laws of 2003 1st sp. sess., an amount not to exceed ninety-three million dollars per year each year from the education trust student achievement fund shall be used by the legislature to restore, to the degree possible, teachers' and other school employees' rate of pay to a level such that no eligible employee receives less than the increase they would have otherwise received had the 2003-2005 biennium suspension not occurred by chapter 20, Laws of 2003 1st sp. sess. It is not the intent of this act to relieve the responsibility of the legislature established by both the voters and by Article IX of the Washington state Constitution to provide fair and adequate compensation for teachers and other school employees in this state. No further amount of money may be taken from the trust fund or otherwise used to relieve the legislature of its duty to compensate teachers.

NEW SECTION. Sec. 105 The national board for professional teaching standards awards certificates for teachers who meet high and rigorous standards for what highly accomplished teachers should know and be able to do in order to increase student achievement.

(1) Certificated instructional staff who have attained certification from the national board for professional teaching standards or any successor organization shall receive a bonus of five thousand dollars each year in which they teach or mentor teach and maintain their certification from the national board for professional teaching standards.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards or any successor organization and who are assigned to teach or mentor teach in a high need school as defined by the office of the

superintendent of public instruction, shall receive an annual ten thousand dollar bonus in addition to the bonus provided in subsection (1) of this section. This additional bonus shall be paid each year in which they maintain their certification from the national board for professional teaching standards or any successor organization and work in a high need school.

(3) Annual bonuses for certification from the national board for professional teaching standards are provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

NEW SECTION. Sec. 106 (1) Amounts from the education trust student achievement fund, not to exceed one-quarter of one percent of the fiscal year amount appropriated for school districts through the education trust student achievement fund may be appropriated to the office of the superintendent of public instruction for the following purposes:

(a) Activities to support teachers pursuing certification through the national board for professional teaching standards; and

(b) Establishing and administering the Washington mentor teacher training program. The Washington mentor teacher training program shall be supported, in part, by participant fees.

(2) The superintendent of public instruction may contract with educational service districts, higher education institutions, or other local providers to deliver these services.

(3) The office of the superintendent of public instruction shall create performance benchmarks for these activities.

NEW SECTION. Sec. 107 The superintendent of public instruction shall adopt rules including a definition of high need schools as necessary under chapter 34.05 RCW for the administration of sections 101 through 106 of this act. The definition of high need schools shall include no more than twenty-five percent of all schools and designate proportionate numbers of elementary, middle, and high schools as high need. The definition may include, but is not limited to, the following factors as part of a definition of high need school: Percentage of students participating in free and reduced-price lunch programs, percentage of students learning English, and student mobility data.

NEW SECTION. Sec. 108 Through legislative appropriation not intended to exceed ten million dollars per year from the education trust student achievement fund, the higher education coordinating board may award conditional scholarships to students who have either declared intention to complete an approved preparation program leading to teacher certification with an endorsement in a high need area or who are teachers seeking an additional endorsement in a high need area. The high need endorsement areas shall be identified by the office of the superintendent of public instruction on a biennial basis. Participants in the conditional scholarship program incur an obligation to repay the conditional scholarship, with interest, unless the participant teaches in his or her high need endorsement area for two years in a Washington public school for each year of scholarship received, under rules adopted by the higher education coordinating board.

NEW SECTION. Sec. 109 Funds from the education trust student achievement fund may only be appropriated for and spent on uses authorized by, and in accordance with, this act.

NEW SECTION. Sec. 110 Sections 102 and 104 through 109



of this act constitute a new chapter in Title 28A RCW.

PART II

HIGHER EDUCATION

Education Trust Higher Education Account: Increased Access, Increased Affordability, and Investment in Economic Development

NEW SECTION. Sec. 201 Expenditures from the education trust higher education account shall be for higher education enrollments, financial aid programs, and targeted investments in research carried out at public higher education institutions.

NEW SECTION. Sec. 202 (1) Money from the education trust higher education account may be appropriated through the operating budget to each public four-year institution, which shall include research and comprehensive universities and The Evergreen State College; the higher education coordinating board; and the state board for community and technical colleges. The appropriations shall be subject to allotment procedures.

(2) For fiscal years 2006 and 2007, sixty-two and fifty one-hundredths percent of the funds in the education trust higher education account shall be used to fund new enrollments. Beginning in fiscal year 2008, sixty-eight and seventy-five one-hundredths percent of the funds in the education trust higher education account shall be used to fund new enrollments.

(a) At least forty-three and seventy-five one-hundredths percent of the funds in the education trust higher education account shall be used to fund new enrollments at the peer average funding rates.

(b) At least eighteen and seventy-five one-hundredths percent of the funds in the education trust higher education account shall be used to fund high demand enrollments.

(c) Beginning in fiscal year 2008, six and twenty-five one-hundredths percent of the funds in the education trust higher education account shall be used to fund additional enrollments to be divided, as determined by the legislature, between new enrollments at the peer average funding rates and high demand enrollments.

(d) Education trust higher education account funding allocated for high demand enrollments shall be appropriated by the legislature, so as to best meet the state's needs, to the higher education coordinating board for public four-year institutions, and the state board for community and technical colleges for public two-year institutions, to be distributed under competitive grant programs administered by those agencies. Funding for high demand enrollment rates may be as high as double the peer average funding level for research universities.

(e) The higher education coordinating board shall report to the legislature and the education trust citizen oversight board on the peer average funding rates for each higher education sector or institution by January 31st of each year.

(f) Out of the community and technical colleges peer rate funded enrollment enhancements, an amount not to exceed nineteen million six hundred thousand dollars per year each year from the education trust higher education account shall be used by the legislature to restore, to the degree possible, the rate of pay for employees of community and technical colleges to the level such that community

and technical college employees receive no less than the increased rate that would have otherwise been paid to eligible employees under the provisions of Initiative Measure No. 732, had the 2003-2005 biennium suspension not occurred by chapter 20, Laws of 2003 1st sp. sess.

(3) Beginning in fiscal year 2006, twelve and one-half percent of the funds in the education trust higher education account shall be used to fund financial aid programs currently managed by the higher education coordinating board. The state need grant program shall expand eligibility to sixty-five percent of median family income beginning in fiscal year 2006.

(4) For fiscal years 2006 and 2007, twenty-five percent of the funds in the education trust higher education account shall be used to enhance the capacity to obtain other research funding and to conduct high priority research. Beginning in fiscal year 2008, eighteen and seventy-five one-hundredths percent of the funds in the education trust higher education account shall be used to enhance the capacity to obtain other research funding and to conduct high priority research. Institutional use of the funding shall benefit the state of Washington in one or more of the following ways: Increase the amount of additional nonstate-funded research that will be obtained based upon the investment, support economic activities in regions of the state, and address important economic or public policy issues of the state. The funds shall be distributed in two ways:

(a) Eighty percent of these funds shall be distributed according to the following: (i) Sixty percent of this distribution shall be allocated to the University of Washington; (ii) thirty percent of this distribution shall be allocated to Washington State University; and (iii) ten percent of this distribution shall be distributed among the comprehensive universities and The Evergreen State College.

(b) Twenty percent of these funds shall be allocated to the higher education coordinating board for a competitive research grant pool. Public four-year institutions are eligible to apply for funding and may submit proposals that include cooperative partnerships with private independent institutions.

(5) Education trust higher education account balances in excess of the requirements of section 503(7) of this act may be used to expand access for more students through financial aid programs, additional enrollments, or expansion of the high-demand enrollment pool. The balance may also go towards larger per-student funding rates subject to legislative appropriation and approval by the education trust citizen oversight board. In fiscal years 2006 and 2007, education trust higher education account balances shall be used pursuant to subsection (4) of this section to bring the total allocation up to a maximum expenditure of one hundred million dollars for these years.

(6) The distributions detailed in this section shall produce a minimum of twenty-five thousand additional state-supported higher education full-time equivalent students. The education trust citizen oversight board shall report to the public, governor, legislature, and office of financial management on the number of new full-time equivalent students funded by September 1, 2008.

(7) By September 1, 2008, the higher education coordinating board shall report to the education trust citizen oversight board, governor, legislature, and office of financial management the balance of investments described in this section and suggest changes to the percentages used in this section.

NEW SECTION. Sec. 203 Public four-year institutions shall institute procedures to track funds appropriated for research and report annually to the education trust citizen oversight board that they are used to fund eligible projects and fields, in accordance with section 202(4) of this act.



Sec. 204 RCW 28B.119.010 and 2003 c 233 s 5 are each amended to read as follows:

The higher education coordinating board shall design the Washington promise scholarship program based on the following parameters:

(1) Scholarships shall be awarded to students graduating from public and approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, who meet both an academic and a financial eligibility criteria.

(a) Academic eligibility criteria shall be defined as follows:

(i) Beginning with the graduating class of ((2002)) 2006, students graduating from public and approved private high schools under chapter 28A.195 RCW must be in the top ((fifteen)) thirty percent of their graduating class, as identified by each respective high school at the completion of the first term of the student's senior year; or

(ii) Students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, students participating in home-based instruction as provided in chapter 28A.200 RCW, and persons twenty-one years of age or younger receiving a GED certificate, must equal or exceed a cumulative scholastic assessment test I score of twelve hundred on their first attempt or must equal or exceed a composite American college test score of twenty-seven on their first attempt.

(b) To meet the financial eligibility criteria, a student's family income shall not exceed one hundred thirty-five percent of the state median family income adjusted for family size, as determined by the higher education coordinating board for each graduating class. Students not meeting the eligibility requirements for the first year of scholarship benefits may reapply for the second year of benefits, but must still meet the income standard set by the board for the student's graduating class.

(2) Promise scholarships are not intended to supplant any grant, scholarship, or tax program related to postsecondary education. If the board finds that promise scholarships supplant or reduce any grant, scholarship, or tax program for categories of students, then the board shall adjust the financial eligibility criteria or the amount of scholarship to the level necessary to avoid supplanting.

(3) Within available funds, each qualifying student shall receive two consecutive annual awards, the value of each not to exceed the full-time annual resident tuition rates charged by Washington's community colleges. The higher education coordinating board shall award scholarships to as many students as possible from among those qualifying under this section.

(4) By October 15th of each year, the board shall determine the award amount of the scholarships, after taking into consideration the availability of funds.

(5) The scholarships may only be used for undergraduate coursework at accredited institutions of higher education in the state of Washington.

(6) The scholarships may be used for undergraduate coursework at Oregon institutions of higher education that are part of the border county higher education opportunity project in RCW 28B.80.806 when those institutions offer programs not available at accredited institutions of higher education in Washington state.

(7) The scholarships may be used for college-related expenses, including but not limited to, tuition, room and board, books, and materials.

(8) The scholarships may not be awarded to any student who is pursuing a degree in theology.

(9) The higher education coordinating board may establish satisfactory progress standards for the continued receipt of the promise scholarship.

(10) The higher education coordinating board shall establish the time frame within which the student must use the scholarship.

NEW SECTION. Sec. 205 Public four-year institutions shall work with the higher education coordinating board, and the community and technical colleges shall work with the state board for community and technical colleges, to develop performance benchmarks for the investments provided in this act.

NEW SECTION. Sec. 206 Sections 201 through 203 and 205 of this act constitute a new chapter in Title 28B RCW.

PART III

GREAT BEGINNINGS PRESCHOOL PARTNERSHIP PROGRAM

Education Trust Early Education Account: Increased Access, Increased Quality, and Higher Standards

NEW SECTION. Sec. 301 PROGRAM DESCRIPTION. Parents and guardians have primary responsibility to raise, educate, and pass on values to their children; the state and local communities can offer assistance to parents in their role as first teachers by increasing the choice of quality early education programs available to them. Low-income children particularly benefit from high quality early education, however, only half of Washington's eligible low-income children are currently being served. The great beginnings preschool partnership program is therefore established in the office of the governor. The great beginnings preschool partnership program shall:

(1) Help ensure school readiness by providing high quality, voluntary early education services to the state's three- and four-year old children. The education trust early education account funding shall be used to serve low-income children. Education trust early education account funding may be used to pay all or part of eligible children's fees on a sliding scale basis. Children may participate in the program using other funding, including parent fees;

(2) Be research-based and cultivate school-related skills, including cognitive, social, emotional, and physical development, with a focus on language, literacy, and social skills. Additional services necessary to support learning may be provided as needed, including health, nutrition, and family support;

(3) Build upon existing early education programs and funding sources, and education trust early education account funding may be utilized in a variety of settings such as schools, head start programs, early childhood education and assistance programs, and licensed child care facilities; and

(4) Utilize well-qualified teachers, low child-teacher ratios, and appropriate group size; involve families; employ age-appropriate curriculum; and be provided in appropriately equipped facilities.

NEW SECTION. Sec. 302 GOVERNANCE. (1) The early education board is created in the office of the governor. The early education board shall meet periodically as needed to carry out the



responsibilities set forth in section 303 of this act. The early education board shall be composed of eleven members appointed for four-year terms.

Eight members shall be appointed by the governor and be representative of persons interested in and knowledgeable about early education. The remaining three members shall be appointed one each by the superintendent of public instruction, by the secretary of the department of social and health services, and by the secretary of the department of health.

(2) The terms of the initial early education board members shall be staggered such that three of the initial board members are appointed to two-year terms, four of the initial board members are appointed to three-year terms, and four of the initial board members are appointed to four-year terms.

(3) The early education board shall receive no salary. Members of the early education board shall be compensated and reimbursed for travel and other expenses as provided in RCW 43.03.240, 43.03.050, and 43.03.060.

NEW SECTION. Sec. 303 BOARD POWERS AND RESPONSIBILITIES. The primary responsibilities of the early education board are to:

(1) Ensure that the great beginnings preschool partnership program provides high quality early education services to eligible children;

(2) Establish state early education goals and performance benchmarks, including child outcomes; develop a plan and timeline to meet goals with particular attention to increasing access to high quality preschool programs for low-income children; monitor and measure progress and submit an annual report to the education trust citizen oversight board on the use of education trust early education account funding to meet goals;

(3) Adopt research-based program standards, including teacher qualifications;

(4) Establish eligibility for education trust early education account funding and determine a per capita funding formula for the great beginnings preschool partnership program based on the kindergarten population of each local partnership area, and submit per capita funding formula to the education trust citizen oversight board for approval;

(5) Determine a funding formula for distributing education trust early education account funding to infrastructure investments, including capital and professional development, the early education board deems necessary to expand access to the great beginnings preschool partnership program, and submit funding formula to the education trust citizen oversight board for approval;

(6) Approve plans submitted by the local partnership organizations and provide education trust early education account funding to the local partnership organizations as appropriate to implement plans and serve low-income children;

(7) Oversee the expansion of the early childhood education and assistance program ("ECEAP") set forth in chapter 28A.215 RCW to expand the number of eligible children served to the maximum extent feasible in fiscal years 2006 and 2007. Additional funds shall be provided to allow current and new ECEAP providers to meet early education board established program standards;

(8) Make recommendations to the governor and legislature for the necessary coordination and integration of state early education

and care programs;

(9) Solicit gifts, grants, and other support for the use or benefit of the great beginnings preschool partnership programs; and

(10) Adopt rules and procedures necessary to implement the provisions of this chapter.

NEW SECTION. Sec. 304 EXECUTIVE DIRECTOR, STAFF—FINANCES. The early education board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the early education board within the limits established by the committee on agency officials' salaries under RCW 43.03.028, and may employ additional staff subject to legislative appropriation. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the education trust early education account, subject to legislative appropriation.

NEW SECTION. Sec. 305 The early education board and local partnership organizations cumulatively shall spend no more than five percent of funds provided from the education trust early education account on administration to perform the duties specified in sections 303 and 307 of this act.

NEW SECTION. Sec. 306 LOCAL PARTNERSHIPS. Local partnership organizations shall be the educational service districts established by chapter 28A.310 RCW. The early education board may select an alternate local partnership organization in an area if another organization can better carry out the responsibilities of the local partnership.

NEW SECTION. Sec. 307 LOCAL PARTNERSHIP ORGANIZATION RESPONSIBILITIES. Local partnership organizations shall:

(1) Establish a local advisory council that includes representation from: (a) Early education and care providers and agencies; (b) school districts; (c) community colleges; (d) local head start programs; (e) department of social and health services and local health jurisdictions; (f) local governments; (g) tribes; (h) parents; and (i) others as appropriate;

(2) In the first year of funding:

(a) Conduct a needs assessment of early education and care services available in the educational service district;

(b) Identify service gaps and develop a plan to provide high quality voluntary preschool services to three and four-year olds in the educational service district, with priority given to eligible low-income children;

(c) Determine capital development, professional development, and other infrastructure needed to implement the preschool services plan in the educational service district;

(d) Develop a funding plan that utilizes all available resources for preschool programs;

(e) Submit an integrated plan for the delivery and funding of preschool services and related infrastructure needs to the early education board;

(3) In the subsequent years of funding:

(a) As necessary, conduct additional needs assessments of early education and care services available in the educational service district;

(b) Oversee implementation of the great beginnings preschool partnership program in the educational service district; including mentoring and assisting participating providers in meeting program standards;

(c) Monitor and measure progress in implementing the preschool



services plan and submit an annual report to the early education board; and

(d) Ensure that great beginnings preschool partnership program services are aligned with the local K-12 education system and include effective preschool to kindergarten transition planning.

NEW SECTION. Sec. 308 Education trust early education account balances shall be used solely for the purposes of this chapter, as determined by the early education board.

NEW SECTION. Sec. 309 Sections 301 through 308 of this act are each added to chapter 28A.215 RCW.

NEW SECTION. Sec. 310 The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective July 1, 2008:

- (1) RCW 28A.215.100 (Intent) and 1994 c 166 s 1 & 1985 c 418 s 1;
- (2) RCW 28A.215.110 (Definitions) and 1999 c 350 s 1, 1994 c 166 s 2, 1990 c 33 s 213, 1988 c 174 s 2, & 1985 c 418 s 2;
- (3) RCW 28A.215.120 (Department of community, trade, and economic development to administer program—Admission and funding) and 1994 c 166 s 4, 1988 c 174 s 3, & 1985 c 418 s 3;
- (4) RCW 28A.215.130 (Approved early childhood programs—Entities eligible to conduct—Use of funds—Requirements for applicants) and 1994 c 166 s 5, 1988 c 174 s 4, & 1985 c 418 s 4;
- (5) RCW 28A.215.140 (Advisory committee—Composition) and 1988 c 174 s 5 & 1985 c 418 s 5;
- (6) RCW 28A.215.150 (Rules) and 1994 c 166 s 6, 1988 c 174 s 6, 1987 c 518 s 101, & 1985 c 418 s 6;
- (7) RCW 28A.215.160 (Review of applications—Award of funds) and 1994 c 166 s 8, 1988 c 174 s 7, & 1985 c 418 s 7;
- (8) RCW 28A.215.170 (Early childhood educational and assistance services—Report to governor) and 1995 c 335 s 501, 1994 c 166 s 9, 1988 c 174 s 8, & 1985 c 418 s 8;
- (9) RCW 28A.215.180 (State support—Priorities—Program funding levels) and 1994 c 166 s 10, 1990 c 33 s 214, 1987 c 518 s 102, & 1985 c 418 s 9;
- (10) RCW 28A.215.190 (Expenses of advisory committee—Reimbursement) and 1985 c 418 s 10;
- (11) RCW 28A.215.200 (Authority to solicit gifts, grants, and support) and 1994 c 166 s 11, 1990 c 33 s 215, 1988 c 174 s 9, & 1985 c 418 s 11;
- (12) RCW 28A.215.900 (Short title—1985 c 418) and 1985 c 418 s 13;
- (13) RCW 28A.215.904 (Contingency—Effective date—1985 c 418) and 1985 c 418 s 12;
- (14) RCW 28A.215.906 (Severability—1985 c 418) and 1985 c 418 s 14; and
- (15) RCW 28A.215.908 (Severability—1988 c 174) and 1988 c 174 s 11.

PART IV OVERSIGHT AND ACCOUNTABILITY

Citizen Oversight Board: Strong Accountability, Effective Oversight, Independent Audits

NEW SECTION. Sec. 401 DEFINITIONS. As used in this chapter, “education trust citizen oversight board” or “board” means the board created in section 402 of this act.

NEW SECTION. Sec. 402 BOARD CREATED. (1) The education trust citizen oversight board is created, composed of eleven voting members and one nonvoting member, appointed as follows:

(a) Eight citizen members with demonstrated leadership in improving education in Washington state. The citizen members shall be appointed by the governor for terms of four years;

(b) Three expert members consisting of:

(i) The superintendent of public instruction or designee;

(ii) A member of the early education board selected by the early education board; and

(iii) A representative of higher education institutions receiving funds from the education trust fund, appointed by the governor;

(c) The state auditor or designee shall be the nonvoting member.

(2) The terms of the initial citizen board members shall be staggered such that one member from each category is appointed to a two-year term, one member from each category is appointed for a three-year term, and one member from each category is appointed for a four-year term.

(3) The citizen members may not be employed by a state agency, state college or university, local school district, or other institution that receives funding authorized in this act, and at least one member should be a parent of a school-aged child.

(4) No member may be appointed for more than two consecutive terms. Appointments for vacancies shall be made for the unexpired terms in the same manner as the original appointment.

(5) The board shall elect a chair from among its members for a two-year term.

(6) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

NEW SECTION. Sec. 403 GENERAL POWERS AND DUTIES. The board shall:

(1) Ensure that the intent of this act is implemented;

(2) Ensure that education trust fund money is spent in accordance with the provisions of this act through financial audits performed by the state auditor as required by state law;

(3) Monitor legislative activities to determine if appropriations are in full compliance with this act;

(4) Establish systemwide performance benchmarks related to student success, such as school readiness, high school graduation rates, and postsecondary remediation rates, for education trust fund expenditures authorized by this act. For colleges and universities that are party to a performance contract, such benchmarks shall be consistent with the provisions of the performance contract guiding the institution;

(5) Receive and review required annual reports for purposes of preparing an annual report and performance of its audit duties;

(6) Determine whether a performance audit of use of education trust funding is necessary, after reviewing required annual reports;

(7) Report annually to the public, governor, and legislature on progress in achieving systemwide performance benchmarks; statewide use of education trust funds; and results of reviews and audits;

(8) Review and approve early education funding formulas based on recommendations from the early education board;

(9) Contract and consult with, to the greatest extent reasonable, private independent professional and technical experts to perform the reviews and performance audits, and to provide other technical



assistance as needed to fulfill the requirements established by this act;

(10) Commission projects, as provided in section 404 of this act;

(11) Adopt rules and procedures necessary to implement the provisions of this chapter relating to the review of required annual reports and audits of education trust funding; and

(12) Make recommendations to the governor and legislature on how best to effectuate purposes of this act with regards to student achievement, and the operation of the education trust fund, including the provisions of section 102 of this act.

NEW SECTION. Sec. 404 COMMISSIONED PROJECTS.

The board may commission projects with the funds appropriated for that purpose pursuant to section 503(2) of this act. Projects shall promote a seamless, integrated, and connected education system. Such projects shall be selected based on their capacity to promote successful student transitions between early education, K-12 education, and higher education and make more efficient use of public resources including developing consistent curriculum standards and requirements between high school and postsecondary education and creating programs that reduce the need for remediation.

NEW SECTION. Sec. 405 EXECUTIVE DIRECTOR, STAFF—FINANCES. The board shall appoint an executive director, who shall serve at its pleasure and whose salary shall be set by the board within the limits established by the committee on agency officials' salaries under RCW 43.03.028, and may employ additional staff subject to legislative appropriation. All costs associated with staff, together with travel expenses in accordance with RCW 43.03.050 and 43.03.060, shall be paid from the Washington education trust fund, subject to legislative appropriation. To the greatest extent possible the board shall rely on staff from existing agencies and boards.

NEW SECTION. Sec. 406 MEETINGS. The board shall meet at least semiannually and at the call of its chair and shall from time to time adopt rules for its own governance and as may be necessary for it to discharge its duties and exercise its powers under this chapter.

NEW SECTION. Sec. 407 BOARD MEMBER EXPENSES. The board shall receive no salary. Members of the board shall be compensated and reimbursed for travel incurred in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair, and other expenses as provided in RCW 43.03.240, 43.03.050, and 43.03.060. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

Sec. 408 RCW 43.09.050 and 1992 c 118 s 6 are each amended to read as follows:

The auditor shall:

(1) Except as otherwise specifically provided by law, audit the accounts of all collectors of the revenue and other holders of public money required by law to pay the same into the treasury;

(2) In his or her discretion, inspect the books of any person charged with the receipt, safekeeping, and disbursement of public moneys;

(3) Investigate improper governmental activity under chapter 42.40 RCW;

(4) Inform the attorney general in writing of the necessity for the attorney general to direct prosecutions in the name of the state for all official delinquencies in relation to the assessment, collection, and payment of the revenue, against all persons who, by any means, become possessed of public money or property, and fail to pay over or deliver the same, and against all debtors of the state;

(5) Give information in writing to the legislature, whenever required, upon any subject relating to the financial affairs of the state, or touching any duties of his or her office;

(6) Report to the director of financial management in writing the names of all persons who have received any moneys belonging to the state, and have not accounted therefor;

(7) Authenticate with his or her official seal papers issued from his or her office;

(8) Verify and report to the education trust citizen oversight board, the director of financial management, and the legislature in writing regarding the maintenance of effort requirements established by section 503 of this act;

(9) Make his or her official report annually on or before the 31st of December.

PART V

REVENUE AND ACCOUNT STRUCTURE

Washington Education Trust Fund: Dedicated and Protected, No Supplanting, Limits on Administration

Sec. 501 RCW 82.08.020 and 2003 c 361 s 301 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and there shall be collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection (2) shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection (3) shall be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5) Beginning April 1, 2005, there is levied for the purpose of targeted investments set forth in the Washington education trust fund and there shall be collected an additional tax on each retail sale in this state equal to one percent of the selling price. The



revenue collected under this subsection (5) shall be deposited in the Washington education trust fund created in section 503 of this act.

(6) The taxes imposed under this chapter shall apply to successive retail sales of the same property.

~~((6))~~ (7) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 502 A new section is added to chapter 82.12 RCW to read as follows:

The use tax revenue collected on the rate provided in RCW 82.08.020(5) shall be deposited in the Washington education trust fund created in section 503 of this act.

NEW SECTION. Sec. 503 (1) The Washington education trust fund is created in the custody of the state treasurer. All moneys in the Washington education trust fund shall be spent solely for the purposes set forth in this act for distribution to the education trust student achievement fund, the education trust higher education account, and the education trust early education account, and for the specified functions of the board.

(2) The money collected under RCW 82.08.020(5) shall be deposited into the Washington education trust fund, and after deducting the funds appropriated to the education trust citizen oversight board for its operation including the cost of audits and the systemwide projects provided for in section 404 of this act, not to exceed one-half of one percent, the money shall be distributed monthly as follows: (a) Fifty percent shall be distributed to the education trust student achievement fund created under section 504 of this act; (b) forty percent shall be distributed to the education trust higher education account created under section 505 of this act; and (c) ten percent shall be distributed to the education trust early education account created under section 506 of this act.

(3) Appropriations to the board for the purposes specified in section 403 of this act, excluding funding for systemwide projects provided by section 404 of this act, may not exceed one-twelfth of one percent of moneys collected.

(4) No agency receiving trust funds may spend more than five percent of these funds for administration.

(5) All investment income in the Washington education trust fund shall be distributed at the beginning of each fiscal year in their proportionate amounts into the education trust student achievement fund, the education trust higher education account, and the education trust early education account.

(6) Existing state funding for education, including all sources of such state funding, shall not be reduced, supplanted, or otherwise adversely impacted by distributions from the Washington education trust fund in this section, appropriations and expenditures from the education trust student achievement fund in section 504 of this act, appropriations and expenditures from the education trust higher education account in section 505 of this act, and appropriations and expenditures from the education trust early education account in section 506 of this act. The fiscal year 2005 total level of state funding for higher education and early childhood education assistance programs and the 2004-05 school year total level of state funding per student for K-12 shall be maintained in each subsequent year. In addition to the provisions herein which prohibit reducing,

supplanting, or otherwise adversely affecting existing state funding for education, before funds from the education trust funds described in this section may be appropriated, state general funds must be appropriated to maintain or increase the:

(a) Per-student transfer amount for the 2004-05 school year and subsequent years into the education trust student achievement fund pursuant to RCW 84.52.068 and staffing ratios utilized in the general apportionment allocation for the 2004-05 school year;

(b) Amount of state general fund support for early education appropriated in fiscal year 2005 for the early childhood education assistance program; and

(c) State general fund support for institutions of higher education at the levels funded in the fiscal year beginning July 1, 2004, and the state general fund funding per student in the fiscal year beginning July 1, 2004.

(7) Beginning with the fiscal year that begins on July 1, 2006, the education trust student achievement fund created under section 504 of this act, the education trust higher education account created under section 505 of this act, and the education trust early education account created under section 506 of this act shall each maintain at least two percent of the total money collected in each account in the previous fiscal year for expenditure pursuant to an appropriation after a finding of an emergency by the legislature. The office of financial management shall determine if the total amount of money in each account exceeds two percent of the total collected in each account in the previous fiscal year.

(8) All administrative provisions in chapters 82.03, 82.08, 82.12, and 82.32 RCW, as they now exist or may hereafter be amended, shall, insofar as they are applicable to state sales and use taxes, be applicable to taxes imposed pursuant to this chapter.

NEW SECTION. Sec. 504 The education trust student achievement fund is created in the custody of the state treasurer. On January 2, 2005, and quarterly thereafter, all funds in the student achievement fund, created in RCW 43.135.045, shall be transferred by the state treasurer to the education trust student achievement fund for the uses outlined in this act. Money in the account is subject to appropriation and allotment of all expenditures. Expenditures from the account may be used only for programs and services provided in sections 101 through 108 of this act.

NEW SECTION. Sec. 505 The education trust higher education account is created in the custody of the state treasurer. Money in the account is subject to appropriation and allotment of all expenditures. Expenditures from the account may be used only for programs and services provided in sections 201 through 205 of this act.

NEW SECTION. Sec. 506 The education trust early education account is created in the custody of the state treasurer. Money in the account is subject to appropriation and allotment of all expenditures. Expenditures from the account may be used only for programs and services provided in sections 301 through 307 of this act.

NEW SECTION. Sec. 507 The state legislature shall, at each regular session in an odd-numbered year, appropriate from the education trust early education account, the education trust student achievement fund, and the education trust higher education account, solely for the purposes of and in accordance with the provisions of this act during the ensuing biennium.

Sec. 508 RCW 43.79A.040 and 2003 c 403 s 9, 2003 c 313 s 10,



2003 c 191 s 7, 2003 c 148 s 15, 2003 c 92 s 8, and 2003 c 19 s 12 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) (a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the Washington education trust fund, the education trust student achievement fund, the education trust higher education account, the education trust early education account, the agricultural local fund, the American Indian scholarship endowment fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the Washington international exchange scholarship endowment fund, the developmental disabilities endowment trust fund, the energy account, the fair fund, the fruit and vegetable inspection account, the game farm alternative account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, and the investing in innovation account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 509 RCW 82.12.045 and 2003 c 361 s 303 are each amended

to read as follows:

(1) In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances:

(a) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) Where the application is for the renewal of registration;

(c) Where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

(d) Where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by the applicant on the vehicle in question.

(2) The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050(3). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.



(8) The use tax revenue collected on the rate provided in RCW 82.08.020(5) shall be deposited in the Washington education trust fund created in section 503 of this act.

Sec. 510 RCW 67.28.181 and 1998 c 35 s 1 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals ~~((twelve))~~ thirteen percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January 1, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of four hundred thousand or more and is located in a county with a population of one million or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, 67.40, 82.08, and 82.14 RCW, equals ~~((fifteen))~~ sixteen and two-tenths percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event.

Sec. 511. RCW 82.14.410 and 2001 c 6 s 1 are each amended to read as follows:

(1) A local sales and use tax change adopted after December 1, 2000, must provide an exemption for those sales of lodging for which, but for the exemption, the total sales tax rate imposed on sales of lodging would exceed the greater of:

(a) ~~((Twelve))~~ Thirteen percent; or

(b) The total sales tax rate that would have applied to the sale of lodging if the sale were made on December 1, 2000.

(2) For the purposes of this section:

(a) "Local sales and use tax change" is defined as provided in RCW 82.14.055.

(b) "Sale of lodging" means the sale of or charge made for the

furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property.

(c) "Total sales tax rate" means the combined rates of all state and local taxes imposed under this chapter and chapters 36.100, 67.28, 67.40, and 82.08 RCW, and any other tax authorized after March 29, 2001, if the tax is in the nature of a sales tax collected from the buyer, but excluding taxes imposed under RCW 81.104.170 before December 1, 2000.

NEW SECTION. Sec. 512 Sections 401 through 407 and 503 through 507 of this act constitute a new chapter in Title 43 RCW.

PART VI

MISCELLANEOUS

NEW SECTION. Sec. 601 Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 602 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 603 This act takes effect January 1, 2005.

PLEASE NOTE

In the text of the measures, any language in double parentheses with a line through it is existing state law and will be taken out of the law if the measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if the measure is approved by voters.



AN ACT Relating to electronic scratch ticket machines; adding a new section to chapter 9.46 RCW; amending RCW 67.70.010 and 67.70.040; adding new sections to chapter 67.70 RCW; amending RCW 84.52.065; and creating new sections.

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

LEGISLATIVE INTENT

NEW SECTION. Sec. 1. This measure would reduce state property taxes by allowing licensed non-tribal gambling establishments to offer the same type and number of electronic scratch ticket machines as tribal casinos with tax revenues generated used to reduce state property taxes. The total number of electronic scratch ticket machines would be capped and would not exceed the total allowed for tribal casinos. The intent of this measure is to create a more level playing field and more competition and for state property tax levies to be reduced as a result.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

(1) Licensed non-tribal gambling establishments shall be allocated the same type and number of electronic scratch ticket machines as tribal casinos with excise tax revenues generated therefrom used to reduce state property taxes. The total number of electronic scratch ticket machines for these establishments shall not exceed the total allocated for tribal casinos with allocation, regulation, and distribution implemented by the lottery commission according to the schedule set forth in this act.

(a) For the purposes of this act, "licensed non-tribal gambling establishments" shall be defined as establishments licensed by the gambling commission under this chapter or the horse racing commission under chapter 67.16 RCW and subject to their oversight, which includes, but is not limited to, nonprofit charities, restaurants, taverns, bowling alleys, horse racing facilities, and state-regulated, licensed house-banked card rooms.

(b) For the purposes of this act, "tribal casinos" shall be defined as casinos or other facilities subject to tribal-state class III gaming compacts in the state under RCW 9.46.360.

(c) For the purposes of this act, "type of electronic scratch ticket machines" includes types of machines of chance allowed at tribal casinos.

(d) For the purposes of this act, "electronic scratch ticket machines" are defined in section 4(7) of this act. "Electronic scratch ticket," for the purposes of this act, does not mean the Washington lottery.

(e) The cumulative number of each type of electronic scratch ticket machines allocated to licensed non-tribal gambling establishments shall not be allowed to exceed the cumulative number allocated to tribal casinos. Allocation, regulation, and distribution of the electronic scratch ticket machines shall be implemented by the lottery commission as set forth in this act.

(2) (a) A state excise tax is imposed on the privilege of operating non-tribal electronic scratch ticket machines. The amount of this tax shall be thirty-five percent of the net win from the operation of the electronic scratch ticket machines operated by licensed non-tribal gambling establishments.

(b) Ninety-nine percent of the proceeds of the state excise tax levied under this subsection, after state lottery commission administrative expenses for operating the system, shall be deposited in a new account hereby created called the Equal Treatment Equals Lower Property Taxes Account in accordance with section 8 of this act. All tax revenues in the account shall be used to reduce the subsequent year's state property tax levy as provided in section 3 of this act.

(3) The public health, safety, and welfare benefit by limiting electronic scratch ticket machines to venues that already are licensed to conduct gaming and where the presence of minors is prohibited. In furtherance of this purpose, the people declare that electronic scratch ticket games are a legal form of gambling in the state of Washington. In addition, any electronic games approved under RCW 9.46.360 are authorized to the same extent and in the same manner as electronic scratch ticket machines are owned, operated, and regulated under this act.

Sec. 3. RCW 84.52.065 and 1991 sp.s. c 31 s 16 are each amended to read as follows:

(1) Subject to the limitations in RCW 84.55.010, in each year the state shall levy for collection in the following year for the support of common schools of the state a tax of three dollars and sixty cents per thousand dollars of assessed value upon the assessed valuation of all taxable property within the state adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue.

(2) The state property tax levy for collection in the year 2006 and each subsequent year shall be reduced from the amount that would otherwise be levied under subsection (1) of this section by an amount equal to the previous year's total gross deposits to the Equal Treatment Equals Lower Property Taxes Account established in section 8 of this act. It is the intent of this act that revenue for the support of common schools is not reduced.

(3) As used in this section, "the support of common schools" includes the payment of the principal and interest on bonds issued for capital construction projects for the common schools.

Sec. 4. RCW 67.70.010 and 2002 c 349 s 1 are each amended to read as follows:

For the purposes of this chapter:

(1) "Cashless transaction system" means the method by which a player obtains, transfers, and redeems game play credits. The cashless transaction system permits a player to play the electronic scratch ticket machine without inserting cash, including coins, tokens, or paper currency, into, and to win game play credits from, the player terminal. The player terminal shall not dispense cash, but shall only dispense game play credits available to the player and game result information;

(2) "Central accounting and auditing computer system" means a computer system or systems operated by the lottery commission that provide a secure means to monitor, receive, store and access data, and record critical functions and activities of the player terminals;

(3) "Central computer" means a computer or computers that conduct random drawings for electronic scratch ticket games and stores and dispenses electronic scratch tickets from scratch ticket game subsets that have been loaded into it from a manufacturing computer and are maintained in a secure manner;

(4) "Commission" or "lottery commission" means the state lottery commission established by this chapter;

((2)) (5) "Director" means the director of the state lottery established by this chapter;



~~((3))~~ (6) "Electronic scratch ticket" means a predetermined winning or losing outcome in electronic form. Each electronic scratch ticket represents a chance from among the finite set of chances that comprise an electronic scratch ticket game set;

(7) "Electronic scratch ticket game" or "electronic scratch ticket machine" means a scratch ticket lottery game, together with its respective operating system or systems, that is played in an electronic environment. A game has a specific set of rules including: The theme and types of symbols used; the total number of tickets in the game; the ratio or mix of winning and losing tickets; the prize structure, including number and dollar value of each prize; and the price of a single ticket. The game is played by use of computer hardware and software to manufacture, store, distribute, sell, and display scratch tickets to players. An electronic scratch ticket game or electronic scratch ticket machine includes: The licensed systems that are connected to an electronic central accounting, auditing, and communication computer system within the commission's control; a cashless transaction system; player terminals with video displays that allow players to purchase chances and obtain game result information; a manufacturing computer that securely creates the finite set of chances used in the scratch ticket portion of the system; and a central computer containing an electronic accounting system. The electronic scratch ticket game or electronic scratch ticket machine contains preexisting scratch tickets that are dispensed in an electronic format to players through the player terminals on an on-demand basis;

(8) "Electronic scratch ticket game set" means a finite set of electronic scratch tickets that is based on a template that has been designed in accordance with a specific set of rules, including the basic requirements of game sets and subsets, governing the structure of an electronic scratch ticket game. Based on that template, an electronic scratch ticket game set is created in a manufacturing computer in a secure and verifiable electronic form before the play of an electronic scratch ticket game. Each electronic scratch ticket game set is uniquely identifiable, by serial number or otherwise, so that it can be distinguished from other game sets manufactured from the same template. All electronic scratch tickets in a particular game set shall be of the same price, not to exceed the amount allowed for tribal casinos, but a single ticket may offer more than one opportunity to win a prize on the same wager;

(9) "Electronic scratch ticket game subset" means a defined group of electronic scratch tickets that has been randomly selected from an electronic scratch ticket game set and transmitted to a central computer in a fixed order for play. Each electronic scratch ticket game subset is uniquely identifiable from all other subsets selected from the game set;

(10) "Game play credits" means the method of representing value obtained from the exchange of cash or cash equivalents, or earned as a prize, that is used to effectuate play. Game play credits may be redeemed for cash or a cash equivalent;

(11) "Licensee" means a person or entity licensed by the lottery commission to operate electronic scratch ticket machines.

(12) "Lottery" or "state lottery" means the lottery established and operated pursuant to this chapter, except when the context indicates otherwise;

~~((4))~~ (13) "Net win" means gross wagers received by a licensee from the operation of an electronic scratch ticket game system less

the amount paid to players for winning wagers, the actual cost of merchandise prizes awarded, accrual of prizes for progressive jackpot contests, and repayment of amounts used to seed guaranteed progressive jackpot prizes;

(14) "On-line game" means a lottery game in which a player pays a fee to a lottery retailer and selects a combination of digits, numbers, or symbols, type and amount of play, and receives a computer-generated ticket with those selections, and the lottery separately draws or selects the winning combination or combinations;

~~((5))~~ (15) "Shared game lottery" means any lottery activity in which the commission participates under written agreement between the commission, on behalf of the state, and any other state or states.

Sec. 5. RCW 67.70.040 and 1994 c 218 s 4 are each amended to read as follows:

The lottery commission shall have the power, and it shall be its duty:

(1) To promulgate reasonable rules governing electronic scratch ticket games, electronic scratch ticket machines, and other aspects of carrying out this act, and such rules governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such a lottery be initiated at the earliest feasible and practicable time, and in order that such lottery produce the maximum amount of net revenues for the state consonant with the dignity of the state and the general welfare of the people. Such rules shall include, but shall not be limited to, the following:

(a) The type of lottery to be conducted which may include the selling of tickets or shares. The use of electronic or mechanical devices or video terminals which allow for individual play against such devices or terminals shall be prohibited. Approval of the legislature shall be required before entering any agreement with other state lotteries to conduct shared games;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes on the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares (~~which~~) except prizes for electronic scratch ticket games. Prizes for electronic scratch ticket games must be paid out in full upon demand at the licensed non-tribal gambling establishment. The lottery commission may promulgate reasonable rules for the withholding of child support obligations, taxes, or similar obligations but prizes for electronic scratch ticket games must be paid out at the licensed non-tribal gambling establishment, not a lottery commission office. For the Washington lottery, prizes may, at the director's option, (~~may~~) be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares except for electronic scratch ticket games. Approval of the legislature is required before conducting any on-line game in which the drawing or selection of winning tickets occurs more frequently than once every twenty-four hours;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold, except that electronic scratch ticket sales are subject to the limits and locations specified in section 10 of this act;

(h) The method to be used in selling tickets or shares;

(i) The licensing of agents to sell or distribute tickets or shares, except that a person under the age of eighteen shall not be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid



to licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public, except that compensation to licensees of electronic scratch ticket machines shall be governed by section 8 of this act;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross annual revenue from such lottery or the percent specified in section 8 of this act for electronic scratch tickets, (ii) transfers to the lottery administrative account created by RCW 67.70.260, and (iii) transfer to the state's general fund. Transfers to the state general fund shall be made in compliance with RCW 43.01.050. The apportionment of total revenues from electronic scratch ticket sales shall be governed by section 8 of this act;

(l) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and electronic scratch ticket games and electronic scratch ticket machines, and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(2) To ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket. For electronic scratch tickets, the licensed non-tribal gambling establishment shall conspicuously display an estimate of the probability of purchasing winning tickets at the facility.

(3) To amend, repeal, or supplement any such rules from time to time as it deems necessary or desirable, consistent with the intent of this act that the type and number of electronic scratch ticket machines should be equal among licensed non-tribal gambling establishments and tribal casinos.

(4) To advise and make recommendations to the director for the operation and administration of the lottery.

The intent of this act is that the lottery commission shall carry out this act. The Washington state gambling commission or Washington horse racing commission shall license the licensed non-tribal gambling establishments providing the electronic scratch ticket machines under their existing powers pursuant to chapter 9.46 or 67.16 RCW.

NEW SECTION. Sec. 6. (1) (a) The maximum number of player terminals per licensed location is as follows:

(i) To the top forty gross receipts charitable or nonprofit operations conducting bingo games, one hundred twenty-five player terminals per licensed location;

(ii) To house-banked card rooms operating at least five house-banked card tables and to horse racing facilities, one hundred twenty-five player terminals per licensed location;

(iii) To persons, associations, or organizations primarily engaged in the selling of food or drink for consumption on the premises and bona fide charitable or nonprofit organizations that conduct bingo games, or use punch boards or pull-tabs other than those in (a) (i) of this subsection as follows:

annual gross
gambling receipts

maximum number
of player terminals
allowed per licensed
location

\$0 - 200,000

4 (All licensees in this license class shall be guaranteed a minimum of 4 player terminals)

\$200,001 - 300,000

5

\$300,001 - 400,000

6

\$400,001 - 500,000

7

\$500,001 - 600,000

8

\$600,001 - 700,000

10

\$700,001 - 800,000

12

\$800,001 - 1,000,000

14

\$1,000,001 - 1,250,000

16

\$1,250,001 - 2,000,000

18

\$2,000,001 - 2,500,000

20

\$2,500,001 - 3,000,000

22

\$3,000,001 and up

24

(b) For purposes of the initial allocation of player terminals under section 7(1) (a) and (b) of this act and (a) (i) and (ii) of this subsection, the number of available machines in each category will be divided by the number of eligible licensees in that category, and no licensee can be awarded more than the resulting arithmetic average in their category.

(c) For purposes of the initial allocation of player terminals to licensees under section 7(1) (c) of this act and (a)(iii) of this subsection, gross gambling receipts shall be calculated and determined by the commission using a licensee's annual gross gambling receipts for any active years of operation in 1999 through 2002. However, licensees who operated for partial years or less than the full four years during this period shall have their gross gambling receipts annualized and calculated accordingly.

(2) For purposes of player terminal allocations after the initial January 1, 2005, allocation, the lottery commission shall determine on January 1st of every year the total available number of player terminals to be allocated to licensees in each category established in subsection (1)(a)(i) and (ii) of this section in each allocation pool created in section 7(1) of this act. The number of player terminals that may be awarded to any applicant in that ensuing year shall be determined by dividing the number of available player terminals in an allocation pool by the number of qualified applicants in that pool. Each allocation pool consists of those player terminals not allocated in previous years, forfeited player terminals, plus additional player terminals, if any, that become available as a result of new tribal-state compacts or by amendments to tribal compacts. However, licensees that become eligible for player terminals after January 1st of any given year may be awarded player terminals by the lottery commission only to the extent there are player terminals available for allocation within the particular category. Such a licensee may not receive more than the arithmetic average of player terminals as determined by the lottery commission on the immediately preceding January 1st.

(3) Within each category established under subsection (1)(a)(i) and (ii) of this section, no licensee can be awarded more than the arithmetic average of all the applications divided into the number of player terminals available in the allocation pool. Licensees shall be prioritized within each category established under section 7(1) of this act for review for new or additional player terminals under



this section based upon the effective date of their underlying gambling license issued by the gambling commission. Electronic scratch ticket game licensees within each category established under section 7(1) of this act may continue to request additional player terminals subject to the maximum number of player terminals per licensed location established in this section.

NEW SECTION. Sec. 7. (1) The maximum number of electronic scratch ticket game player terminals shall be determined as of January 1, 2005, for the initial allocation and January 1st of every year thereafter for future allocations as set forth in section 6 of this act and is set at the number authorized at any given time based upon the cumulative number of electronic scratch ticket game player terminals authorized under all current tribal-state class III gaming compacts in the state. Of this maximum number, the following distribution is established:

(a) Fifteen percent of the player terminals to the top forty gross receipt charitable or nonprofit operations conducting bingo games licensed as of January 1, 2005, with an established maximum number of player terminals per licensed location as set forth in section 6 of this act;

(b) Thirty-six percent of the player terminals to house-banked card rooms operating at least five house-banked card tables and to horse racing facilities with an established maximum number of player terminals per licensed location as set forth in section 6 of this act; and

(c) Forty-nine percent of the player terminals to: (i) Persons, associations, or organizations primarily engaged in the selling of food or drink for consumption on the premises using punch boards or pull-tabs; and (ii) bona fide charitable or nonprofit organizations conducting bingo games other than those in (a) of this subsection, or using punch boards or pull-tabs with an established maximum number of player terminals per licensed location as set forth in section 6 of this act.

(2) Electronic scratch ticket licensed locations under this chapter shall not be licensed for player terminals under more than one of the three categories described in section 6 of this act.

NEW SECTION. Sec. 8. (1) The payment of prizes to the holders of winning tickets or shares shall not be less than seventy-five percent of the gross annual revenue from electronic scratch ticket games.

(2) The net win, less the licensee's proportionate share set forth in subsection (4) of this section, shall be transferred into the Electronic Scratch Ticket Account created in section 12 of this act.

(3) The money in the Electronic Scratch Ticket Account shall be expended as follows:

(a) Amounts reasonably necessary to administer the electronic scratch ticket games and electronic scratch ticket game and central computer and central accounting and auditing systems shall be expended by the lottery commission;

(b) Ninety-nine percent of the amount remaining after administrative expenses in (a) of this subsection shall be deposited in the Equal Treatment Equals Lower Property Taxes Account. The Equal Treatment Equals Lower Property Taxes Account shall be used to lower the subsequent year's state property tax levy as provided in section 3 of this act. This account is created in the

custody of the state treasurer. All receipts from the Equal Treatment Equals Lower Property Taxes Account must be deposited into the account. Only the director of the lottery commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(c) One percent of the amount remaining after administrative expenses in (a) of this subsection shall be dedicated exclusively for distribution to a contractor under section 11(3) of this act subject to appropriation.

(4) Sixty-five percent of the net win shall remain with the individual electronic scratch ticket licensee from which the licensee is obligated to pay its licensing fees and other expenses, including costs associated with owning and operating electronic scratch ticket player terminals.

NEW SECTION. Sec. 9. (1) Play of all electronic scratch ticket games is restricted to players who are twenty-one years of age or older. Electronic scratch ticket licenses shall not be issued to agents registered to sell lottery tickets in venues such as convenience stores or other locations readily accessible to minors, but shall be restricted to the authority granted by this chapter.

(2) Placement of player terminals for electronic scratch ticket games shall only be allowed on premises and in areas of premises: (a) meeting the liquor control board's requirements for barrier and signage as contained in WAC 314-02-050(1) as it exists on the effective date of this act, and (b) on the premises or portion of the premises where persons under twenty-one are not permitted.

(3) Duties of employees who are under twenty-one shall comply with the provisions of chapter 66.44 RCW and the rules adopted by the liquor control board under that chapter.

NEW SECTION. Sec. 10. (1) Electronic scratch ticket sales are limited to bona fide charitable or nonprofit organizations that conduct bingo games, punch boards, or pull-tabs, as authorized under RCW 9.46.0311; an association or organization primarily engaged in the selling of food and beverages for on-premise consumption that uses punch boards or pull-tabs or both, or house-banked card games operating at least five house-banked card tables as authorized under RCW 9.46.0325; and horse racing facilities under chapter 67.16 RCW. An electronic scratch ticket license may be revoked if the licensee fails to maintain a license in good standing pursuant to RCW 9.46.070.

(2) Electronic scratch ticket game player terminals must use a cashless transaction system. Electronic scratch ticket game player terminals must operate off the central computer linked to a central accounting and auditing computer system. Licensees for electronic scratch tickets may own and operate the player terminals as long as the equipment meets certification requirements under this chapter.

(3) The lottery commission shall issue a license to sell or distribute electronic scratch tickets only if: (a) the licensee has a valid license issued under RCW 9.46.070 and: (i) is operating bingo or using punch boards or pull-tabs under RCW 9.46.0311, or (ii) is using punch boards or pull-tabs or both, or operating social card games of at least five house-banked card tables under RCW 9.46.0325, or (b) is a licensed horse racing facility under chapter 67.16 RCW. An applicant for licensee of electronic scratch tickets must have maintained a valid license issued under RCW 9.46.070 or have been a valid horse racing facility for six months consecutively preceding issuance of a license under this chapter.

(4) The lottery commission may contract with private testing laboratories or with a laboratory on contract with the gambling



commission for certification that electronic scratch ticket game equipment meets the requirements of this chapter. The manufacturer has the burden of establishing that its equipment meets certification requirements.

(5) Electronic scratch ticket licensees may lease their allotted machines to other licensees and may also revenue-share with persons or entities, including route operators, distributors, and manufacturers licensed by the lottery commission to engage in such activity. Licensees' lease of allotted machines or contracts with a route operator, distributor, or manufacturer must be in writing, signed by the parties, and submitted to the lottery commission before the installation of player terminals.

NEW SECTION. Sec. 11. (1) The lottery commission may enforce the provisions of RCW 9.46.071 and 9.46.072 relative to licenses issued for electronic scratch tickets.

(2) The lottery commission shall require a label on each player terminal that prominently displays the Washington problem gambling helpline number.

(3) Pursuant to chapter 43.20A RCW, the department of social and health services shall contract with a nonprofit entity incorporated in Washington state dedicated to the provision of public awareness, education, prevention, helpline services, treatment, professional training, counselor certification, research, and other services necessary to address problem gambling in Washington to implement a program that addresses problem gambling.

NEW SECTION. Sec. 12. There is hereby created and established a separate account, to be known as the Electronic Scratch Ticket Account. This account is created in the custody of the state treasurer. All receipts from the tax imposed in section 2 of this act and all other money credited or transferred thereto from any other fund or source pursuant to law must be deposited into the account. Only the director of the lottery commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 13. The lottery commission shall immediately suspend any certification of licensure issued for electronic scratch tickets if the holder of the certificate has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for certification during the suspension, reissuance of the certificate of licensure shall be automatic upon the lottery commission's receipt of a release issued by the department of social and health services stating that the person is in compliance with the order.

NEW SECTION. Sec. 14. Information obtained by the gambling commission pursuant to its background check investigation under RCW 9.46.070 shall be provided to the lottery commission for each applicant for an electronic scratch ticket license. Applicants for an electronic scratch ticket license are subject to the background check investigation requirements of the gambling commission under RCW 9.46.070.

NEW SECTION. Sec. 15. The lottery commission shall develop reasonable rules to implement this act, which include, but are not limited to, rules applicable to circumstances where pending applications within each category established under section 7(1) of this act request more player terminals than are arithmetically available for allocation; rules regarding prize payments over six hundred dollars; and implementation provisions that enable the intent of this act to take effect. It is the intent of the people to expeditiously implement this act and maximize revenue through operation of electronic scratch ticket games in limited regulated venues, which should not be hampered through the rule-making processes. Rulemaking shall be expedited in order to meet this intent.

NEW SECTION. Sec. 16. Sections 6 through 15 of this act are each added to chapter 67.70 RCW.

NEW SECTION. Sec. 17. The provisions of this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



AN ACT Relating to charter schools; amending RCW 28A.150.010; adding new sections to chapter 41.56 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.40 RCW; and adding a new chapter to Title 28A RCW.

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

NEW SECTION. Sec. 1. INTENT. The legislature intends to authorize the establishment of public charter schools within the general and uniform system of public schools for the primary purpose of providing more high-quality learning environments to assist educationally disadvantaged students and other students in meeting the state's academic standards. The legislature intends for charter schools to function as an integral element of the public school system maintained at public expense, free from discrimination, and open to all students in the state, and to be subject to the same or greater academic standards and performance outcomes as other public schools. The legislature intends to encourage school districts to consider using the chartering process as an optional tool to achieve state and federal academic accountability goals. The legislature finds that in addition to providing more high-quality public school choices for families, teachers, and students, public charter schools may be a tool to improve schools in which significant numbers of students persistently fail to meet state or fed-



eral standards. The legislature also intends to authorize the use of the chartering process as a state intervention strategy, consistent with the provisions of the federal no child left behind act of 2001, to provide assistance to schools in which significant numbers of students persistently fail to meet state and federal standards. The legislature also intends to ensure accountability of charter schools through the use of performance audits and a comprehensive study of charter schools, and to use the information generated to demonstrate how charter schools can contribute to existing education reform efforts focused on raising student academic achievement.

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Alternate sponsor" means: (a) The board of directors of an educational service district that has agreed to assume the rights and responsibilities of an alternate sponsor and to implement and administer a charter approved by the superintendent of public instruction under section 7 of this act; or (b) the superintendent of public instruction if the superintendent has approved a charter under section 7 of this act.

(2) "Applicant" means a nonprofit corporation that has submitted an application to a sponsor or has filed an appeal with the superintendent of public instruction to obtain approval to operate a charter school. The nonprofit corporation must be either a public benefit nonprofit corporation as defined in RCW 24.03.490, or a nonprofit corporation as defined in RCW 24.03.005 that has applied for tax-exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)). The nonprofit corporation may not be a sectarian or religious organization and must meet all of the requirements for a public benefit nonprofit corporation before receiving any funding under section 12 of this act.

(3) "Charter school board" means the board of directors appointed or elected by the applicant to manage and operate the charter school, and may include one member of the local school district board of directors who may serve as an ex officio member.

(4) "Charter" means a five-year contract between an applicant and a sponsor or an alternate sponsor. The charter establishes, in accordance with this chapter, the terms and conditions for the management, operation, and educational program of the charter school.

(5) "Charter school" means a public school managed by a charter school board and operating according to the terms of a charter approved under this chapter and includes a new charter school and a conversion charter school.

(6) "Conversion charter school" means a charter school created by converting an existing public school in its entirety to a charter school under this chapter.

(7) "Educationally disadvantaged students" includes students with limited English proficiency; students with special needs, including students with disabilities; economically disadvantaged students, including students who qualify for free and reduced priced meals; students exercising choice options and seeking supplemental services under the federal no child left behind act of 2001; and other students who may be at risk of failing to meet state and federal academic performance standards.

(8) "New charter school" means any charter school created under this chapter that is not a conversion charter school.

(9) "Sponsor" means the board of directors of the school district in which the proposed charter school will be located, if the board has approved a charter or if the board has agreed to administer and implement a charter approved and authorized by the superintendent of public instruction under the appeal process in section 7 of this act.

NEW SECTION. Sec. 3. CHARTER SCHOOLS—POWERS.

(1) To carry out its duty to manage and operate the charter school, the charter school board may:

(a) Hire, manage, and discharge any charter school employee in accordance with the terms of this chapter and that school's charter;

(b) Enter into a contract with any school district, or any other public or private entity, also empowered to enter into contracts, for any and all real property, equipment, goods, supplies, and services, including educational instructional services; however, this authority does not permit assigning, delegating, or contracting out the administration and management of a charter school to a for-profit entity;

(c) Rent, lease, or own property, but may not acquire property by eminent domain. All charters and charter school contracts with other public and private entities must include provisions regarding the disposition of the property if the charter school fails to open as planned or closes, or the charter is revoked or not renewed;

(d) Issue secured and unsecured debt to manage cash flow, improve operations, or finance the acquisition of real property or equipment. The issuance is not a general, special, or moral obligation of the state, the charter school sponsor, the school district in which the charter school is located, or any other political subdivision or agency of the state. Neither the full faith and credit nor the taxing power of the state, the charter school sponsor, the school district in which the charter school is located, or any other political subdivision or agency of the state may be pledged for the payment of the debt;

(e) Accept and administer for the benefit of the charter school and its students, gifts, grants, and donations from other governmental and private entities, excluding sectarian or religious organizations. Charter schools may not accept any gifts or donations the conditions of which violate this chapter.

(2) A charter school may not charge tuition, levy taxes, or issue tax-backed bonds, however it may charge fees for optional non-credit extracurricular events.

(3) Neither a charter school sponsor nor an alternate sponsor is liable for acts or omissions of a charter school or its charter school board, including but not limited to acts or omissions related to the application, the charter, the operation, the performance, and the closure of the charter school.

(4) A local school district board may appoint one of its directors to serve as an ex officio member of the board of directors of a charter school located in the school district.

NEW SECTION. Sec. 4. LEGAL STATUS. A charter school is a public school including one or more of grades kindergarten through twelve, operated by a board of directors appointed or elected by a charter school applicant, according to the terms of a renewable five-year contract granted by a sponsor or an alternate sponsor. A charter school may offer any program or course of study that another public school may offer. A charter school must allow students who are receiving home-based instruction under chapter 28A.200 RCW to participate in its programs on a part-time basis.

NEW SECTION. Sec. 5. CHARTER SCHOOLS—EXEMPTIONS. (1) A charter school shall operate according to the terms



of a charter approved by a sponsor or by the superintendent of public instruction under this chapter.

(2) Charter schools are exempt from all state statutes and rules applicable to school districts and school district boards of directors, including but not limited to rules regarding the expenditure of state allocations as provided in section 12 of this act, except those statutes and rules as provided for and made applicable to charter schools in accordance with this chapter and in the school's approved charter.

(3) A charter school's board of directors shall implement a quality management system and conduct annual self-assessments.

(4) All approved charter schools shall:

(a) Comply with state and federal health, safety, parents' rights, civil rights, and nondiscrimination laws, including, but not limited to, the family educational rights and privacy act (20 U.S.C. 1232g), chapter 28A.640 RCW (sexual equality), and Title IX of the education amendments of 1972 (20 U.S.C. Sec. 1681 et seq.) applicable to school districts, and to the same extent as school districts;

(b) Participate in free and reduced priced meal programs to the same extent as is required for other public schools;

(c) Participate in nationally normed standardized achievement tests as required in RCW 28A.230.190, 28A.230.193, and 28A.230.230 and the elementary, middle school, and high school standards, requirements, and assessment examinations as required in chapter 28A.655 RCW;

(d) Employ certificated instructional staff as required in RCW 28A.410.010, however charter schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.260;

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Be subject to independent performance audits by a qualified contractor selected jointly by the state auditor and the joint legislative audit and review committee beginning at the conclusion of the third year of the school's operation, and at least once every three years thereafter; however, a charter school is not required to bear the expense of the audits;

(h) Comply with the annual performance report under RCW 28A.655.110;

(i) Follow the performance improvement goals and requirements adopted by the academic achievement and accountability commission by rule under RCW 28A.655.030;

(j) Be subject to the accountability requirements of the federal no child left behind act of 2001, including Title I requirements;

(k) Comply with and be subject to the requirements under the individuals with disabilities education act, as amended in 1997;

(l) Comply with and be subject to the requirements under the federal educational rights and privacy act;

(m) Report at least annually to the board of directors of the school district in which the charter school is located, to the school's alternate sponsor if the school is not sponsored by a school district, and to parents of children enrolled at the charter school on progress toward the student performance goals specified in the charter;

(n) Comply with the open public meetings act in chapter 42.30

RCW and open public records requirements in RCW 42.17.250;

(o) Be subject to and comply with legislation enacted after the effective date of this section governing the operation and management of charter schools; and

(p) Conduct annual self assessments of its quality management program.

(5) A member of a board of directors of a charter school is a board member of a school district for the purposes of public disclosure requirements and must comply with the reporting requirements in RCW 42.17.240.

NEW SECTION. Sec. 6. ADMISSION REQUIREMENTS.

(1) To effectuate the primary purpose for which the legislature established charter schools, a charter school must be willing to enroll educationally disadvantaged students and may not limit admission on any basis other than age group and grade level. Consistent with the legislative intent of this chapter, a charter school shall conduct timely outreach and marketing efforts to educationally disadvantaged students in the school district in which the charter school will be located.

(2) A conversion charter school must be structured to provide sufficient capacity to enroll all students who wish to remain enrolled in the school after its conversion to a charter school, and may not displace students enrolled before the chartering process. If, after enrollment of these students, capacity is insufficient to enroll all other students remaining who have submitted a timely application, the charter school must give enrollment priority to siblings of students who are currently enrolled in the school. Students selected to fill any remaining spaces must be selected only through an equitable selection process, such as a lottery.

(3) A new charter school must enroll all students who submit a timely application if capacity is sufficient. If capacity is insufficient to enroll all students who apply, students must be selected to fill any remaining spaces only through an equitable selection process, such as a lottery. Siblings of enrolled students must be given priority in enrollment.

NEW SECTION. Sec. 7. CHARTER APPLICATION—CHARTERING PROCESS.

(1) An applicant may apply to a sponsor or may appeal to the superintendent of public instruction for approval to establish a charter school under this section. An application may not be submitted earlier than eighteen months before, nor later than four months before, the proposed date of opening the school.

(2) The superintendent of public instruction shall establish guidelines for the timely receipt and approval of applications to facilitate the efficient implementation of this act. Guidelines established under this subsection shall reflect efficient processes for the expeditious and orderly start-up of charter schools in a timely manner for the purpose of serving students.

(3) An application for a charter school must be submitted first to the board of directors of the school district in which the proposed charter school will be located, allowing for the board's consideration of the application in accordance with subsections (4) and (5) of this section, before an appeal may be filed with the superintendent of public instruction. A copy of each application submitted to a sponsor also must be provided to the superintendent of public instruction.

(4) The school district board of directors must decide, within forty-five days of receipt of the application, whether to hold a public hearing in the school district to take public comment on the application and, if a hearing is to be held, must schedule it within seventy-five days of receipt of the application. If the school board intends to accept the application, one or more public hearings must



be held before granting a charter; however a school board is not required to hold a public hearing before rejecting an application. The school board must either accept or reject the application within one hundred five days after receipt of the application. The one hundred five-day deadline for accepting or rejecting the charter school application may be extended for an additional thirty days if both parties agree in writing.

(5) If the school board does not hold a public hearing or rejects the application after holding one or more public hearings, the school board must notify the applicant in writing of the reasons for that decision. The applicant may submit a revised application for the school board's reconsideration and the school board may provide assistance to improve the application. If the school board rejects the application after a revised application is submitted, the school board must notify the applicant in writing of the reasons for the rejection.

(6) At the request of the applicant or the sponsor, the superintendent of public instruction may review the charter application and provide technical assistance.

(7) If a school district board does not approve an application to start a new charter school, the applicant may file an appeal to the superintendent of public instruction for further review of the application.

(8) Upon receipt of a request for review, the superintendent must attempt to mediate a resolution between the applicant and the school district board, and may recommend to the applicant and school district board revisions to the application.

(9) If the school district board does not accept the revisions and does not approve the application, the superintendent must review the application. The superintendent, after exercising due diligence and good faith, must approve the application if the superintendent finds: (a) The criteria in section 9 of this act have been met; (b) the approval will be within the annual limits in section 16 (1) and (2) of this act; and (c) the approval is consistent with the legislative intent for which charter schools are authorized and is in the best interests of the children of the proposed school. The superintendent may permit the board of directors of an educational service district to assume the rights and responsibilities of implementing and administering a charter approved under this section, but if no such board agrees to assume the role of alternate sponsor, the superintendent of public instruction shall assume the rights and responsibilities of implementing and administering the charter and shall become the alternate sponsor.

(10) The superintendent must reject the application if the superintendent finds: (a) The criteria in section 9 of this act have not been met; (b) the approval will not be within the annual limits established in section 16 (1) and (2) of this act; or (c) the approval is inconsistent with the legislative intent for which charter schools are authorized and is not in the best interests of the children of the proposed school. If the superintendent rejects the application, the superintendent must notify the applicant in writing of the reasons for the rejection.

(11) Educational service districts and the superintendent of public instruction are encouraged to assist schools and school districts in which significant numbers of students persistently fail to meet state standards with completing the chartering process. Assistance from an educational service district or from the superintendent of

public instruction may include, but is not limited to, identifying potential eligible applicants, and assisting with the charter application and approval processes.

(12) Consistent with the corrective action provisions in the federal no child left behind act of 2001, the superintendent of public instruction may use the chartering process as an intervention strategy to meet federal student achievement and accountability requirements. The superintendent may require a local school district board of directors to convert a public school to a charter public school or, if the superintendent determines it would be more appropriate, may require a local school district board of directors to consent to conversion of the school by an educational service district board of directors or the superintendent.

NEW SECTION. Sec. 8. APPLICATION REQUIREMENTS. The charter school application is a proposed contract and must include:

(1) The identification and description of the nonprofit corporation submitting the application, including the names, descriptions, curriculum vitae, and qualifications of the individuals who will operate the school, all of which are subject to verification and review;

(2) The nonprofit corporation's articles of incorporation, bylaws, and most recent financial statement and balance sheet;

(3) A mission statement for the proposed school, consistent with the description of legislative intent in this chapter, including a statement of whether the proposed charter school's primary purpose is to serve educationally disadvantaged students;

(4) A description of the school's educational program, curriculum, and instructional strategies, including but not limited to how the charter school will assist its students, including educationally disadvantaged students, in meeting the state's academic standards;

(5) A description of the school's admissions policy and marketing program, and its deadlines for applications and admissions, including its program for community outreach to families of educationally disadvantaged students;

(6) A description of the school's student performance standards and requirements that must meet or exceed those determined under chapter 28A.655 RCW, and be measured according to the assessment system determined under chapter 28A.655 RCW;

(7) A description of the school's plan to evaluate student performance and the procedures for taking corrective action if student performance at the charter school falls below standards established in its charter;

(8) A description of the financial plan for the school. The plan shall include: (a) A proposed five-year budget of projected revenues and expenditures; (b) a plan for starting the school; (c) a five-year facilities plan; (d) evidence supporting student enrollment projections of at least twenty students; and (e) a description of major contracts planned for administration, management, equipment, and services, including consulting services, leases, improvements, real property purchases, and insurance;

(9) A description of the proposed financial management procedures and administrative operations, which shall meet or exceed generally accepted standards of management and public accounting;

(10) An assessment of the school's potential legal liability and a description of the types and limits of insurance coverage the nonprofit corporation plans to obtain. A liability insurance policy of at least five million dollars is required;

(11) A description of the procedures to discipline, suspend, and expel students;

(12) A description of procedures to assure the health and safety



of students, employees, and guests of the school and to comply with applicable federal and state health and safety laws and regulations;

(13) A description of the school's program for parent involvement in the charter school;

(14) Documentation sufficient to demonstrate that the charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis;

(15) Supporting documentation for any additional requirements that are appropriate and reasonably related to operating the charter school that a sponsor or alternate sponsor may impose as a condition of approving the charter; and

(16) A description of the quality management plan for the school, including its specific components.

NEW SECTION. Sec. 9. APPROVAL CRITERIA. A sponsor or alternate sponsor may approve an application for a charter school, if in the sponsor's or alternate sponsor's reasonable judgment, after exercising due diligence and good faith, the sponsor or alternate sponsor finds:

(1) The applicant is an eligible public benefit nonprofit corporation and the individuals it proposes to manage and operate the school are qualified to operate a charter school and implement the proposed educational program that is free from religious or sectarian influence;

(2) The public benefit nonprofit corporation has been approved or conditionally approved by the internal revenue service for tax exempt status under section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3));

(3) The mission statement is consistent with the description of legislative intent and restrictions on charter school operations in this chapter. The sponsor or alternate sponsor must make a finding of whether or not the charter school's primary purpose is to serve educationally disadvantaged students;

(4) The school's educational program, including its curriculum and instructional strategies, is likely to assist its students, including its educationally disadvantaged students, in meeting the state's academic standards;

(5) The school's admissions policy and marketing program is consistent with state and federal law, and includes community outreach to families of educationally disadvantaged students;

(6) The school's proposed educational program includes student academic performance standards and requirements that meet or exceed those determined under chapter 28A.655 RCW and are measured according to the assessment system determined under chapter 28A.655 RCW;

(7) The application includes a viable plan to evaluate pupil performance and procedures to take appropriate corrective action if pupil performance at the charter school falls below standards established in its charter;

(8) The financial plan for the school is designed to reasonably support the charter school's educational program based on a review of the proposed five-year budget of projected revenues, expenditures, and facilities;

(9) The school's financial and administrative operations, including its audits, meet or exceed generally accepted standards of accounting and management;

(10) The assessment of the school's potential legal liability, and the types and limits of insurance coverage the school plans to obtain, are adequate. A minimum liability insurance policy of five million dollars is required;

(11) The procedures the school plans to follow to discipline, suspend, and expel students are reasonable and comply with state and federal law;

(12) The procedures the school plans to follow to assure the health and safety of students, employees, and guests of the school comply with applicable state and federal health and safety laws and regulations;

(13) The school has developed a program for parent involvement in the charter school;

(14) The charter school will have the liquid assets available to operate the school on an ongoing and sound financial basis;

(15) The applicant has met any additional requirements that are appropriate and reasonably related to the operation of a charter school that a sponsor or alternate sponsor imposed as a condition for approval of the charter; and

(16) The quality management plan for the school is adequate.

NEW SECTION. Sec. 10. CHARTER AGREEMENT—AMENDMENT. (1) A charter application approved by a sponsor or an alternate sponsor with any changes or additions, and signed by an authorized representative of the applicant and the sponsor or alternate sponsor, constitutes a charter. A charter to convert a public school must include provisions for the disposition, including assignment or reassignment, of the employees of the school before its conversion and after conversion.

(2) A charter may be amended during its term at the request of the charter school board of directors and on the approval of the sponsor or alternate sponsor.

(3) A charter may not prohibit and must provide for the application of laws applicable to charter schools or to charter school boards of directors enacted after the effective date of this section.

NEW SECTION. Sec. 11. CHARTER RENEWAL AND REVOCATION. (1) An approved plan to establish a charter school is effective for five years from the first day of operation. At the conclusion of the first three years of operation, the charter school may apply to the original sponsor or alternate sponsor for renewal. A request for renewal must be submitted no later than six months before the expiration of the charter.

(2) A charter school renewal application must include:

(a) A report on the progress of the charter school in achieving the goals; student performance standards, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030; the number and percentage of educationally disadvantaged students served; and other terms of the charter;

(b) A financial statement that discloses the costs of administration, instruction, and other expenditure objects and activities of the charter school; and

(c) All audit information from independent sources regarding the charter school, if available, and all self assessments and corresponding corrective action plans.

(3) The sponsor or alternate sponsor shall reject the application for renewal if the academic progress of students in the charter school, as measured by the standards and assessments in chapter 28A.655 RCW, is inferior, for the most recent two consecutive years, to the average progress of students in the district in which the charter school is located when similar student populations are



compared.

(4) The sponsor or alternate sponsor may reject the application for renewal if any of the following occurred:

(a) The charter school materially violated its charter with the sponsor or alternate sponsor;

(b) The students enrolled in the charter school failed to meet student performance standards identified in the charter, including the student performance standards adopted by rule by the academic achievement and accountability commission in accordance with RCW 28A.655.030;

(c) The charter school failed to meet generally accepted standards of fiscal management; or

(d) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(5) A sponsor or alternate sponsor shall give written notice of its intent not to renew the charter school's request for renewal to the charter school within three months of the request for renewal in order to allow the charter school an opportunity to correct identified deficiencies in its operation. At the request of the board of directors of the charter school, the sponsor or alternate sponsor shall review its decision for nonrenewal within forty-five days of receiving a request for review and supporting documentation sufficient to demonstrate that any deficiencies have been corrected.

(6)(a) The sponsor or alternate sponsor may revoke a previously approved charter before the expiration of the term of the charter, and before application for renewal, if any of the following occurred:

(i) The charter school materially violated its charter with the sponsor or alternate sponsor;

(ii) The charter school failed to meet generally accepted standards of fiscal management; or

(iii) The charter school violated provisions in law that have not been waived in accordance with this chapter.

(b) Except in cases of emergency where the health and safety of children are at risk, a charter may not be revoked unless the sponsor or alternate sponsor first provides:

(i) Written notice to the charter school of the specific violations alleged;

(ii) One or more public hearings in the school district in which the charter school is located; and

(iii) A reasonable opportunity and a sufficient period of time for the charter school to correct the identified deficiencies.

(c) If, after following the procedures in (b) of this subsection, the sponsor or alternate sponsor determines that revoking the charter is necessary to further the intent of this chapter, the sponsor or alternate sponsor may revoke the charter. The sponsor or alternate sponsor shall provide for an appeal process upon such a determination.

(d) If a sponsor or alternate sponsor revokes the charter, the sponsor or alternate sponsor, upon a request by the charter school, shall provide technical assistance to the charter school to complete the plan required and carry out the tasks identified in subsection (7) of this section.

(7) A charter school planning to close or anticipating revocation or nonrenewal of its charter shall provide a plan setting forth a timeline and the responsible parties for disposition of students and student records and disposition of finances.

(a) Immediately following the decision to close a school, the

school must:

(i) Submit to the sponsor or alternate sponsor a list of parent addresses and proof that the school has communicated the impending closure of the school to all parents and staff;

(ii) Assign staff responsible for transition of student records and for providing assistance to students and parents in transferring from the charter school to the district public, private, or home school chosen by the family;

(iii) Provide the names and contact information for staff responsible for transfer of student records, as well as the projected transition tasks and timelines to the sponsor or alternate sponsor, and upon completion of student transition, provide a list of students and a brief description of the disposition of their student records to the sponsor or alternate sponsor.

(b) Before closing the charter school the charter school board of directors shall:

(i) Identify a trustee who will, through the process of closing the school and for a term of ten years after closing, assume responsibility for school and student records, and notify the sponsor or alternate sponsor of the name and contact information for the trustee;

(ii) Determine the amount of anticipated revenue due to the school as well as anticipated liabilities, and provide a complete asset and liability report to the sponsor or alternate sponsor;

(iii) Create a current and projected payroll and payroll benefits commitment;

(iv) List each employee, job, and the funds necessary to complete the educational calendar balance of the year, the transition of students and records, and the administrative close-down tasks;

(v) Determine the total moneys required to complete contracts;

(vi) Schedule an audit and set aside funds to cover costs; and

(vii) Provide the sponsor or alternate sponsor with a plan to close the school and to dispose of all property owned by the charter school.

NEW SECTION. Sec. 12. FUNDING. (1) The superintendent of public instruction shall provide prompt and timely funding for a charter school including regular apportionment, special education, categorical, student achievement, and other nonbasic education moneys. Allocations shall be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual FTE enrollment, except that vocational education funding for grades nine through twelve shall be provided based on eighteen and one-half percent of the charter school's actual FTE enrollment for grades nine through twelve. Enhanced staff ratio funding provided to school districts through the omnibus appropriations act shall be allocated to a charter school regardless of whether the school maintains the enhanced staffing ratio. A charter school is not eligible for enhanced small school assistance funding. Categorical funding shall be allocated to a charter school based on the same funding criteria used for noncharter public schools, except that the charter school is exempt from rules and statutes regarding the expenditure of these funds. A charter school is eligible to apply for state grants on the same basis as a school district. Those allocations to a charter school that are included in RCW 84.52.0531(3) (a) through (c) shall be included in the levy base of the district in which the charter school is located.

(2) For charter schools sponsored by a school district:

(a) Conversion charter schools are eligible for local levy moneys approved by the voters before the start-up date of the school as determined by the sponsor, and the school district shall allocate levy moneys to a conversion charter school.

(b) New charter schools are not eligible for local levy moneys



approved by the voters before the start-up date of the school as determined by the sponsor, and the district shall not allocate those levy moneys to a new school.

(c) For levies submitted to voters after the start-up date of a charter school, the school shall be included in levy planning, budgets, and funding distribution in the same manner as other district-sponsored public schools.

(d) A conversion charter school is eligible for state matching funds for common school construction if a sponsoring school district determines it has received voter approval of local capital funds for the project.

(e) A conversion charter school is entitled to the continued rent-free use of its existing facility, regardless of whether the conversion school is sponsored by the local school district or by an alternate sponsor. The district remains responsible for major repairs and safety upgrades that may be required for the continued use of the facility as a public school. The charter school is responsible for routine maintenance of the facility, including but not limited to, cleaning, painting, gardening, and landscaping.

(3) No local levy money may be allocated to a charter school if the charter school is sponsored by an alternate sponsor.

(4) Within available funds as the legislature may appropriate, new charter schools operating for the primary purpose of serving educationally disadvantaged students under section 16(2) of this act that are not otherwise eligible for levy money shall receive state funding in an amount not greater than the amount the school would have received if eligible.

(5) Sponsors and alternate sponsors shall submit, by November 1st of each year, to the office of the superintendent of public instruction, annual year-end financial information, as prescribed by the superintendent, for each charter school sponsored in the previous school year.

NEW SECTION. Sec. 13. ADMINISTRATION FEE. To offset costs to oversee and administer the charter, a sponsor or an alternate sponsor may retain up to three percent of state funding and local excess levy funding, if applicable, allocated to the charter school. Except for the administration fee in this section, no other offsets or deductions are allowed, whether for central administration or other off-site support services, from a charter school's per-pupil share of state appropriations, local levies, or other funds, unless the charter school has contracted with a school district to obtain specific additional services.

NEW SECTION. Sec. 14. LEAVES OF ABSENCE. If a school district employee makes a written request for an extended leave of absence to work at a charter school, the school district shall grant the request. The school district may require that the request for leave be made up to ninety days before the employee would otherwise have to report for duty. The leave shall be granted for any request for up to two years. If the employee returns to the school district within the two-year period, the employee shall be hired before the district hires anyone else with fewer years of statewide service, with respect to any position for which the returning employee is certificated or otherwise qualified.

NEW SECTION. Sec. 15. STUDY OF CHARTER SCHOOLS.

Subject to funding, the Washington institute for public policy shall study the implementation and effectiveness of this act. The institute shall report to the legislature on the effectiveness of charter schools in raising student achievement and the impact of charter schools. The institute also shall examine and discuss whether and how charter schools have enhanced education reform efforts and recommend whether relaxing or eliminating certain regulatory requirements for other public schools could result in improved school performance at those schools. The institute shall recommend changes to this chapter including improvements that could be made to the application and approval process. A preliminary report of the study is due to the legislature by March 1, 2007, and a final report is due September 1, 2008.

NEW SECTION. Sec. 16. NUMBER OF CHARTER SCHOOLS. (1) A maximum of forty-five new charter schools may be established statewide during the six consecutive years in which new charter schools are authorized to be created under this chapter.

(a) For purposes of this section, a year begins on July 1st and ends on June 30th. In each of the three years beginning July 1, 2004, and ending June 30, 2007, not more than five new charter schools may be established. In each of the three years beginning July 1, 2007, and ending June 30, 2010, not more than ten new charter schools may be established.

(b) These annual allocations are cumulative so that if the maximum number of allowable new charters is not reached in any given year the maximums are increased accordingly for the successive years, but in no case shall the total number exceed forty-five without further legislative authorization.

(c) Applications for charter schools may be submitted on the effective date of this section.

(d) The superintendent of public instruction shall maintain copies of all approved charter applications. An applicant may obtain copies of those applications from the office of the superintendent of public instruction.

(2) Consistent with the legislative intent of this chapter, a majority of the annual number of new charter schools that may be established under subsection (1) of this section are reserved to implement charter schools established for the primary purpose of serving educationally disadvantaged students, and that are located in, or accessible to students who live in, geographic areas in which a large proportion of the students have difficulty meeting state academic content and student achievement standards, or geographic areas, including urban and rural areas, in which a large proportion or number of public schools have been identified for improvement, corrective action, or restructuring under the federal no child left behind act of 2001, as follows:

(a) For new schools allowed during the first year beginning July 1, 2004, a majority are reserved until the thirty-first day after the effective date of this section; and

(b) For new schools allowed during the second through sixth years, a majority are reserved until March 31st of each year.

(3) To ensure compliance with the annual limits for establishing new charter schools, authorization from the superintendent of public instruction must be obtained before implementing an approved charter for a new school. Sponsors and alternate sponsors shall promptly notify the superintendent of public instruction when a charter is approved, and shall indicate whether the charter school's primary purpose is to serve educationally disadvantaged students. Upon the receipt of notice from a sponsor or alternate sponsor that a charter has been approved, the superintendent shall authorize implementing the approved charter establishing the school in com-



pliance with the limits on the maximum number of new charters allowed under subsection (1) of this section and in compliance with the dates until which the majority of new charters each year are reserved under subsection (2) of this section. If the superintendent receives simultaneous notification of approved charters that exceed the annual allowable limits in subsections (1) and (2) of this section, the superintendent shall select approved charters for authorization through a lottery process, and shall assign implementation dates accordingly.

(4) If the number of charters reserved each year under subsection (2) of this section is not reached by the thirty-first day after the effective date of this section, or by March 31st of the second through sixth years, the superintendent of public instruction shall notify the sponsors or alternate sponsors of any other approved charters for which authorization has not been granted under subsection (3) of this section, and shall authorize implementing those charters within the annual limits, regardless of whether those charters meet the requirements of subsection (2) of this section.

(5) The superintendent of public instruction shall notify eligible sponsors and eligible alternate sponsors when the maximum allowable number of new charters has been reached each year. If the maximum number is not reached by the thirty-first day after the effective date of this section, or by March 31st of the second through sixth years, the superintendent shall report on the number of charters approved.

(6) A school district board of directors may establish a conversion charter school during the six consecutive years in which charter schools are authorized under this chapter for any school, including an alternative school, that has failed to make adequate yearly progress for the most recent three consecutive years, or is eligible for school improvement assistance. Determinations regarding adequate yearly progress and eligibility for school improvement assistance must be made by the superintendent of public instruction.

(7) A new charter school or a conversion charter school operating according to the terms of its charter to the satisfaction of its sponsor or alternate sponsor may continue to operate after June 30, 2010, under a charter renewed by its sponsor or alternate sponsor under section 11 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 41.56 RCW to read as follows:

In addition to the entities listed in RCW 41.56.020, this chapter applies to new charter schools created under chapter 28A.— RCW (sections 1 through 16 and 25 of this act). Notwithstanding RCW 41.56.060 and 41.56.070, the bargaining units of classified employees of a new charter school must be limited to the employees of the new charter school and must be separate from other bargaining units in the school district or educational service district for at least the first five years of operation of the new charter school. After the five-year period, the employees in a bargaining unit of a new charter school may indicate by a majority vote that they desire to become members of a bargaining unit in the school district in which the new charter school is located.

NEW SECTION. Sec. 18. A new section is added to chapter 41.56 RCW to read as follows:

At the time of creation of a conversion charter school under chapter 28A.— RCW (sections 1 through 16 and 25 of this act), the employees of a conversion charter school remain in any existing appropriate bargaining unit of employees of the school district in which the conversion charter school is located. If an applicant for a charter school or a charter school board requests one or more variances from a collective bargaining agreement that applies to the relevant school district bargaining unit to address needs that are specific to the charter school and the employees of the charter school, the following applies:

(1) At the request of either party, the public employer, in consultation with the applicant or charter school board, and the bargaining representative of the bargaining unit shall negotiate concerning the issues raised in the variance request.

(2) If the parties are unable to conclude an agreement regarding the variance request within twenty days of negotiations, either party may declare an impasse and submit the dispute to the commission for mediation. The commission shall appoint a mediator within two days of the submission. Mediation under this subsection shall continue for up to ten days unless the parties agree otherwise.

NEW SECTION. Sec. 19. A new section is added to chapter 41.59 RCW to read as follows:

In addition to school districts, this chapter applies to new charter schools created under chapter 28A.— RCW (sections 1 through 16 and 25 of this act). Notwithstanding RCW 41.59.070 and 41.59.080, the bargaining units of educational employees of a new charter school must be limited to the educational employees of the new charter school and must be separate from the bargaining units in the school district or educational service district for at least the first five years of operation of the new charter school. After the five-year period, the employees in a bargaining unit of a new charter school may indicate by a majority vote that they desire to become members of a bargaining unit in the school district in which the new charter school is located.

NEW SECTION. Sec. 20. A new section is added to chapter 41.59 RCW to read as follows:

At the time of creation of a conversion charter school under chapter 28A.— RCW (sections 1 through 16 and 25 of this act), the employees of a conversion charter school remain in any existing appropriate bargaining unit of employees of the school district in which the conversion charter school is located. If an applicant for a charter school or a charter school board requests one or more variances from a collective bargaining agreement that applies to the relevant school district bargaining unit to address needs that are specific to the charter school and the employees of the charter school, the following applies:

(1) At the request of either party, the employer, in consultation with the applicant or charter school board, and the exclusive bargaining representative of the bargaining unit shall negotiate concerning the issues raised in the variance request.

(2) If the parties are unable to conclude an agreement regarding the variance request within twenty days of negotiations, either party may declare an impasse and submit the dispute to the commission for mediation. The commission shall appoint a mediator within two days of the submission. Mediation under this subsection shall continue for up to ten days unless the parties agree otherwise.

NEW SECTION. Sec. 21. A new section is added to chapter 41.32 RCW to read as follows:

This section designates charter schools as employers and charter school employees as members, and applies only if the depart-



ment of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. Sec. 22. A new section is added to chapter 41.35 RCW to read as follows:

This section designates charter schools as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

NEW SECTION. Sec. 23. A new section is added to chapter 41.40 RCW to read as follows:

This section designates charter schools as employers and charter school employees as members, and applies only if the department of retirement systems receives determinations from the internal revenue service and the United States department of labor that participation does not jeopardize the status of these retirement systems as governmental plans under the federal employees' retirement income security act and the internal revenue code.

Sec. 24. RCW 28A.150.010 and 1969 ex.s. c 223 s 28A.01.055 are each amended to read as follows:

Public schools ((~~shall~~)) means the common schools as referred to in Article IX of the state Constitution and those schools and institutions of learning having a curriculum below the college or university level as now or may be established by law and maintained at public expense, including charter schools under chapter 28A.— RCW (sections 1 through 16 and 25 of this act).

NEW SECTION. Sec. 25. CAPTIONS NOT LAW. Captions used in this chapter are not any part of the law.

NEW SECTION. Sec. 26. Sections 1 through 16 and 25 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.



AN ACT Relating to protection of public health, safety, and the environment at sites with wastes composed of radioactive and non-radioactive hazardous substances, including the Hanford Nuclear Reservation; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. Sec. 1. INTENT. The purpose of this act is to prohibit sites at which mixed radioactive and hazardous wastes have contaminated or threaten to contaminate the environment, such as at the Hanford Nuclear Reservation, from adding more waste that is not generated from the cleanup of the site until such waste on-site has been cleaned up and is stored, treated, or disposed of in compliance with all state and federal environment laws.

NEW SECTION. Sec. 2. DECLARATION OF POLICY. (1) The Hanford Nuclear Reservation, through which the Columbia river flows for fifty miles, is the most contaminated area in North America. Use of Hanford as a national waste dump for radioactive and/or hazardous or toxic wastes will increase contamination and risks.

(2) Cleanup is the state of Washington's top priority at sites with hazardous waste contamination that threatens our rivers, ground water, environment, and health. Adding more waste to contaminated sites undermines the cleanup of those sites. Cleanup is delayed and funds and resources diverted if facilities needed to treat or clean up existing waste are used for imported waste, and if larger facilities must be built to accommodate off-site wastes.

(3) The fundamental and inalienable right of each person residing in Washington state to a healthy environment has been jeopardized by pollution of air and water spreading from Hanford.

(4) The economy of Washington state, from agriculture to tourism, to fisheries, could be irreparably harmed from any accident releasing radiation or mixed radioactive and hazardous wastes.

(5) It is Washington state policy to prohibit adding more waste to a site where mixed radioactive and hazardous wastes (a) are not stored or monitored in compliance with state and federal hazardous waste laws and (b) have been dumped in unlined soil trenches which threaten to contaminate our state's resources.

(6) It is state policy to protect Washington's current and future residents, particularly children and other sensitive individuals, from the cumulative risks of cancer caused by all cancer-causing hazardous substances, including radionuclides, by ensuring that hazardous substance release and disposal sites meet the standards established pursuant to chapter 70.105D RCW.

(7) Effective public and tribal involvement is necessary for government agencies to make sound decisions that will protect human health and the environment for thousands of years. It is Washington state policy to encourage and enhance effective public and tribal involvement in the complex decisions relating to cleanup, closure, permitting, and transportation of mixed waste; and to provide ef-



fective assistance to the public and local governments in reviewing and commenting upon complex decision documents. It is appropriate that the polluter pay for necessary public participation for decisions relating to waste releases and risks from mixed waste sites.

(8) The transport of mixed radioactive and hazardous wastes, is inherently dangerous, and should be minimized. Decisions involving transportation of these wastes must be made with full involvement of the potentially affected public through whose communities these wastes will pass.

NEW SECTION. Sec. 3. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Dangerous waste" has the same meaning as the term is defined in RCW 70.105.010.

(2) "Department" means the department of ecology.

(3) "Dispose" or "disposal" have the same meanings as the terms are defined in RCW 70.105.010.

(4) "Facility" has the same meaning as the term is defined in RCW 70.105.010.

(5) "Hanford" means the geographic area comprising the Hanford Nuclear Reservation, owned and operated by the United States department of energy, or any successor federal agency.

(6) "Hazardous substance" has the same meaning as the term is defined in RCW 70.105D.020.

(7) "Hazardous waste" means and includes all dangerous and extremely hazardous waste, as those terms are defined in RCW 70.105.010.

(8) "Local government" means a city, town, or county.

(9) "Mixed waste" or "mixed radioactive and hazardous waste" means any hazardous substance or dangerous or extremely hazardous waste that contains both a nonradioactive hazardous component and a radioactive component, including any such substances that have been released to the environment, or pose a threat of future release, in a manner that may expose persons or the environment to either the nonradioactive or radioactive hazardous substances.

(10) "Mixed waste surcharge" means an additional charge for the purposes of local government and public participation in decisions relating to mixed waste facilities: Added to the service charge assessed under RCW 70.105.280 against those facilities that store, treat, incinerate, or dispose of mixed wastes; or against facilities at which mixed wastes have been released, or which are undergoing closure pursuant to chapter 70.105 RCW or remedial action pursuant to chapter 70.105D RCW.

(11) "Person" has the same meaning as the term is defined in RCW 70.105D.020.

(12) "Release" has the same meaning as the term is defined in RCW 70.105D.020.

(13) "Remedy or remedial action" have the same meanings as the terms are defined in RCW 70.105D.020.

(14) "Site" means the contiguous geographic area under the same

ownership, lease, or operation where a facility is located, or where there has been a release of hazardous substances. In the event of a release of hazardous substances, "site" includes any area, or body of surface or ground water, where a hazardous substance has been deposited, stored, disposed of, placed, migrated to, or otherwise come to be located.

(15) Unless otherwise defined, or the context indicates otherwise, terms not defined in this section have the same meaning as defined in chapter 70.105 RCW, when used in this chapter.

NEW SECTION. Sec. 4. DUTIES OF THE DEPARTMENT OF ECOLOGY TO REGULATE MIXED WASTES. (1) The department of ecology shall regulate mixed wastes to the fullest extent it is not preempted by federal law, pursuant to chapter 70.105 RCW and the further provisions of this chapter.

(2) Any facility owner or operator of a site storing, managing, processing, transferring, treating, or disposing of mixed wastes shall apply for and obtain a final facility permit under chapter 70.105 RCW, this chapter, and the federal resource, conservation, and recovery act (RCRA), 42 U.S.C. Sec. 6901 et seq., as amended, before transporting to, storing or disposing at, the facility any additional mixed wastes not generated at the facility. At any facility granted a sitewide permit, under which permits for individual units are appended or become individual chapters, final facility permits must be applied for and obtained, for each unit or facility within the site where mixed wastes are, or will be, stored or disposed, prior to transporting to, storing or disposing at, the facility any additional mixed wastes not generated at the facility.

(3) The department shall not issue any permit requested under subsection (2) of this section unless the facility owner or operator is in compliance with the requirements of chapter 70.105 RCW, this chapter, and RCRA, 42 U.S.C. Sec. 6901 et seq., as amended, for obtaining and maintaining a final facility permit for existing mixed wastes stored, treated, or disposed of at the facility.

(4) If any sites, units, or facilities have interim status or an interim status permit, but fail to meet requirements for maintaining interim status under chapter 70.105 RCW, this chapter, or RCRA, 42 U.S.C. Sec. 6901 et seq., as amended, including but not limited to ground water monitoring and compliance requirements, the department shall find that the applicant for a final facility permit for mixed wastes under this section has failed to demonstrate compliance for purposes of obtaining such a permit pursuant to subsection (2) or (3) of this section.

(5) The addition of new trenches or cells, or widening or deepening of trenches, at a site with existing trenches containing mixed wastes shall be considered an expansion of the existing facilities for purposes of compliance with RCW Chapter 70.105 or this chapter, and any permit or permit modification for such expansion shall be subject to the requirements of this section.

(6)(a) The department shall not issue a permit, or modify any existing permit, allowing for the treatment, storage, or disposal of any additional mixed wastes not generated at the site or facility as part of a remedial or corrective action, until:

(i) The site or facility is in full compliance with the requirements of chapter 70.105 RCW, this chapter, and RCRA, 42 U.S.C. Sec. 6901 et seq., as amended, for obtaining and maintaining a closure permit for any facility or unit from which a release of hazardous substances has occurred or is threatened to occur, after char-



acterization and corrective action; or

(ii) The department has issued a formal determination that no further remedial action is necessary to remedy such a release pursuant to chapter 70.105D RCW.

(b) The prohibitions of this subsection (6) against granting or modifying a permit apply whenever a release of a hazardous substance, including but not limited to releases of radionuclides and any other carcinogenic substances, has occurred at a site or facility, and such release, or the cumulative impact of all releases at the site, are projected by the department to have the potential to exceed the following standards:

(i) Surface or ground water standards established pursuant to federal or state laws, including but not limited to maximum concentration limits, drinking water, or other standards; or

(ii) Cleanup or other standards adopted to protect human health or the environment pursuant to RCW 70.105D.030.

(7) Until all the requirements of subsection (6) have been met, the department shall, by permit condition, limit any new construction of, expansion of, or final facility permit for, a facility for treating, storing or disposing of mixed waste to the capacity or size necessary for investigation, characterization, remediation, or corrective action of facilities or units undergoing closure, or remedial or corrective action at the site.

(8) The department may grant or modify permits pursuant to RCW Chapter 70.105 solely for the purpose of remediating or closing existing facilities or units where there has been a release or threatened release of mixed wastes, if the permit expressly bars the storage or disposal of wastes that are not generated onsite pursuant to a remedial action, closure or corrective action approved by the department pursuant to this chapter or RCW Chapter 70.105D.

(9) The department may permit specific treatment capacity at sites subject to the limitations of this section to be utilized for remediation or cleanup wastes from other sites, consistent with a site treatment plan approved by the department pursuant to RCRA, 42 U.S.C. 6901 et seq., as amended; provided that the department determines, after public notice and comment and consideration of impacts and alternatives in an environmental impact statement prepared pursuant to RCW Chapter 43.21C, that use of such capacity will not: (i) significantly increase any emissions, discharges, risks or consequences of potential accidents; (ii) result in permanent disposal of imported offsite wastes in the soil at the site; (iii) be stored in excess of any applicable time limits, or any applicable requirement; or, (iv) impact funding for cleanup and corrective actions at the site or, result in delay of treatment or remediation of wastes at the site.

NEW SECTION. Sec. 5. RELEASES OF RADIOACTIVE SUBSTANCES; CLEAN-UP STANDARDS. (1) The department shall consider releases, or potential releases, of radioactive substances or radionuclides as hazardous substances if the radioactive substance poses a risk of a carcinogenic, toxic, or any other adverse health or environmental effect. The department shall require

corrective action for, or remediation of, such releases to meet the same health risk based minimum clean-up standards as adopted for other carcinogenic, toxic, or other hazardous substances posing similar health risks pursuant to RCW 70.105D.030.

(2) The department shall include all known or suspected human carcinogens, including radionuclides and radioactive substances, in calculating the applicable clean-up standard, corrective action level, or maximum allowable projected release from a landfill or other facility or unit at which mixed wastes are stored, disposed, or are reasonably believed by the department to be present, for purposes of chapter 70.105 RCW, this chapter, or chapter 70.105D RCW. In making any permit decision pursuant to chapter 70.105 RCW or this chapter, or in reviewing the adequacy of any environmental document prepared by another state, local, or federal agency, relating to mixed waste sites or facilities, the department shall ensure that the cumulative risk from all such carcinogens does not exceed the maximum acceptable carcinogen risk established by the department for purposes of determining clean-up standards pursuant to RCW 70.105D.030, or one additional cancer caused from exposure to all potential releases of hazardous substances at the site per one hundred thousand exposed individuals, whichever is more protective.

NEW SECTION. Sec. 6. DISPOSAL OF WASTE IN UNLINED TRENCHES TO END; INVESTIGATION AND CLEANUP OF UNLINED TRENCHES; CLOSURE OF MIXED WASTE TANK SYSTEMS. (1)(a) The department, within sixty days after the effective date of this act, shall order any site owner or operator utilizing landfills or burial grounds containing unlined soil trenches in which mixed wastes are reasonably believed by the department to have been disposed to:

(i) Cease disposal of all further wastes in unlined soil trenches or facilities within thirty days of the order;

(ii) Initiate an investigation to provide the department with an inventory based on actual characterization of all hazardous substances potentially disposed in unlined trenches;

(iii) Initiate an investigation of releases or potential releases of any hazardous substances that were potentially disposed in unlined trenches;

(iv) Prepare, or pay the costs of the department to prepare, pursuant to the provisions of chapters 70.105 and 70.105D RCW, a plan for waste retrieval, treatment, closure, and monitoring for the unlined soil trenches, which may include temporary caps pending full characterization and remediation, the schedule for which shall be based upon determination of requirements to prevent migration of wastes; and

(v) Install and maintain a ground water and soil column monitoring system, within two years, which is in compliance with all requirements of chapter 70.105 RCW, this chapter, and RCRA, 42 U.S.C. Sec. 6901 et seq., as amended.

(b) The department shall provide, by rule, for public notice, hearings, and comment on the scope of investigations and all actions necessary to fulfill the purposes of this section. Notice to the public for purposes of this section shall include a description of potential impacts to health or the environment from the facilities, and the potential for any state resources, or land areas, to be restricted from future use due to potential releases of hazardous substances from the site or facility.



(2) At any site with one or more land disposal facilities or units containing unlined trenches or pits, at which mixed wastes are stored or were disposed, any proposed expansion of such land disposal facility or unit, or application to permit new land disposal facilities at the same site, shall be considered to be an impermissible expansion of the existing units or facilities where:

(a) There is a reasonable basis to believe mixed or hazardous wastes are buried or stored that have not been fully characterized to conclusively determine that no mixed or hazardous wastes are present;

(b) A release of a hazardous substance has occurred, including but not limited to releases of radioactive or mixed wastes; or

(c) The department has information to indicate that there is a significant potential for a release of hazardous substances.

(3) Determinations and permit actions, pursuant to chapter 70.105 RCW or this chapter, relating to the closure of tank systems consisting of one or more interconnected tanks in which mixed wastes are currently, or were, stored, shall be made by the department only after consideration of the cumulative impacts of all tank residuals and leaks from such systems at the site pursuant to chapter 43.21C RCW. Actions may not be taken to close individual tanks, or which may prevent the retrieval of residual mixed wastes remaining in a tank, in any element of the tank system, or in the soil due to leaks from the tank system, prior to compliance with this section and determination of the quantity, nature, and potential impacts from such residuals or releases. In no event may the department allow the use of a landfill closure for mixed waste tank systems prior to all potentially effective and practicable actions having been taken to characterize, and remediate, releases and potential releases. The department may require research and development of technologies for characterization or retrieval pursuant to this section.

NEW SECTION. Sec. 7. DISCLOSURE OF COSTS AND CLEAN-UP BUDGETS. The department shall require, as a condition for any permit issued pursuant to the provisions of chapter 70.105 RCW or this chapter for facilities storing, treating, or disposing of mixed wastes, and at which hazardous substance releases to the environment have occurred, and remedial or corrective action has not been completed, that the site owner or operator disclose annually to the department the projected total and annual cost of each project or action required to meet the provisions of each applicable federal or state law governing investigation, cleanup, corrective action, closure, or health and safety of facilities at the site; and, if the owner or operator is a state or federal agency, the budgets or budget requests for such purposes for the owner's current fiscal year and each of the upcoming three fiscal years. Where the owner of the site is a federal agency, the annual disclosure shall be provided to the department within fourteen days of: Submission of the agency's budget request to Congress; final appropriation of funds; and at the time any field request is submitted to the agency's headquarters for funding in fiscal years beyond the current fiscal year. The disclosures to the department required

by this section shall include, at a minimum, a comparison of the cost estimate for all activity required by compliance orders, decrees, schedules, or agreements, with the funds requested and with the funds appropriated. The owner or operator shall provide additional detail on projected costs and budgets, at the request of the department. Every year, the department shall hold public hearings, and seek advice from the site advisory board, on the disclosures required by this section and funding priorities.

NEW SECTION. Sec. 8. EXEMPTIONS: NAVAL REACTOR DISPOSAL AT HANFORD; LOW-LEVEL WASTE COMPACT.

(1) Intent. The state of Washington has previously permitted, and committed to assist in the national need for, disposal of sealed nuclear reactor vessels and compartments from submarines and other vessels of the United States Navy; and to operate a regional disposal site for low-level waste with no hazardous waste pursuant to an interstate compact. The U.S. Navy reactor vessels or compartments are sealed in a manner estimated to prevent release of hazardous or radioactive wastes for hundreds of years, exceeding the performance of a liner system while disposal trenches are operating. Therefore, the state of Washington accepts the burden and risks of continued disposal of retired U.S. Navy reactor vessels and low-level waste pursuant to the Compact, recognizing that this disposal will cause future impacts to the soil, environment, and ground water.

(2) Nothing in this act shall affect existing permits for, or in any manner prohibit, the storage or disposal of sealed nuclear reactor vessels or compartments from retired United States Navy submarines or surface ships at the existing disposal facility at Hanford, or affect existing permits for the operation of any facility by the federal government at which United States Navy reactors are decommissioned or refueled.

(3) Obligations of the state pursuant to the Northwest Interstate Compact on Low-Level Radioactive Waste Management and agreements made by the compact shall not be interfered with or affected by any provision of this act. If hazardous or mixed wastes have been disposed or released at any facility operated pursuant to the Compact, the relevant provisions of this chapter apply.

NEW SECTION. Sec. 9. PUBLIC INVOLVEMENT. (1) At any site or facility at which there has been a release of mixed wastes, permits issued under chapter 70.105 RCW for mixed waste facilities shall provide for the operation and funding of a broadly representative advisory board. The board shall be composed of representatives chosen by: potentially affected tribes; regional and statewide citizen groups with an established record of concern regarding human health or the environment impacted, or potentially impacted by releases from the site; local groups concerned with health and resource impacts; local governments; and the state of Oregon if that state may be, or has been, impacted by the release or threatened release of waste. Such permits shall specify that the advisory board be continued with adequate funding, provided by the owner or operator of the site, to perform its chartered functions until final closure or certification of the completion of remedial or corrective action.

(2) The department shall request the advisory board created or maintained at a facility pursuant to this section to advise it on procedural and substantive matters necessary for informed public com-



ment. The department shall formally consider and respond to any comments from the advisory board regarding exposure scenarios prior to issuing any decision on a remedial, corrective or closure action.

(3) The department shall base planning for its own oversight and permitting functions utilizing an assumption that mixed waste facility service charges established pursuant to RCW 70.105.280 should not be less than one percent of the first two hundred million dollars of the estimated annual site clean-up budget for the coming year, and one half of one percent of the estimated annual site clean-up budget above that level. If the department determines that a lower or higher level of service charges is necessary to support its oversight and public involvement functions, then it shall seek comment from any advisory committee established for the site, and from the public, regarding the appropriate level of support.

(4) (a) Due to the complexity of issues involving mixed waste storage, treatment and disposal facilities, at such facilities, the department shall make available annual local government and public participation grants for both: (i) assistance in public review of mixed waste permit, closure, and cleanup decisions; and, (ii) review of, and public comment on, site budgets, compliance costs and funding priorities. Public participation grants pursuant to this section shall be provided as determined by the criteria adopted by the department pursuant to RCW 70.105D.070(5). Local government grants pursuant to this section shall be made available to either a local government or a coalition of local governments. Grants under this section may be renewed annually at a level two times that permitted under RCW 70.105D.070(5), and shall not be subject to annual appropriation by the Legislature.

(b) Local government and public participation grants established under this chapter shall be funded through the state toxics control account, by charging an applicant or permit holder a mixed waste surcharge added to the service charge established by RCW 70.105.280. This surcharge shall be collected and administered consistent with the procedures and requirements established in this section and RCW 70.105.280 to ensure adequate public and local government involvement. This mixed waste surcharge shall be no less than fifteen one-hundredths of one percent of the first two hundred million dollars of annual site budget for all related clean-up activities, of which five one-hundredths of one percent shall be available for grants to local government. The mixed waste surcharge for public and local government participation grants shall be five one-hundredths of one percent of the portion of any estimated annual site clean-up budget exceeding two hundred million dollars. Any unused mixed waste surcharges assessed under this section shall remain in the state toxics control account established pursuant to chapter 70.105D RCW, and shall be utilized to reduce the mixed waste surcharge assessed the owner or operator of the facility in future years.

(5) For federal facilities with releases of mixed wastes or hazardous substances owned or operated a federal agency, such as Hanford, the annual site clean-up budget shall be determined by the department, for purposes of this section, based upon the greater of the

congressional budget request or appropriations of the federal government for activities at the site related to cleanup or waste management. If the appropriation amount for a fiscal year exceeds the congressional budget request, the department shall adjust the assessment of the mixed waste surcharge within thirty days of final enactment of the appropriation.

NEW SECTION. Sec. 10 ENFORCEMENT AND APPEALS.

(1) Any person may bring a civil action to compel the owner or operator of a mixed waste facility to comply with the requirements of this chapter or any permit or order issued by the department pursuant to this chapter; or to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give written notice to the department of intent to sue, unless a substantial endangerment exists. The court may award attorney fees and other costs to a prevailing plaintiff in the action.

(2) Orders of the department relating to mixed waste facilities under this chapter may be appealed to the pollution control hearings board, by any person whose interests in natural resources or health may be adversely affected by the action or inaction of the department.

(3) Civil actions under this section may be brought in superior court of Thurston county or of the county in which the release or threatened release of a hazardous substance occurs, or where mixed wastes that are the subject of the action may be transported, stored, treated, or disposed.

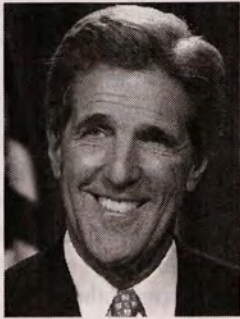
(4) Any violation of this chapter shall be considered a violation of chapter 70.105 RCW, and subject to all enforcement actions by the department or attorney general for violations of that chapter, including imposition of civil or criminal penalties.

NEW SECTION. Sec. 11 CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 12 SHORT TITLE. This act shall be known as the Cleanup Priority Act.

NEW SECTION. Sec. 13 CAPTIONS NOT PART OF LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 14 Sections 1 through 13 of this act constitute a new chapter in Title 70 RCW.



John F. Kerry

Democrat



John Edwards

Democrat

Kerry-Edwards 2004
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Website: www.johnkerry.com

John Edwards and I will lead America in a new direction that makes America stronger at home and more respected in the world.

In this election, voters face a clear choice. They can continue with the failed policies of the current administration that have taken us in the wrong direction or they can choose the new direction that John Edwards and I offer with our plan to make things better.

Our plan is guided by our values – to reward hard work and to help America’s middle-class families get ahead. These aren’t Democratic values or Republican values. They’re American values.

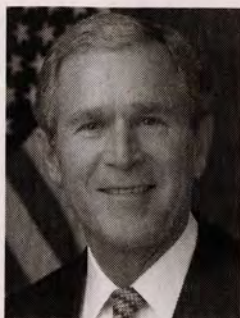
But today, instead of getting ahead, too many families are falling behind. Jobs are going overseas, wages are down and health care costs are skyrocketing.

Our plan to get America moving in the right direction:

- Jumpstart job growth through tax credits for manufacturers and small businesses hiring new workers;
- Reduce health care premiums for families by up to \$1,000 and enact a real prescription drug benefit for seniors;
- End tax breaks for companies who ship jobs overseas;
- Pass middle class tax cuts for health care, child care and college;
- Invest in renewable energy to decrease America’s dependence on Middle East oil and create new jobs right here at home;
- Restore respect for America in the world and repair relationships with our allies to help fight the war on terror and bring peace to Iraq;
- Fund veteran’s health care, fairly compensate our troops and protect their loved ones with a Military Family Bill of Rights.

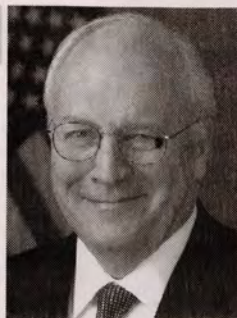
I defended this country as a young man and I will defend it as president, beginning with the commonsense notion that a stronger America begins at home. On November 2, please join us in moving America in the right direction.

President and Vice President



George W. Bush

Republican



Dick Cheney

Republican

**Bush-Cheney '04, Inc.
PO Box 10648
Arlington, VA 22210
Telephone: 703.647.2940
E-mail: tomj@georgewbush.com
Website: www.georgewbush.com**

I have been honored to serve as President during an historic time for America. The actions we've taken over the last four years have made our nation safer, stronger, and better.

We have rallied the world to defeat terrorists abroad and strengthened our laws to protect Americans at home. Tax relief for families and small businesses has spurred our economy to its fastest growth in nearly 20 years. Schools are improving with higher standards, strong accountability, and local control. And prescription drug coverage is helping older Americans pay for their medicines.

During the next four years, we will spread opportunity and prosperity to every part of America and continue to lead the cause of freedom and peace in the world. We will ensure every American who wants a job can find one by keeping taxes low, making regulation of small businesses more reasonable, opening up foreign markets, and reducing junk lawsuits. We will pass a comprehensive energy plan to make America more energy independent. We will help more Americans get job training at community colleges for jobs of the future. We will make health care more affordable and accessible. We will usher in a new era of ownership – with an agenda to help families save, build, and invest so every person owns a part of the American Dream. And every day I am President, I will stand with the men and women of our military, law enforcement, and first responders as we defend the homeland, defeat terrorists, and help bring peace, freedom, and security around the world.

I have a positive and optimistic agenda for America, and I would be grateful for your vote.



Michael Badnarik

Libertarian



Richard V. Campagna

Libertarian

George W. Bush and John Kerry both support the war in Iraq. They both oppose gun rights. They both supported the PATRIOT Act. They both support the war on drugs. They both support confiscatory taxation. They both support ruinous levels of spending, huge deficits and increasing debt.

You can't change these policies by voting for either "old party" candidate. That's why I'm running for President.

If we leave Iraq now, bad things will happen and people will get killed. But if we stay, bad things will happen to Americans and more American kids will get killed. The proper role of government is to protect American lives and property, not to squander both on adventures abroad. We can bring the troops home safely in ninety days; voting for me is the only way to show you want a quick end to this war.

Both Bush and Kerry talk about tax cuts. Both also advocate new spending programs. Barring some secret plan to get the French or Chinese to cover our federal spending, there can be no increase in spending without higher taxes. We're already running a huge deficit. We need straight talk on taxes and spending. That's why I'm running for President.

Our drug laws are based on the belief that with enough money and firepower, we can eradicate drug use — but we haven't even been able to stop it in our own prisons. Our current policy has brought America drive-by shootings, meth labs in our neighborhoods and pushers in our kids' schools. We need to change those policies. That's why I'm running for President.

The most important thing you can do to build a better future is to vote for an alternative to today's "lesser of two evils" political system. Help build a three-party America. Visit www.badnarik.org.



John Parker

Workers World



Teresa Gutierrez

Workers World

**Workers World Party Presidential Campaign Comm.
55 W. 17th Street
New York, NY 10011
Telephone: 212.627.2994
E-mail: vote4workers@workersworld.net
Website: www.vote4workers.org**

John Parker, Presidential candidate, and Teresa Gutierrez, Vice-Presidential candidate are workers, anti-war activists and organizers in peoples' movements. Gutierrez, a lesbian activist, and Parker are running on the Workers World Party ticket.

They work towards building a society which puts people's needs first, not profits. They support a \$15/hour minimum wage, jobs, childcare, housing, education and healthcare for all, and the right of all working people, including immigrants, to unionize.

These candidates oppose racism, sexism, and all discrimination and bigotry. They oppose the Patriot Act, the death penalty and police brutality, support reproductive choice for all women, and full rights of lesbian/gay/bi/transgendered people, including marriage.

They say *no* to the Iraq war and occupation and want the troops brought home now. They call for slashing the huge military budget to create living-wage jobs with benefits, to rebuild the cities, expand social programs and fund all human needs.

Parker and Gutierrez say it's time that working people and all who face discrimination, unemployment, poverty, have their own party—one that represents their interests, and not those of big business and the super-rich.

They believe that working together, the majority of people can build an independent movement to challenge and change government and corporate policies, aiming to end the ills in this capitalist society.

Parker and Gutierrez, who have joined with low-wage and immigrant workers to fight for their rights, endorse and will attend the October 17 Million Workers March.

Parker and Gutierrez see the need for a socialist society, based on sharing the resources and wealth among all here and worldwide, rooted in cooperation, and respect for all peoples, with peace and true equality. Curing AIDS and malnutrition would be priorities, not developing new weapons. Life's necessities would be guaranteed to every human being; and every child could develop their full potential.



David Cobb

Green



Patricia LaMarche

Green

David Cobb and Patricia LaMarche offer solutions.

Problem: Corporations have too much power and are destroying the earth. They use “free trade agreements” to skirt our laws. They have limited liability for the pollution and pain they inflict on communities. They wield more rights than humans do. And they can’t be thrown in jail.

Solution: Revoke the charters of corporate criminals. Get out of NAFTA and the WTO. See www.poclad.org.

Problem: Climate change threatens life on earth as we know it.

Solution: Shift tax subsidies from coal, oil, and nuclear power, as well as from the military budget, to investing in clean, renewable energy.

Problem: The two-party system takes away our freedom of choice.

Solution: *Instant runoff voting* – Initiative 318.

Under instant runoff voting, you would get to rank the candidates, instead of being forced to pick just one. Your vote would go to your first-choice candidate. If your first choice is eliminated, your vote would go to your second choice, and so on. You would never have to vote your fears again. See www.irvwa.org.

Beware of the Louisiana primary (Initiative 872). This system makes elections less competitive, and drives voter turnout down. Preserve Washington’s independent, bipartisan heritage by voting *No* on I-872 and signing I-318.

Problem: We’ve gotten into quagmires around the globe. Our military serves primarily to protect the assets of multinational corporations, which have no allegiance to our country and dodge our taxes.

Solution: *Get George Bush out of the White House.* Then build leverage on the next administration to bring our troops home by joining the Green Party. www.wagreens.us.

David Cobb is a former construction worker and public interest lawyer. Patricia LaMarche is a radio talk-show host and single mom.



James Harris

Socialist Workers



Margaret Trowe

Socialist Workers

Socialist Workers 2004 Campaign
5418 Rainier Avenue S.
Seattle, WA 98118
Telephone: 206.323.1755
E-mail: swpseattle@yahoo.com

It's not who you are against, but what you are for! Vote for the Socialist Workers Party in 2004.

What the SWP stands and fights for:

Support workers' right to organize unions and to defend themselves from the bosses' assaults. Defend the labor movement from the continuing offensive by the employers and their twin parties of capitalism—the Democrats and Republicans. For the formation of a labor party, based on the trade unions, that fights in the interests of working people.

Support the efforts of the power-poor semicolonial countries to acquire and develop the energy sources necessary to expand electrification, a prerequisite for economic and social advances. Expose the drive by Washington and its allies to prevent the nations oppressed by imperialism from developing the sources of energy they need, including nuclear power, to bring much of humanity out of darkness.

The immediate, unconditional withdrawal of U.S. and other imperialist troops from Iraq, Afghanistan, Yugoslavia, Korea, Haiti, Colombia and Guantanamo Bay, Cuba.

For a massive federally funded public works program to put millions to work at union scale.

For the extension of social security to cover universal, federally funded, lifetime health care for all.

Defend and extend affirmative action in employment, education, and housing.

Fight cop brutality, abolish the death penalty.

Defend a woman's right to choose abortion.

End Washington's economic war against Cuba! U.S. hands off Venezuela.

Stop farm foreclosures. Government funded cheap credit for working farmers and price supports to cover production costs.



Michael Anthony Peroutka

Constitution

No
Photo
Submitted

Chuck Baldwin

Constitution

No
Photo
Submitted

Peroutka 2004
8028 Ritchie Highway, #303
Pasadena, MD 21122
Telephone: 877.627.2004
E-mail: info@peroutka2004
Website: peroutka2004.com

Michael Anthony Peroutka is the only Presidential Nominee whose entire platform is in compliance with the U.S. Constitution, including Article IV, Section 4 which mandates that U.S. citizens will be protected from foreign invaders.

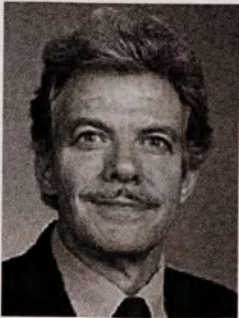
He is the only Presidential Nominee who courageously vows to enforce our immigration laws, secure our borders and protect the lives of all law-abiding Americans by halting the illegal alien invasion.

Michael Anthony Peroutka will:

- Stop the undeclared wars which are daily costing American lives and billions of tax dollars;
- Stop reckless spending, including foreign aid, and take care of America's domestic needs;
- End debt financing of the Federal government;
- Get rid of the Federal income tax, and restore a tariff based revenue system;
- Immediately terminate international trade agreements such as NAFTA, WTO, the proposed CAFTA and FTAA, and stop sending high paying American jobs to foreign countries;
- Uphold God-ordained marriage and defend America's moral and family values;
- Protect the right to life of all unborn innocent children;
- Get the Federal Government out of the Education business and allow parents to control the education of their own children;
- Uphold Second Amendment rights; and
- Restore a debt free, interest free money system;

Michael Peroutka is the co-founder of *The Institute on the Constitution* which teaches the principles of the Declaration of Independence and the U.S. Constitution.

If you are concerned about the future of our nation and our children, for God, Family and Republic, vote Peroutka!



Bill Van Auken

Socialist Equality



Jim Lawrence

Socialist Equality

Socialist Equality Party
PO Box 48377
Oak Park, MI 48237
Telephone: 248.967.2924
E-mail: sep2004@socialequality.com
Website: www.wsws.org

The Socialist Equality Party (www.wsws.org/us2004/) is intervening in the 2004 elections to initiate a new mass political movement for a socialist alternative to the Democrats and Republicans, the two parties of Wall Street.

SEP presidential candidate Bill Van Auken, 54, is a full-time writer for the World Socialist Web Site whose involvement in the struggles of the American and international workers' movement spans 35 years. He lives in New York City.

Vice presidential candidate Jim Lawrence, 65, is a retired auto worker who worked at General Motors plants in the Dayton, Ohio, area for 30 years. He is a member of United Auto Workers Local 696.

The Socialist Equality Party candidates are the only ones calling for the immediate and unconditional withdrawal of all US troops from Iraq. Democrat John Kerry has repeatedly declared his support for the continued occupation of the besieged country and the military repression of its population.

We see the elections as an opportunity to develop a serious discussion on the illegal invasion and occupation of Iraq, the attacks on democratic rights and the growing social crisis within the United States.

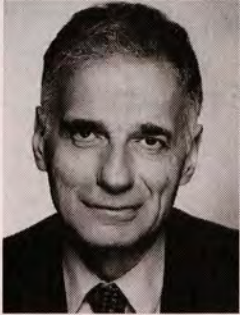
Our program is based on unifying the struggles of the American working class with those of their brothers and sisters all over the world in a fight against the profit system. Production must be reorganized to meet social needs, not the profit requirements of the wealthy.

We urge all those looking for an alternative to the two big-business parties to support the Socialist Equality Party. Vote Bill Van Auken for president and Jim Lawrence for vice president!

Stop the War in Iraq! Withdraw all US troops now!

Support the campaign for a socialist program for jobs, education and health care!

Join and build the Socialist Equality Party! Read the World Socialist Web Site (www.wsws.org/)!



Ralph Nader

Independent Candidate



Peter Miguel Camejo

Independent Candidate

Nader for President 2004
PO Box 18002
Washington, D.C. 20036
Telephone: 202.265.4000
E-mail, go to: votener.org/contact/index.php
Website: votener.org

Independent candidates Ralph Nader and Peter Camejo urge a rapid, responsible Iraq withdrawal. We seek an end of corporate control of government and a government that is truly "of, by and for the people." They seek to shift the power to workers, consumers and tax payers and put the necessities of people before corporations including health care for all, earning a living wage for themselves and their family, authentic consumer protection, environmental protection, labor law reform, a jobs program to rebuild U.S. infrastructure, ending poverty, an energy policy that breaks U.S. addiction to fossil and nuclear energy and creates jobs building sustainable clean energy as well as efficient buildings and motor vehicles. They support education, from pre-school through college, affordable for all Americans with developed civic skills. They protect the Constitution by repealing the Patriot Act, ending the failed drug war and restoring justice. They would shift the burden from work to wealth and to things we like least, e.g. pollution, gambling, addictive industries and stock speculation more than things we like, e.g. food, books, clothing. Nader-Camejo seeks to wage peace not just prepare for war – the military budget is half the federal government's current operating expenditures. They are seeking a peaceful resolution to the Israel-Palestine conflict, pressing for arms control and nuclear disarmament worldwide, stopping support of dictators and oligarchs and advancing human rights. For more than four decades, Ralph Nader and Peter Miguel Camejo have saved lives, opened minds, implemented solutions, and inspired citizens to building a better world. They have tirelessly worked for justice for all and are known for their ethics, integrity and independence. Nader-Camejo urge voters to vote their needs not their fears and declare productive independence from the two corporate political parties.



Patty Murray

Democrat

People for Patty Murray
PO Box 3662
Seattle, WA 98124

Telephone: 206.286.9199
E-mail: campmail@pattymurray.com
Website: www.pattymurray.com

Washington state is a great place to live and raise a family, and we must preserve and build on the things that make us strong. As your U.S. Senator, I believe we must put the priorities of Washington state first and take care of our own.

Taking care of our own means creating jobs. I am working to hold our trading partners accountable and pass tax incentives to help Washington employers keep jobs here and not send them overseas.

Taking care of our own means making wise investments here at home. I secured funding for critical transportation projects, and I have always worked to make our schools the best they can be. We need to do more to lower the cost of health care, preserve our environment, and promote new discoveries and innovations that help our people and our economy.

Our security starts here at home. Investing in port security, our Northern Border, our police and firefighters, and the safe clean up of the Hanford Nuclear Reservation have always been an important part of my work. Today, our ports are our first line of defense. I'm proud to have worked with the Ports of Seattle and Tacoma to make them the first in the nation to implement tough, new security measures. We must do more.

Taking care of our own also means taking care of our troops. They deserve a plan for the war against terrorism that brings them home safely. As the first woman on the Senate Veterans Committee, I'm fighting to make sure our troops and their families get the support and respect they deserve as they sacrifice for us.

I am honored to be your voice as Washington's U.S. Senator. I ask for your vote and support to continue that work and put Washington state first.



George R. Nethercutt, Jr.

Republican

Nethercutt for Senate
330 112th Avenue N.E., #101
Bellevue, WA 98004

Telephone: 425.462.6152
Website: www.nethercuttforSenate.com

I am asking for your vote for U.S. Senate because our state needs strong leadership to create jobs, defend our values and make health care more affordable. Voters have a very clear choice in this election. My opponent, Patty Murray, has voted against our military, against tax relief, and against legislation to stop junk lawsuits.

I have worked to create jobs as Eastern Washington's representative in Congress since 1995. Now, with your help, I will continue that work as your U.S. Senator. I'm fighting to make tax relief permanent, so families can plan for the future. I will continue to work to make health care more accessible and affordable by passing medical liability reform.

I will make sure our troops have what they need to win the War on Terror and I will keep our commitment to America's veterans. As a leader in Congress, I have strengthened our military's budget by 40 percent. Senator Murray voted to cut important intelligence operations.

I will continue to fight for affordable prescription drugs for Washington's seniors and never vote to cut Social Security. Senator Murray voted to cut Social Security benefits six times.

As your Senator, I will work to preserve and protect our environment for future generations. In Congress I have fought to reduce America's dependence on foreign sources of oil, because our families and businesses need affordable and reliable energy. Patty Murray voted against a national energy plan - I will fight for it.

As America moves forward, Washington continues to lag with higher unemployment rates and slower economic growth. To meet our state's great potential, we need strong leadership that will unite us and get things done.

Thank you for your careful consideration. I would be honored to have your vote.



J. Mills

J. Mills for Senate
944 Court E.
Tacoma, WA 98402

Libertarian

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Website: www.jmills.org

Whether you vote Republican or Democrat, next year a new home will still cost a little more and health care insurance will be more expensive – if you can get it at all. There will still be drive-by shootings and crowded jails due to our failed drug policies. Republicans *and* Democrats will send American kids overseas to fight and die.

So, “choosing” between the two old parties won’t change much in your life. Accordingly, the most important issue is this: Do you like the existing lesser-of-two-evils system, or would you be better off with more choices?

If, like me, you think the old two-party system is the problem, and if you want to help build a multi-party America, then you simply must stop voting for the two old party candidates.

You probably don’t agree with *everything* Libertarians are saying, but the Libertarian Party – organized in all fifty states, and organized nationally and locally, is closer than any other group to breaking the old parties’ grip on American politics.

You can wait for someone else to build an alternative to the two old parties, or you can vote now to start changing things for the better. Come visit me on the Internet at www.jmills.org, and help build a three-party America. This is the most important thing you can do this year to build a better future for your children.

If you agree it’s time to change the system, you might still think voting Libertarian isn’t important since many Libertarian races are uncontested. That’s wrong because even an unchallenged candidate must receive 1% of the vote to advance into the General Election.

We are counting on you to assure there are more than the two old party candidates on the General Election ballot. Please vote the Libertarian ballot.



Mark B. Wilson

Mark Wilson for U.S. Senate
PO Box 677
Suquamish, WA 98392

Green

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My candidacy is based on love of country, respect for diversity and a hopeful future, all Key Green Values. I became fascinated with wind and solar energy potential as a Marine Corps meteorologist. My experiences as a Union member, commercial fisherman, surgical technician and small business owner, make my perspective unique for the U.S. Senate.

I believe:

We must lead by example as peacemakers and problem solvers through diplomacy, promoting human rights.

The military serves national defense not for Global Corporations with no allegiance to America. The Iraq War wastes lives, creates new enemies making Americans less secure, drains resources, and increases debt. We know the truth now. Let’s bring our Troops home.

Directing 50% of the Military budget to clean renewable energy projects will create millions of jobs, and reduce the climate of fear and anger that makes us a terrorist target.

Clean energy investments create business opportunities. Income generated will lift states from debt, rebuild infrastructure, and fully fund public services including Universal Health Care.

Defense manufacturing contractors and skilled workforces can be transformed, producing the components of our clean energy future. The many new jobs created will provide security and a healthy environment necessary to bring about lasting peace.

Clean energy career opportunities require enhanced education. Which means fully funding kindergarten through Community College.

The PATRIOT Act isn’t patriotic. We don’t need to trade civil rights for security.

Corporations exporting jobs to exploit cheap labor should be denied public contracts.

To reduce the deficit we must first challenge Government corruption and recover the \$Trillions missing. The tax system overburdens working families. Clean Money Clean Elections reverses these trends.

Elections must be verifiable. Instant Runoff Voting (I-318) eliminates the spoiler role. It provides more hopeful choices.

Our two-year-old son is our stake in this with you.

United States Representative Third Congressional District



Brian Baird

Democrat

Brian Baird for Congress
PO Box 5016
Vancouver, WA 98668

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As your representative, I pledged to listen, work hard, and use common sense to help solve problems. I've hosted more than 225 town hall meetings, visited hospitals, schools, ports and businesses across Southwest Washington and helped thousands of people with problems from veterans' benefits to social security.

Jobs: To help get our economy back on track, I've brought millions of federal dollars home for new highway, rail and port construction, supported tax incentives for small businesses, streamlined environmental permitting, worked to improve our education system, fought for lower electricity rates, and reached out to help displaced workers and their families.

Taxes: From day one, I led the fight to let Washington residents deduct their sales taxes. I voted to lower taxes on working families and to permanently repeal the marriage penalty. It's time to put an end to wasteful spending, stop borrowing from the Social Security trust funds, and get the budget back in balance.

Health Care: As a health care professional, I know first hand the impact of rising costs on seniors, families and businesses. I voted to put doctors and patients, not bureaucrats, in charge of health care decisions, and I fought to lower prescription drug costs, improve mental health care, and help small businesses purchase affordable health insurance.

Supporting our Troops and Veterans: I've voted to increase pay and benefits for soldiers and their families and worked to ensure all our soldiers have state of the art body armor. When the Veterans Administration threatened to close our local hospitals, I led the effort to keep them open and together we succeeded.

Our nation has been through trying times, but if we all work together, there is nothing we cannot achieve. Together, we can and will make our communities and our country strong again.



Thomas A. Crowson

Republican

Crowson for Congress
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Olympia, WA 98502

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Website: www.crowsonforcongress.com

I am a homebuilder, small businessman and retired firefighter. I am an avid horseman, hunter and fisherman. My wife, Tootie, and daughter, Alicia, are schoolteachers. My son, Will, is a volunteer firefighter and college student.

My goals in Congress are very simple: make our country more secure and foster economic opportunities for our citizens.

The most important issue before us is the war on terrorism. The 9/11 attack galvanized the country to engage terrorists wherever they may hide. We are targeted by evil and must respond with strength. I strongly support the President's actions domestically and overseas. These actions against terrorists led to Libya relinquishing its arsenal of weapons without a fight.

Our economy was devastated by the 9/11 attack. However, over the last ten months, we have witnessed tremendous economic progress. When elected, I would make President Bush's tax cuts permanent and support more tax cuts. Tax cuts promote economic growth, create new job opportunities and increase tax revenues.

We must never subjugate America's sovereignty to the UN.

The United Nations has serious problems. The oil for food program has exposed massive corruption. We need to conduct a thorough investigation of all suspect UN programs.

I agree with our state law that says marriage should be between a man and a woman. I fully support the Defense of Marriage Act and would support a constitutional amendment reinforcing that fact.

We must take steps to make health care affordable and available to all Americans by eliminating frivolous lawsuits and ridiculously high punitive damage awards that inflate the cost of health care and drive doctors out of business.

I am a member of the NRA, BIAW, Olympic Master Builders, and Back Country Horsemen of Washington. I'm endorsed by Human Life PAC.

For more details or to contribute go to: www.crowsonforcongress.com .



United States Representative Ninth Congressional District

(Page 1 of 2)



Adam Smith

Adam Smith for Congress
PO Box 23626
Federal Way, WA 98093

Democrat

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Website: www.electadamsmith.com

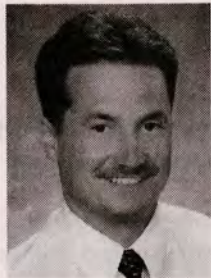
I grew up in the Ninth District. My father was a ramp serviceman at SeaTac, my mother a homemaker. They taught me the values that have guided me as a prosecutor, state senator, and congressman – integrity, hard work, personal responsibility, and independence. My wife, Sara, and our two children – four-year old Kendall and one-year old Jack – live in Tacoma.

It's my job to listen to you and to make common sense decisions. You've told me that Congress needs a less partisan, independent voice, and someone who will fight for good paying jobs, affordable health care, quality public education, a clean and healthy environment, and strong national security.

I'm working to eliminate incentives for companies shipping jobs overseas and to give workers the support they need to get good jobs. I also support efforts to help both workers and employers gain access to quality, affordable health care. Our current health care system is too expensive and inaccessible to too many people.

We need to have a public education system that is accountable and sets high standards, but also one that finally receives the support it needs to succeed. We also need to invest in alternative and renewable sources of energy to reduce our dependence on foreign oil, create jobs here at home, and maintain the high quality of life we demand here in the Pacific Northwest.

We face new threats at home and abroad from terrorism, and I will continue to use my positions on the House International Relations and Armed Services Committees to form a foreign policy that engages our allies while ensuring our troops have the resources they need to keep America safe. I'm also proud to support so many military personnel, veterans, and their families. I will continue to be a strong advocate for them.



Paul J. Lord

Paul J. Lord for Congress
9225 Piperhill Drive S.E.
Olympia, WA 98513

Republican

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As King Whitney Jr. stated, "Change has a considerable psychological impact on the human mind. To the fearful it is threatening because it means that things may get worse. To the hopeful it is encouraging because things may get better. To the confident it is inspiring because the challenge exists to make things better." My goal, as your congressman, is to give you hope, and confidence, in your political process again. I will represent you and your needs, not the money and influence that weakens most politicians. My job will be to represent you, and answer to you, the voters. Contact me at any time at Pauljlord@yahoo.com, and I will try to answer the questions you have, and tell you where I stand on any issue. The second, and most important part of my job, will be to bring you the truth. This can't be explained in a commercial or campaign. I will inform, involve, and inspire you to help me fix the important issues we face today.

With your vote for me, you will be voting for Change. You may be fearful that I won't represent your needs, and things will get worse. If so, ask me. Question what the people seeking power over you say to you, and I will find you the truth, so we can make a difference.

You may become hopeful, because someone will represent you in a way a politician never has. I believe 90% of us want the same things from life, our future, and our children's future. I will be responsive to you.

Like me, you may become confident and inspired. The challenge does exist to make things better for all of us. Give me an opportunity to represent you and remake our government for the people, and by the people.

United States Representative Ninth Congressional District



Robert F. Losey

Green

**Vote for Losey
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Kent, WA 98032**

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Website: vote4losey.us**

Thank you for being an informed and active voter.

Our Congress has failed to serve the public interest. The monopolies of the two-party system only cater to corporate power and the rich.

The democrats and republicans continue to serve corporate special interests. Companies lobbied to block the importation of cheaper medications to stop the rising cost of prescription drugs. Instead of providing universal health care for the common good.

We cannot leave the burden of a national debt to future generations. We need real fiscal accountability. Not this Congress that has taken a \$40 billion surplus and turned it into a \$450 billion deficit with tax cuts for the rich and corporate welfare, giving away public assets for free or below value.

Our Congress avoided its responsibility and allowed this administration to start an illegal and unjustified war in Iraq. Our own congressman has voted for the Patriot act and its reauthorization, instead of protecting our civil rights and serving the public.

Real security is dependent on individual and corporate responsibility.

Why is Adam Smith receiving token opposition in a designated swing district? Does he serve corporate power and republican interests better than a republican?

We need a real representative in Congress not a corporate lawyer. I support real election reform, clean campaign finance, proportional representation, instant runoff voting and, a national election holiday. A true independent voice, I will not accept corporate PAC money and will serve the public trust.

We cannot pollute our environment and exhaust our natural resources, leaving the cleanup for our children. We need to invest in energy efficiency, conservation and renewable energy technology that will create jobs, create real wealth and end our addiction on oil.

Think Green. Live your Hopes not your Fears, and Vote for a Real Representative for Your Future.



Governor



Christine Gregoire

Democrat

People for Chris Gregoire for Governor
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Website: www.gregoire2004.com

Chris Gregoire: The Right Direction for Washington

I'm running for governor with a comprehensive, detailed plan to move Washington in the right direction. That means creating good jobs, improving education, and providing affordable, quality health care for Washington's families.

My innovative plan will: Create 250,000 new jobs over the next four years; Reform the business tax system; Cut red tape and make it easier for people to start their own small business.

As Governor, I will protect our families' health by joining with other states to negotiate discounts on prescription drugs and by expanding children's coverage.

To improve education, I've offered a detailed, comprehensive plan to expand early childhood education, end the dropout crisis and improve science and math education to be sure every child graduates ready for work, life and citizenship.

I will restore public trust by improving government accountability. And I will protect a woman's right to choose.

Chris Gregoire: The Right Values

I learned Washington values growing up in a working class family in Auburn. My mom was a short-order cook, and I worked my way through college with a job in a print shop. My husband Mike and I have raised two daughters.

A Record of Leadership

As Attorney General I stood up to special interests on behalf of ordinary working people.

I took on the big tobacco companies and won a \$4.5 billion settlement that benefits all Washingtonians. The settlement improves health care and helps fund the state budget without raising taxes. I also took action against companies that manipulated drug prices at the expense of seniors.

Throughout my time as Attorney General, I have tried to represent Washington's views and values.

As your next governor, I will continue that tradition, and lead Washington in the right direction.

Thank you for your vote.



Dino Rossi

Republican

Rossi for Governor
15100 S.E. 38th Street, #715
Bellevue, WA 98006

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Website: www.dinatorossi.com

Dino Rossi is running for governor to bring new leadership to Washington state. For 20 years, the same party has controlled the governor's office, and now it's time for a change.

Washington's unemployment rate is one of the highest in the nation. Patients are losing access to affordable health care. Our education system needs reforms. Traffic is still a problem. And communities across Washington are fighting efforts by state lawyers to place sex offenders in neighborhoods.

Our state is on the wrong track, but with the right leader we can bring it back. That leader is Dino Rossi.

Last year, when the state faced the largest financial crisis in history, State Senator Dino Rossi brought Republicans and Democrats together and passed a bipartisan budget that preserved funding for education and health care for our most vulnerable citizens without raising taxes. He proved that you can be a fiscal conservative and still have a social conscience.

Dino is a third-generation Washingtonian. His grandfather was an immigrant who worked in the Black Diamond coal mines. His father was a teacher in Seattle Public Schools and his mother was a beautician. Dino, who graduated from Seattle University, has been a successful businessman in the community for 21 years. Dino and his wife, Terry, live on the Sammamish Plateau and have four children: Juliauna, 13; Jake, 10; Joseph, 8; and Jillian, 3.

As governor, Dino will reform state government. He will work to bring more jobs to our state, reform health care, and improve education and transportation. Dino has been endorsed by both business and labor.

Washington state needs a fresh start. Dino Rossi will bring new leadership to state government and make Washington a better place to live, work and do business.



Ruth Bennett

Libertarian

Bennett for Governor
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Liberty and Justice for All

We all make this pledge. At ball games, school assemblies or civic club meetings, we stand with hands over hearts and pledge "...Liberty and Justice for All."

Liberty is about choice. No choices, no Liberty. Consider healthcare. In a free country, who decides which medicine you take? Politicians? Or you and your doctor? Whether it's choosing experimental medicine that's not FDA approved, or importing lower cost prescriptions from Canada, shifting medical decisions from politicians back to individuals will increase your

freedom of choice – your Liberty.

Or consider same sex marriage. Doesn't separation of church and state mean that politicians must leave holy matrimony to the clergy and limit the state's interest to civil union contracts...for everyone? Ensuring equal rights for individuals when it comes to inheritance, benefits, taxes and child custody will extend *Justice* to all.

Or education. We spend more and more money every year, but our failing reading and math scores don't improve. We need to give parents, students and teachers more choices.

On every issue I ask, "Who decides?" When your choices are peaceful, then *you* should decide what is best for you and your family. That's the way I'll lead on every issue, every time. If you want the freedom to make your own decisions, then vote for me. If you want others to make the important decisions in your life; how your child is educated, who you can marry, what kinds of medications to take and how much to pay for them, then you have plenty of other choices on your ballot.

But if, when you put your hand over your heart and pledge "...with Liberty and Justice for All," you mean it, then vote for *Ruth Bennett* for Governor.

Endorsed by the Libertarian Party of Washington State.



Brad Owen

Democrat

1933 E. SR 3
Shelton, WA 98584

Telephone: 360.426.1505

Brad Owen is a leader who gets things done! Elected as Washington State's 15th lieutenant governor in 1996 and re-elected in 2000, Brad Owen serves the state as president of the Senate and as acting governor in the absence of the governor.

Four years ago, Lieutenant Governor Brad Owen promised to make economic development his top priority. In the last session, he served as chair of the Legislative Committee on Economic Development and International Relations. He has conducted many foreign trade and goodwill missions that have brought jobs back to our state. He is recognized as the new leader of International Trade for Washington State.

Brad Owen continues to work with children in substance abuse and prevention. As president of Strategies for Youth, he travels throughout the state with his musical, multi media program, to deliver positive messages about substance abuse and bullying awareness to youth.

Lieutenant Governor Brad Owen is an avid sportsman and environmentalist. He understands the need to maintain the state's unique lifestyle that centers on our community's love for the outdoors. He is endorsed for re-election by the Washington State Labor Council and the BIAW. He will continue to emphasize economic development and children if re-elected.



Jim Wiest

Republican

Jim Wiest (R) Lt. Governor Committee
PO Box 1636
Olympia, WA 98507

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E-mail: wiest4ltgov@yahoo.com

Website: www.2createmorewajobs.org

Is Washington State To Be: A Prosperous State or A Welfare State?????

With Washington State's current unemployment rate one of the nation's highest – we are currently a Welfare State!

The Lieutenant Governor, who Chairs the Legislative Economic Development and International Trade Relations Committee, bears much of the responsibility for the State's current economic decline. This committee currently has only 4 of the 12 highest unemployment ranked counties represented *and* has been using the *outsourcing of Washington jobs* as a means of obtaining foreign trade agreements.

Jim Wiest, as Lieutenant Governor, will be a champion to the more than 465,238 unemployed, the *unknown* number of out-of-work, their families and you! I will use Thurston County (4.9%) and King County (5.6%) unemployment rates as statewide standards, instead of, exceptions.

To learn more about *Jim Wiest* and my economic recovery plan, go to my website or to your County Republican Party Headquarters for a copy.

Vote For A Prosperous Washington State

— Vote *Jim Wiest* (R) Next Lieutenant Governor —

!!! Wiest Will Work . 2 Create More Wa Jobs . Org !!!



Jocelyn A. Langlois

Libertarian

Langlois for Lt. Governor
1120 Sanford Avenue
Richland, WA 99354

Telephone: 509.946.8382

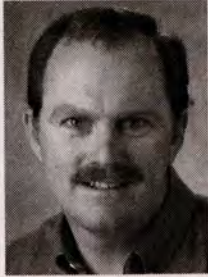
E-mail: jocelyn_1@hotmail.com

Washington taxpayers pay \$400,000 per year to have a Lieutenant Governor. Do you know what the Lieutenant Governor does? Our State Constitution says the Lieutenant Governor is to preside over the Senate, substitute for the Governor when he is out of state or incapacitated, and to serve at the request of the Governor. That is *all*. Our State Constitution also gives the legislature the authority to *abolish* the office of Lieutenant Governor.

As individuals, both in our private lives and our business lives, we are expected to be fiscally responsible. It seems very little to ask that our government be equally responsible with what is, after all, *our* money.

It has been said: "*In politics, if you want something said, ask a man; if you want something done, ask a woman.*"

As an active member of the Board of Directors of the American Society for Nondestructive Testing and its Governance committee, as the Vice-chairman of the Ultrasonics Subcommittee of the American Society for the Testing of Materials, as past Chairman of the Libertarian Party of Washington State, and as President of an engineering firm, I have the administrative experience required to lead the Lieutenant Governor's office through an effective transition.



Bern Haggerty

Green

Vote Haggerty
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Thank you for reading the Voters' Pamphlet. Without publicly-financed election information, democracy would become a corporate ad battle. I am limiting my contributions to \$100 per person. I invite you to oppose big-money elections. Also, please support I-318 <www.irvwa.org> to guarantee fair representation in Olympia.

Our Lieutenant Governor wields extraordinary powers: presiding over the Senate, breaking ties; replacing an absent Governor, serving as international ambassador, overseeing a paid staff.

I will introduce openness and fairness into our gridlocked, partisan Legislature.

I will promote social justice. Instead of extravagant corporate "trade" missions, I will empower ordinary people—farm workers, women, gay people, immigrants, native communities—to fight for their own rights.

I will advocate: The immediate return of our Guard and Reserve from an illegal, overseas war; A citizens' assembly to design better, more representative elections; Unrestricted funding for every eligible Head Start participant; Freedom for victims of racist drug policies; Un-dammed rivers; and, Decentralized wind and solar power.

Biography: Born, Anchorage, Alaska; Head Start graduate; Eagle Scout; Parent; JD, Howard; LLM Environmental Law, Utah; Ph.D. Student, UBC Law; Senior Assistant Attorney General, Wyoming; Staff Attorney, Lummi Nation.

For an independent Lieutenant Governor, Vote Green November 2.



Laura Ruderman

Democrat

Friends of Laura Ruderman
16625 Redmond Way, #M 465
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With new technologies come new challenges. That's why my top priority is a *Voter's Bill of Rights* that guarantees every vote is counted – *and counted correctly*.

I'll require that every electronic voting machine produce a voter-verifiable paper trail, and that voting machine companies remain neutral in elections.

And I'll protect more than just our votes.

I will protect well-intentioned citizens from swindlers by cracking down on fraudulent charities.

I will protect victims of domestic violence by strengthening enforcement of address confidentiality so that their assailants can't find them.

I will protect libraries by getting them the resources they need, instead of spending taxpayer money on wasteful consultants.

I will protect our future by increasing voting participation. Because when people vote, they vote for better schools, affordable health care, and government that delivers more for less of our money.

My record in the Legislature shows I can get the job done. For six years, I've worked across party lines to protect our privacy, improve schools, and expand access to health care.

When we set aside our partisan differences, we can meet any challenge.

Please join me in protecting our votes and securing our future. Thank you for your vote.



Sam Reed

Republican

Citizens for Sam Reed
PO Box 522
Olympia, WA 98507

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Website: www.samreed.org

Thank you for the privilege of serving as your Secretary of State. I've worked hard to defend your "free choice" primary and protect your voting rights. With the help of local election officials, my office is replacing hanging chads and punch cards with safe and secure voting equipment. Together, we've registered nearly 300,000 new voters.

Following the Florida debacle in 2000 and new federal mandates, experience is more critical than ever for the Secretary of State. My 20-plus years of knowledge and expertise will ensure that every vote is counted correctly.

Your trust and confidence in the voting process will remain my top priority.

Since taking office, I've:

- Fought for the People, not special interests, when our state's blanket primary election was challenged in court;
- Passed Washington's first Voter Integrity Act to protect against fraud and discrimination;
- Created a new state mandate requiring a voter verified paper audit trail for all electronic voting machines.

Endorsed by nearly all of Washington's County Auditors, I'm proud to have strong, bipartisan support among elected officials throughout the state.

Sam Reed is the leader voters trust.



Jacqueline Passey

Libertarian

Committee to Elect Jacqueline Passey
8720 Phinney Avenue N., #42
Seattle, WA 98103

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Website: www.electjacquelinepassey.com

As your Secretary of State I will work to ensure clean, fair, and constitutional elections.

New electronic voting machines bring with them an increased risk of fraud. To ensure transparency we must have voter verified paper ballots, mandatory random audits, and open source elections software.

Political parties are private organizations with the constitutional right to freedom of association, including the right to nominate their own candidates without the interference of "crossover voting" by non-members. The Primary "Election" doesn't actually elect anyone, it only selects each party's candidate for the November General Election. Incumbent Sam Reed attempted to limit your choices in the General Election (the one that actually elects people) to only two candidates! Now the Grange is trying to do the same thing with their misleadingly named "People's Choice" Initiative 872. I urge you to protect your right to choose between more than two candidates and vote against I-872.

A better solution is to eliminate the Primary "Election" altogether, and replace it with Instant Runoff Voting in the General Election. Initiative 318 will help solve our Primary Election problem and elect the candidates who truly have the most support. I urge you to sign and support I-318.

Vote Libertarian!



State Treasurer



Mike Murphy

Democrat

PO Box 1342
Olympia, WA 98507

Telephone: 360.357.4620
Website: mikemurphy2004.com

I've been honored to serve as your Washington State Treasurer for two terms. I'm asking now for another vote of confidence.

My campaigns in 1996 and 2000 were based on three principles: integrity, customer service and working smarter. I'm proud of the way we lived up to these standards in two terms as State Treasurer and 10 years before that as Thurston County Treasurer.

Integrity: It means competitive bidding for every contract or bond sale I conduct. No deals, no gimmicks, no discussion.

Customer service: It means creating programs that make life easier for local governments and school districts. Your local finance professionals are our partners in serving the taxpayers of Washington. Nearly all the state's county treasurers have endorsed our re-election - Democrats, Republicans and nonpartisans alike.

Working smarter: It means using technology to remain at the forefront of the financial industry. For example, all our bond sales are conducted electronically, which provides the fairest, most accurate process possible.

I have earned the endorsement of labor organizations, bankers, schoolteachers and a wide cross-section of Washington citizens. My wife, Teri, and I, both lifelong Washingtonians, are now asking for the best endorsement of all: your vote for Murphy. Thank you.



Oscar S. Lewis

Republican

Lewis for Treasurer
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As State Treasurer, I will do all that I can to ensure the maintenance of sound financial practices in our state. My experience reflects a lifetime dedicated to finance and sound business practices.

Currently, I am the Controller and Manager of Finance and Administration for a marine parts distributor in Seattle. I'm a financial professional and have held a variety of positions in manufacturing, distribution, and retail companies over the past 31 years. Also, I teach college level courses in Finance and Accounting.

In 2002, I was selected by the Institute of Management Accountants (IMA) as the Financial Executive of the Year in the Pacific Northwest. I currently serve as a Regional Director for the Pacific Northwest Council and I also serve on a committee for the National Board for the accounting association. I'm a Past President of the Seattle Chapter.

I graduated with a BS in Business Administration from the University of South Carolina, and have an MBA from Georgia State University. I relocated to Washington in January 1987, and chose to raise my family here because of the great opportunities offered in Washington.

My wife, Karen, and I have four grown children, and three wonderful grandchildren.



John Sample

Libertarian

E-mail: jsample@seanet.com

Telephone: 206.364.4522

State government does not have any money of its own. It only has what it takes from you in taxes and fees. Whenever someone says "government spending," they are talking about your money. Many entrenched Olympia bureaucrats have forgotten this fact.

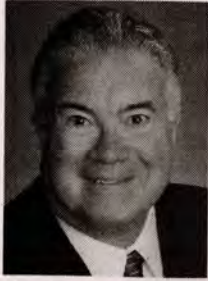
I haven't. That's why I am running for State Treasurer.

The Office of State Treasurer should be a model of fiscal responsibility and integrity. As State Treasurer, I will work to return your money to you and to reduce and eliminate future obligations. I will follow the constitution and work for the people of Washington State.

A Washington native, I graduated from Central Washington State University with a degree in Business Administration. My background includes being a union member, an honorably discharged disabled veteran, a successful businessman running a multi-million dollar company, and a community volunteer.

If you elect me, I will do what I can to reduce the size and scope of state government.

Vote for personal freedom, vote for less government, vote libertarian. It's simple, vote Sample for State Treasurer.



Brian Sonntag

Democrat

Sonntag for Auditor
2906 S. Proctor
Tacoma, WA 98409

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Website: www.sonntag2004.com

Brian Sonntag has changed the auditor's office from an obscure bureaucracy to what Washington's founders intended – a champion for Washington's taxpayers.

Brian's support from all across Washington is reflected by what these newspapers had to say in the last election... The Herald, Everett "He (*Sonntag*) is widely respected by elected leaders of both parties for conducting checks into governments that are objective and free of partisanship." Seattle P-I said "*Sonntag* has discharged his duties in a professional, innovative manner." And recently, Tri-City Herald called *Sonntag* "one of Washington's strongest proponents of open government."

Sonntag is a Certified Government Financial Manager, member of the Washington Coalition for Open Government, served on Governor Gardner's Intergovernmental Advisory Committee, boards of United Way, Boys and Girls Club and youth baseball and basketball coach.

Brian has been recognized with the Seattle Municipal League's Warren G. Magnuson Award and Washington Newspaper Publishers Freedom Light Award.

Sonntag has been endorsed by the State Labor Council, Association of Realtors, Washington Council of Firefighters, teachers, public employees, business leaders and many others – but the most important endorsement is *your vote!*

Hire *Brian Sonntag* as your State Auditor. *Sonntag* brings accountability and common sense to state government.



Will Baker

Republican

People for Will Baker
PO Box 458
Tacoma, WA 98401

Telephone: 253.627.1317
E-mail: willpower76@hotmail.com
Website: www.thetruthrocks.com

I believe the number one issue in the 2004 State Auditor election ought to be the attempts by the FBI to cover-up the events surrounding Crystal Brame's murder.

Fact: On April 24, 2003, former Pierce County Sheriff Mark French's computer was seized in a child pornography investigation. (On August 27, 2003, Sheriff French was charged with seven felony counts of possession of child pornography –including photos of babies being raped.)

Fact: On April 26, 2003, Tacoma police Chief David Brame murdered his wife, Crytal, and then killed himself.

Fact: Tacoma's handling of domestic violence has received a lot of media attention since the Brame murder/suicide.

Fact: 2003 was a Tacoma City Council election year.

Fact: Former Pierce County Prosecutor/current Pierce County Executive John Ladenburg, the Pierce County Council and the Tacoma City Council tried to "cash-in" on Crystal's murder by throwing a sales tax proposal on the November 4, 2003 general election ballot.

Fact: When Tacoma City Council candidate Will Baker publicly opposed the way the City Council was handling the Brame murder/suicide and the tax proposal, the County Council and the City Council arrested Will at several Council meetings.

Please call "60 Minutes" at (212) 975-2006.



Jason G. Bush

Libertarian

Friends of Bush
18034 72nd Avenue S.
Kent, WA 98032

Telephone: 425.251.9400 x208

Compliance with the law, accurate management of state funds, and champion for change when it is best for Washington State in the long term, these are the responsibilities of State Auditor. This office must be willing to bring to the public's attention any issue that is not in the public's best interest regardless of whether or not it is politically favorable.

If elected, all government offices will be under scrutiny and publicly accountable for their decisions. It will be a long and difficult road to efficient government, but this November we can make it happen together. Vote Libertarian.



Deborah Senn

Democrat

Senn4AG
PO Box 22329
Seattle, WA 98122

Telephone: 206.568.3310
E-mail: senn4ag@senn4ag.com
Website: www.senn4ag.com

Deborah Senn, a public interest attorney for 27 years, is running for Attorney General to be the *People's Attorney*. Deborah, twice elected Washington State Insurance Commissioner, is our state's best known and most effective consumer advocate.

Deborah is the only candidate with a proven record of fighting for the public interest when large corporations try to take advantage of ordinary citizens.

Deborah has worked tirelessly for people on health care, environment, public utility, domestic violence, and insurance issues. As your Attorney General, Deborah will continue her advocacy for families, children, and consumers.

Christine Gregoire took on the tobacco industry and showed the importance of an activist Attorney General who sees *people and not special interests as her client*. Deborah follows in those footsteps.

Deborah is the experienced candidate who's prepared to lead the Attorney General's Office, representing the Governor and all the State's departments and agencies. Deborah is the only candidate who's managed a large state agency, working effectively with all branches of state government.

Please join Washington State Council of Fire Fighters, Washington State Labor Council (AFL-CIO), EMILY's List, NARAL, Washington Education Association PAC, 25 state legislators, and thousands of citizens in electing Deborah Senn, a *People's Attorney General*.



Rob McKenna

Republican

McKenna for Attorney General
PO Box 1753
Mercer Island, WA 98040

Telephone: 206.275.4762
E-mail: campaign@robmckenna.org
Website: www.robmckenna.org

Washington citizens are at risk because the Attorney General is not doing enough. I will protect your family's rights, safety and pocketbook.

Identity theft: The AG's office has only six lawyers covering consumer protection. I'll invest more resources to fight fraud.

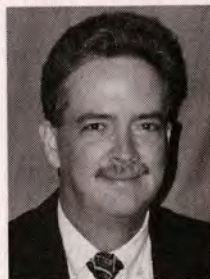
Internet crime: As Washington's top law enforcement officer, I will relentlessly pursue cyber stalkers, pornographers and child predators, the vilest criminals.

Taxpayers should not foot the bill: Lost lawsuits are costing taxpayers hundreds of millions of dollars. I'll reduce lawsuits against state taxpayers by requiring state agencies to obey the law, and by seeking reforms that limit lawsuit abuse.

Endorsed by every major law enforcement organization, and 37 prosecutors and county sheriffs: As an attorney and lawmaker I have always made public safety my top priority; I'll continue to do so as your Attorney General.

Supported by our two former Attorneys General, 70 state legislators and dozens of local elected officials: Because I have practiced law, made law, helped manage 125 public employees, and written a \$3 billion county budget.

Endorsed by farmers, doctors, homebuilders, realtors, contractors and business owners statewide: Thousands of community and business leaders urge you to vote for Rob McKenna for Attorney General.



J. Bradley Gibson

Libertarian

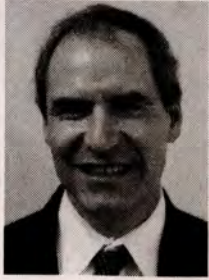
2600 Second Avenue, #217
Seattle, WA 98121

Telephone: 206.374.2480

The citizens of Washington State deserve an Attorney General who will hold the government, corporations, and other entities accountable to the people. Brad Gibson will do that job with effectiveness and professionalism. Brad understands people and the law.

As a private attorney, he has improved the lives of hundreds of individuals and families. Brad understands business. He has managed a subdivision of an Atlanta energy company, supervising over one hundred employees and also holds an MBA in addition to his JD. Brad also understands technical issues. He has a BS in Nuclear Technology and has served as a reactor operator in the U.S. Navy on the USS Enterprise.

Brad Gibson firmly believes that Government should be kept at a minimum while still maintaining a working, functioning society. Politics, in the usual sense, should also be kept to a minimum and should be for the betterment of the people, not the individual holding the office. Citizens should vote for Brad because he is not a politician and will do his best to provide sound leadership and competent management to ensure our Attorney General's office runs smoothly, efficiently, and serves the people.



Paul Richmond

**Paul Richmond for AG
600 First Avenue, #618
Seattle, WA 98104**

Green

**Telephone: 206.621.1390
E-mail: paulrichmond_attorney@yahoo.com
Website: richmond4ag.com**

We've got a problem with law enforcement.

We've gone from 200,000 in jail in the 1970s to over 2 million today. Yet most law enforcement deals with about 5% of the crime as measured by dollar value. The worst criminals aren't in jail. The worst criminals make campaign contributions, run businesses, financial institutions and governments.

Things need to change. A CEO shouldn't be rewarded for ending jobs. A polluter that puts toxics into peoples' lungs and bodies, creates birth defects, diseases and disabilities, needs more than a settlement that allows this to become the cost of doing business, and encourages them to do it again.

I have a history of taking on necessary fights and winning them. I've helped end a pilot program that had the National Guard accompanying police on drug raids, helped end clear-cutting in a major watershed and helped defeat a \$1.3 billion pork barrel project.

It is time to reprioritize law enforcement and go after the real criminals. The Attorney General's Office has these powers, including revoking corporate charters — a death penalty for corporations. It can even go after the federal government for running an unconstitutional war. It is time to use them.



Commissioner of Public Lands



Mike Cooper

Democrat

Mike Cooper for Comm. of Public Lands
PO Box 1324
Edmonds, WA 98020

Telephone: 206.382.2189
E-mail: info@mikecooper.org
Website: www.mikecooper.org

Mike Cooper has been a firefighter for 24 years and serves in the State Legislature as Chairman of the House Fisheries, Ecology, and Parks Committee.

As Commissioner of Public Lands, Mike Cooper will ensure that our forests are managed sustainably for the long-term. He will look for new and innovative ways to manage our public lands so that we protect our unique way of life for future generations. It is time to move in a new direction – one that respects the public interest.

We need to find new ways to fund school construction, so we no longer have to pit our forests against our schools. Mike Cooper's plan will:

- Create wind farms on state lands to generate clean, renewable power, provide jobs in rural communities, and raise revenue for school construction;
- Implement a "forest certification" program that requires timber companies to conduct logging on public lands in a way that will not harm wildlife and water;
- Ban cutting the last remaining old-growth trees and ensure that logging does not harm our drinking water.

Mike Cooper is endorsed by groups like the Washington Federation of Teachers, Sierra Club, Washington Conservation Voters, Washington State Labor Council, and many firefighter unions.



Doug Sutherland

Republican

Committee to Re-elect Doug Sutherland
PO Box 2375
Olympia, WA 98507

Telephone: 360.705.1970
E-mail: doug@sutherland2004.org
Website: www.sutherland2004.org

Doug Sutherland has made balanced stewardship of forests and water his life's work.

Raised in Eastern Washington, Doug served as a smokejumper, small business owner, Pierce County Executive and Tacoma's Mayor. His reputation for independent thinking and fairness earned him the endorsement of prominent Democrats like Governor Booth Gardner.

Education leaders support Doug's balanced approach to timber sales that generated hundreds of millions of non-tax revenue dollars for schools. Washington's largest union — the Machinists — supports him because he's created thousands of family-wage jobs.

Fire chiefs support his commitment to fighting wildfires that threaten communities and destroy critical wildlife habitat. Environmental activist Darlene Madenwald appreciates that Doug's forestry plan will create dramatic increases in old growth habitat. Former Governor Dan Evans supports Doug's work to keep public lands and trails open and clean.

Everett Port Commissioner Don Hopkins supports Doug's work to help ports create jobs and clean up contaminated sediments in Puget Sound. Family forest landowners value Doug's respect for their ability to care for and work their forests.

They all trust Doug Sutherland to overcome the bitter environmental politics of the past, and they want four more years of balanced environmental stewardship.



Steve Layman

Libertarian

Environmentalists for Steve Layman
PO Box 940
Freeland, WA 98249

Telephone: 360.221.9282
E-mail: stevelayman2004@lpws.org
Website: www.voteliberty.org

State lands are a rich legacy that should be managed sanely as a personal legacy would be managed – not surrendered to the shifting demands of special interests. By considering State lands as if they were our treasured private lands, we will treat them with the care and respect they truly deserve.

As your Commissioner I will enforce laws protecting State lands from abuse by users. I will also ensure that any uses of State lands that harm adjoining private properties results in full compensation to those harmed neighbors.

I believe making polluters pay restitution to their victims is a more effective deterrent to pollution than government regulation. Restoration costs are sometimes monumental and polluters could spend the rest of their lives working to compensate their victims.

Polluters should pay for their damage, and when the government becomes the polluter, it should likewise pay for its damage to those it harms.

Like most Libertarians, the environment is extraordinarily important to me. I have a degree in zoology and am committed to clean air and clean water. I am regularly consulted about rehabilitating injured eagles and have been president of an Audubon Society chapter.

Please vote Libertarian for a cleaner, greener environment.

Superintendent of Public Instruction



Teresa (Terry) Bergeson

Nonpartisan

**The Terry Bergeson Campaign
PO Box 11910
Olympia, WA 98508**

**Telephone: 360.280.1512
E-mail: terry@terrybergeson.com
Website: www.terrybergeson.com**

Under Superintendent Terry Bergeson, Washington schools continue to make great progress. *Achievement results have significantly improved* among all ages and ethnic groups. Our students' SAT scores have gone from the middle of the pack among states to the top tier in the nation. Washington schools lead the way with innovation, winning *over \$100 million in grants* for reading, mathematics, and science programs. Washington eighth-grade African-American students made *the biggest gains* in mathematics achievement in the nation. Statewide learning standards and graduation requirements will *make diplomas more meaningful*.

Washington teachers help students think creatively and apply their skills, not just memorize formulas. We can better track student progress, help students in need, and challenge high achievers. Students are learning skills they need to compete.

Terry Bergeson will continue her mission to provide increased training and improved compensation for teachers. She will redouble her efforts to win necessary additional funding, and encourage our legislative and business leaders to live up to our shared commitment to education.

We cannot go back to lower standards, low expectations, and no accountability.

Terry Bergeson knows every student deserves the opportunity to succeed. That's why parents, teachers, and principals across Washington support Terry Bergeson's continued leadership.



Judith Billings

Nonpartisan

**Friends for Judith
PO Box 5065
Kent, WA 98064**

**Telephone: 206.914.2845
Website: www.friendsforjudith.com**

Having served as Superintendent of Public Instruction for eight years, and having spent a few years viewing our schools from the "outside," I am concerned about what I see happening, and what I don't see happening.

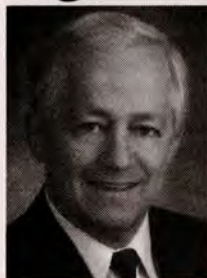
Teachers don't get enough support in the drive to improve student learning. Voters passed two initiatives to increase *school funding*, and the state has not fully funded either initiative. Now, it has once again fallen to the people to propose an initiative, I-884, which I strongly support. My highest priority will be to build a strategy for delivering the resources our schools need.

We need *balance* between comprehensive education and testing. Our state Constitution requires an education system, not a testing system. Today schools are so obsessed with what their scores will be on the state test (WASL) that providing a broad education, including civics, the arts and other important "untested" subjects, has been sacrificed.

It's time for Common sense *teamwork* across the education system. We don't need a muddle of overlapping boards and bureaucracies wasting time and money. Nor do we need unworkable, unfair, unfunded federal mandates. We must build partnerships and support students from their early years through high school and beyond.



Insurance Commissioner



Mike Kreidler

Democrat

**Re-elect Mike Kreidler State Insurance Comm.
PO Box 12448
Olympia, WA 98508**

**Telephone: 360.259.3225
E-mail: mike@mikekreidler.com
Website: www.mikekreidler.com**

As the state's top advocate for insurance consumers, Mike Kreidler takes his responsibilities as Insurance Commissioner very seriously.

In his first term, Mike Kreidler saved consumers more than \$130 million in auto and homeowners' insurance by cutting excessive premium rates proposed by insurance companies.

His free consumer advocacy program recovered more than \$43 million for policyholders by directly intervening in their insurance complaints. He also protected consumers from the unfair use of credit information for insurance purposes.

Mike Kreidler is eager to continue championing and defending insurance consumers.

The people of our state deserve affordable health insurance and Mike Kreidler will keep up the fight for meaningful reforms. Mike Kreidler has specific proposals to expand coverage, reduce costs, and insure more people while preserving the right to make choices. He also will fight the big drug companies in an effort to lower the cost of prescription medications.

Mike Kreidler is a proven leader who has served the people of Washington with dedication, fairness and hard work. That's why he's earned endorsements from labor, business, retiree, educational, consumer and health care individuals and organizations across our state.

Please join them by retaining Mike Kreidler as your State Insurance Commissioner.



John Adams

Republican

**1715 W. Nickerson Street
Seattle, WA 98119**

**Telephone: 206.283.0212
E-mail: adams-seagen@att.net**

Your Insurance Commissioner must be more than an administrator.

The Commissioner should be both an advocate for consumers, and a regulator/protector of the insurance industry. Let's face it, one of the reasons for higher insurance costs and fewer options is because of unrestrained litigation and greed.

Extreme judgments contribute to the rising insurance costs that have driven doctors from their practices, insurance companies from our state. Average families and many businesses cannot afford medical coverage/benefits.

We have all heard the old saying, "If it isn't broke - don't fix it." It's time to wake up! *The system is broke - it does need fixing.*

Let's work for common sense and creative solutions.

John Adams began his career as an insurance professional with the Hartford Insurance Group. He later joined the Marsh/McLennan brokerage, and now owns his own small insurance firm. He is a lifelong resident of Washington, a graduate of the University of Washington, a VN-Veteran and Eight year School District director, LK-WN#414.

Let John Adams bring 34 years of professional experience in the insurance business to the Commissioner's office. Give him a chance to begin to fix a broken system.

Vote John Adams for Insurance Commissioner!!



Stephen D. Steele

Libertarian

**Stephen Steele for Insurance Commissioner
1942 Westlake Avenue, #1911
Seattle, WA 98101**

**Telephone: 206.443.1942
Website: www.imaginechange.org**

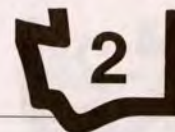
Health care costs and insurance premiums rose 2%-14% each year over the past 20 years under Democrat and Republican Insurance Commissioners. \$100 of health insurance in 1984 costs \$430 today. Do you want more of the same or *a real change?*

Patients: *Imagine* having access to the doctor of *your* choice. *Imagine* having a consumer's guide of healthcare providers to choose from. *Imagine* knowing the cost of the visit prior to seeing your doctor. *Imagine* having the money to pay cash. *Imagine* choosing what services are covered by your insurance and your deductible. *Imagine* paying 25% less when excessive paperwork caused by excessive regulation is eliminated. *Imagine* a doctor who is free to provide services you really need and is not constrained by insurance or the state.

Doctors: *Imagine* filling out very few forms for insurance or patient billing. *Imagine* providing the services the patient really needs not just the services set by the limits and dictates of health and liability insurance.

Employers: *Imagine* not dreading the annual increases in insurance premiums. *Imagine* being able to afford insurance for your uninsured employees and families. *Imagine* getting the same tax breaks as your employees.

Your vote can *make it so*.



Marilyn Rasmussen

Democrat

33419 Mountain Highway E.
Eatonville, WA 98328

Telephone: 253.847.farm
Website: www.marilynrasmussen.com

Marilyn Rasmussen has built her impressive record by calling them as she sees them. She stands up for what's right. She always has.

That straight talking common sense approach at the state capitol has provided real benefits for all of us here at home. She's been a true friend – to our veterans, public schools, vulnerable adults and children. She works to ensure that all of our citizens are prepared for tomorrow's jobs and have the opportunity to succeed.

Marilyn is a powerful voice for our unique needs as well – fighting for access to affordable health care, protecting our agricultural base and working for targeted tax incentives to attract new business and create more family wage jobs in our community.

And making certain that our hard-earned tax dollars are spent wisely is second nature to Marilyn. Check her record. She's always there for you. Marilyn Rasmussen is the neighbor we trust.

The Senator we can count on.

Marilyn has lived on a 360 acre farm near Eatonville for 45 years. She has 7 children and 19 grandchildren.

Among Marilyn's many endorsements are the Washington State Patrol Troopers Association, The National Federation of Independent Business and the Public School Employees of Washington.



Deryl McCarty

Republican

Citizens to Elect Deryl McCarty
PO Box 203
Graham, WA 98338

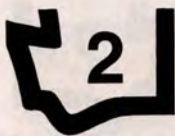
Telephone: 253.468.5574
E-mail: deryl@electderylmccarty.com
Website: www.electderylmccarty.com

After earning his B.A. degree at the University of Washington, Deryl McCarty began a 30-year career in the U.S. Air Force. A Vietnam-era veteran who saw duty in Iraq during the Gulf War, Deryl retired a full Colonel.

In addition to his military service, Deryl McCarty has a strong record of commitment to help improve our communities. He served on the Argus Manor Board of Directors, Pierce County Planning Commission, South Hill Land Use Advisory Commission, South Hill Community Council Board of Directors, and as a youth soccer coach and commissioner.

Deryl and his wife of 34 years, Paula, are partners in a South Hill computer sales and repair company. They have two grown sons.

"The big question in our district is how we manage growth. I believe that if the state Legislature works together with local and federal governments, we can successfully protect and enhance the lifestyle we all want for our families: Roads that get us there safely and on time; water and sewer facilities for now and the future; more parks and playfields; the best possible schools; and safer neighborhoods. That's what I will work for as your state senator in Olympia."



State Representative

Second Legislative District

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Dennis Townsend

Democrat

PO Box 954
Spanaway, WA 98387

Telephone: 253.537.2186
Website: www.dennistownsend.org

I'm a lifelong Pierce County resident, active volunteer, citizen, and public trustee. My community service: Bethel School Board since 1991; coach, Bethel Recreation since 1986; President, Graham Business Association; Co-founder, Spanaway Community Action Network; Columnist, Eatonville Dispatch; and Mountain Highway Safety Corridor (among many others).

I've worked right here for USWest and Rainier Group for 30 years. *As a result, I know the concerns of our communities and neighborhoods.* We want good schools, good roads, safe streets and the right to protect ourselves instead of focusing on fringe issues. I will be an effective legislator for you in Olympia.



Jim McCune

Republican

Citizens for Jim McCune
PO Box 785
Graham, WA 98338

Telephone: 253.846.5911
E-mail: jmccune@reachone.com
Website: www.electmccune.org

Former State Representative Jim McCune has a trusted record, the integrity, and the experience needed for the job. He has also been a successful small businessman for 36 years. Jim will work to lower taxes to boost our economy, add roads to ease gridlock, get existing educational dollars into the classroom for teachers' materials, and reduce class sizes. Jim will protect our aquifers, uphold your Second Amendment and property rights, defend traditional marriage, honor our veterans, and end liberal soft-on-crime policies. Jim, a former Awana leader and active church member, resides in Graham. He asks for your vote.

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Glen Nutter

Democrat

Committee to Elect Glen Nutter
PO Box 110
Yelm, WA 98597

Telephone: 360.458.5765
E-mail: glennutter@cs.com
Website: www.glennutter.org

Glen Nutter has served this community for over 25 years.

He has worked as a teacher and college professor. For eighteen years Glen Nutter was the highly respected Superintendent of Yelm Community Schools.

Glen brought people together and got things done.

He's running this fall because he's ready to do more. To focus on the issues that matter: • Equitable and adequate school funding; • Affordable health care; • Sustainable economic development.

It's time for thoughtful, balanced leadership from a leader with a history of making things happen.

It's time for a change.

It's time for a leader like Glen Nutter.



Tom Campbell

Republican

Committee to Elect Tom Campbell
PO Box 443
Spanaway, WA 98387

Telephone: 253.843.4455
E-mail: thomasjcampbell@qwest.net
Website: tcampbell.com

Tom Campbell is a trusted, caring leader. Tom fought against "the dump" to protect our clean water and sponsored the "Patients Bill of Rights" to safeguard your freedom in healthcare.

Safety and a quality education for our children are Tom's goals!

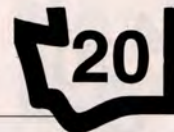
Tom sponsored "Three Strikes You're Out" to protect our community.

Serving five terms in the Legislature Tom *is opposed to increasing taxes* without a vote of the people.

Tom is a former Army Special Forces Captain, Chiropractor and small business owner in Spanaway for twenty-one years; Tom resides in Roy with his wife Lynn.

Tom Listens, Cares and Helps!

State Senator
Twentieth Legislative District



Chuck Bojarski

Democrat

**Chuck Bojarski for State Senate
3005 60th Avenue S.E.
Olympia, WA 98501**

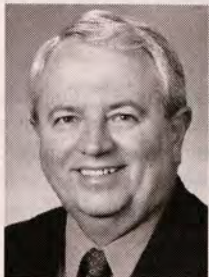
**Telephone: 360.870.3678
E-mail: cwbojar@msn.com**

Having served 30 years as a law enforcement officer, including 22 years as a trooper with the Washington State Patrol, my career has been devoted to public safety. I am also proud to have served two years as a reserve in the United States Marine Corps and four years active duty in the United States Navy. In addition, I have been an advocate for human services, domestic violence legislation and WorkFirst. I would like to use this experience to

serve as your state Senator.

The Legislature needs to restore public confidence in the way government spends our dollars. We need performance audits and sensible efficiency measures. We need to invest in schools, including increasing vocational and training programs, as well as to create more local jobs. We must also find a way to reduce prescription drug costs and expand home health care options so seniors can stay in their homes.

This is my home where I have lived, worked and raised my family. The economy and our quality of life have suffered long enough without leadership that truly represents the 20th District. Bring your concerns to me and I'll make sure they're heard in Olympia.



Dan Swecker

Republican

**Dan Swecker for State Senate Campaign
PO Box 428
Rochester, WA 98579**

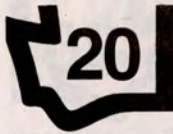
**Telephone: 360.273.7435
E-mail: dan@danswecker.com
Website: www.danswecker.com**

The tragedy of September 11 brought a severe economic downturn nationwide. Our state was among the hardest hit with reductions in international trade, curtailment of air travel and the dot-com bust resulting in Washington having the second highest unemployment rate nationally.

Our state faced a \$2.4 billion deficit in the 2003 budget cycle. One of the things that I am most proud of is that we were able to weather the economic storm with no general tax increases. As a result our state has already begun to rebound and restore the jobs so desperately needed by our families and communities.

Additional work needs to be done. We need to streamline the permit processes in Washington so that small businesses can expand and new ones can get started. Investments in education, research and infrastructure are important to promote the development of the "Biotech" industry. And we need to create a regulatory environment for Biotech that provides sufficient safeguards while preserving the opportunity for growth.

Finally, we need to preserve the traditional definitions of the family and marriage. Washington needs to be a family friendly place with jobs, education and a healthy environment for the next generation.



State Representative Twentieth Legislative District

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Joel W. Staloch

Democrat

Citizens for Joel W. Staloch
PO Box 67
East Olympia, WA 98540

Telephone: 360.480.9432
E-mail: info@citizensforjoel.com
Website: www.citizensforjoel.com

Joel W. Staloch will be a dedicated, thoughtful and hardworking representative for you. He knows the challenges we face in the 20th legislative district.

After graduating from Onalaska High, Joel lived and worked in Centralia. Family farm life taught him common sense and fiscal discipline. Experiencing tough times deepened his commitment to improving the quality of life in our area.

"I intend to restore our middle class. Our citizens deserve affordable health care, living-wage jobs, better education, and a vigorous economy to revitalize our rural communities."

We need innovative, effective leadership in State Government. Vote for Joel W. Staloch.



Richard DeBolt

Republican

The Committee to Retain Richard DeBolt
1673 S. Market Boulevard, PMB 159
Chehalis, WA 98532

Telephone: 360.357.4041
E-mail: deboltcampaign@yahoo.com

Richard DeBolt has proven he responds to his constituents. He will fight for the people of the 20th District, and remains committed to the goal of reestablishing public trust and creating jobs. He understands the future of our district depends on our ability to attract and retain family-wage jobs, while providing safe, quality education for our children. An advocate for lowering property taxes, Richard will continue to make these issues his top priorities. Support Richard so we may continue expanding economic growth while maintaining the high quality of life our small communities have to offer. Vote DeBolt!

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Gary Alexander

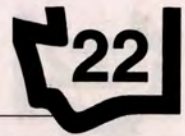
Republican

Representative Alexander has used his financial experience in private and public service to effectively represent his constituents in dealing with difficult budget and policy decisions. Gary serves in a leadership position on both the Appropriations and Capital Budget Committees. He also serves on the Health Care Committee, where he is fighting to keep quality physicians in our local communities and to lower premiums for public employees and small businesses.

Alexander's priorities for the next two years are creating jobs, controlling health care costs, properly funding education, and creating a budget that is accountable and sustainable. Gary asks for your vote.

Unopposed

State Senator
Twenty-Second Legislative District



Karen Fraser

Democrat

**7806 Cooper Point Road N.W.
Olympia, WA 98502-3356**

Telephone: 360.867.0011

Senator Karen Fraser has a record you can trust.

She is sincerely and fully committed to the people of the 22nd District and the State of Washington. Her record demonstrates this: three-term Senator; two-term State Representative; two-term Thurston County Commissioner; Past President of the Washington State Association of Counties; former Lacey Mayor and Lacey City Council Member; current and former member of numerous state and local government boards, committees, and commissions; and a longtime active community volunteer.

Senator Karen Fraser stands up for: integrity and open democratic processes in government; dignity and respect for each person; affordable and accessible health care; quality K-12 education; affordable and accessible higher education and vocational training; fair compensation for public employees; clean air and water and a healthy Puget Sound; just conditions for workers; a prosperous and competitive business climate; consumer protection; more outdoor recreation opportunities; protection of personal privacy; fair taxes; safe and friendly neighborhoods; more "user-friendly" urban transportation systems; fiscal responsibility; adequate local government financing; and fair-share financial treatment from the federal government, which is at risk due to the rapidly escalating federal debt.

Vote for Karen Fraser: A Record You Can Trust.

Unopposed



State Representative

Twenty-Second Legislative District

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Brendan Williams

Democrat

1721 18th Court N.E.
Olympia, WA 98506
Website: www.peopleforbrendanwilliams.com

Telephone: 360.923.2233
E-mail: brendan@peopleforbrendanwilliams.com

Real Experience

Brendan Williams is an advocate for the disabled and seniors. Executive Director of the Washington Health Care Association, an attorney, and former legislative aide, Brendan will hit the ground running as our next Representative.

In addition to fighting for affordable health care, Brendan will lead in funding education, protecting our environment and standing up for public employees.

Democratic Values

Brendan lives in Olympia with his wife, Nicole, and son, Blake.

An active Democrat, Brendan is the *only* candidate endorsed by outgoing Representative Sandra Romero, the Washington State Labor Council, AFL-CIO, the Sierra Club, and many other progressive groups!



Ann Burgman

Republican

Committee to Elect Ann Burgman
5930 Mullen Road S.E.
Lacey, WA 98503

Telephone: 360.491.7000
E-mail: ann@annburgman.com
Website: annburgman.com

Ann Burgman's 11 years on the Lacey City Council demonstrates a record of leadership in the 22nd District. Air is cleaner today because of her representation on the Olympic Region Clean Air Agency. Ann worked to improve the local business climate, serving on the Economic Development Council.

Ann has targeted reform of health care insurance systems and tort reform, noting that doctors are currently leaving the state to practice.

She supports pay raises for dedicated state employees and those under public pension systems. Ann listens to all voices and offers sensible solutions to important problems. Thank you for your vote.

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Sam Hunt

Democrat

Sam Hunt for State Representative
PO Box 2573
Olympia, WA 98507

Telephone: 360.456.0886
E-mail: huntsam@comcast.net

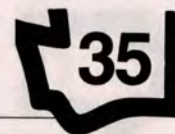
Representative Sam Hunt works hard for the 22nd district's people. His leadership role as Assistant Majority Floor Leader enables Thurston County's needs to be addressed.

Sam will work to: make our tax structure fairer and more stable; protect the state's remaining old growth timber from logging; implement state collective bargaining and civil service reform; give K-12 and higher education quality resources; achieve fair pay for state employees and teachers; and provide affordable health care, including mental health parity.

A 2004 Washington Conservation Voters "Environmental Champion," and advocate for clean air and water, Sam sponsored Washington's landmark Mercury Reduction Act.

Unopposed

State Representative
Thirty-Fifth Legislative District



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Kathy Haigh

Democrat

As your State Representative I will continue to work hard to support my constituents. I will focus on the challenges of our public education system and work for stable and adequate funding for public schools.

I will strive for clear, effective communications with state agencies, as well as developing an efficient state government through performance audits.

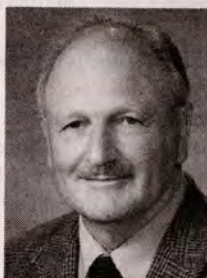
I strongly support our veterans and military personnel and I am committed to the future of affordable health care and services for seniors.

I look forward to the opportunity to serve my constituents and the people of Washington State.

Unopposed

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William 'Ike' Eickmeyer

Democrat

Citizens to Elect Bill Eickmeyer
PO Box 2578
Belfair, WA 98528

Telephone: 360.372.2529
E-mail: office@ike35th.com
Website: www.ike35th.com

Representative 'Ike' Eickmeyer is an experienced and valuable member of our legislative team. A Washington native, veteran and 36 year resident of our community, Ike understands the issues, concerns and values of our citizens.

A no-nonsense "tell-it-like-it-is" legislator, Ike put partisan politics aside and scored major legislation for rural economic recovery and the protection of small businesses; secured funding for Hood Canal recovery efforts; pushed for lower healthcare and prescription drug costs; and passed a budget with no new taxes. A respected voice in Olympia, Ike is easily the most qualified person for the job.



Bob Benze

Republican

Citizens for Bob Benze
PO Box 10
Silverdale, WA 98383

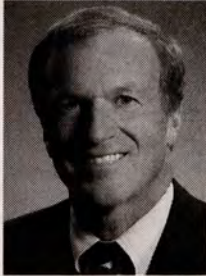
Telephone: 360.692.0800
E-mail: robert@benze.com
Website: www.benze.com

Bob Benze is an experienced and proven leader with a vision for Washington's future. He has been part of the local community for 33 years. As a manager in the Navy nuclear program, Bob developed and led major technical programs. He initiated state-of-the science marine environmental protection programs and will bring needed expertise to the Hood Canal low-oxygen problem. He strongly supports capping unreasonable malpractice awards and is committed to making this state business-friendly. Bob cares for people and will work for a safe, quality environment for our families. He is clearly the best choice.



Justice of the Supreme Court

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Jim Johnson

Jim Johnson for Justice
PO Box 7099
Olympia, WA 98507

Nonpartisan

Telephone: 360.357.5779
E-mail: jmjohnson@olywa.net
Website: www.jimjohnsonforjustice.org

We the people can trust Jim Johnson to be a fair Supreme Court Justice, committed to defending our constitution and the freedoms it guarantees. Johnson will *not* legislate from the bench.

Experience. Jim Johnson has more Supreme Court experience than all of his opponents combined. Jim has argued nearly 100 appellate level cases, including cases before the U.S. Supreme Court and federal appeals courts. He is a constitutional law expert.

Serving all of Washington. Johnson has represented the diverse interests of Washington—both *east* and *west*. His clients include farmers, taxpayers and coastal landowners. He served for 20 years in the Attorney General's Office where he was Counsel for the Environment and Chief of Special Litigation.

Civil Rights. Jim Johnson has argued cases protecting our most important civil liberties: Free Speech, Voting Rights and Property Rights. Johnson defended our right to vote without declaring a political party.

Endorsed by *Democrats* and *Republicans*.

Jim Johnson is a *lifelong Washingtonian*. He graduated from Seattle's Ingraham High, received his B.A. from Harvard and J.D. from the U.W. Johnson volunteered for the U.S. Army during the Vietnam War and served from 1971-73. Jim and his wife Kathy live in Olympia, they have two daughters.



Mary Kay Becker

Mary Kay Becker for Supreme Court Justice
PO Box 216
Bellingham, WA 98227-0216

Nonpartisan

Telephone: 360.527.3644
E-mail: marykay@beckerforjustice.com
Website: www.beckerforjustice.com

Judge Mary Kay Becker is the only candidate in this race who is a judge on an appellate court. Her experience provides the broad perspective a Supreme Court justice needs for making the serious decisions that affect us all.

• Judge Becker has been an outstanding Court of Appeals judge for 10 years, earning a reputation for fairness, courtesy, and sound, clear decisions written in plain English.

• Judge Becker has worked effectively to improve access to justice for everyone. She is rated "Exceptionally Well Qualified" to be a Supreme Court justice.

• Judge Becker earned trust and respect as a legislator leading the way in sentencing reform, children's issues, and environmental protection; on the Whatcom County Council; and as Trustee of Western Washington University.

• Judge Becker's colleagues consistently choose her for leadership positions because of her common sense and hard work.

Born in Aberdeen, Mary Kay grew up on the Olympic Peninsula at Kalaloch. She graduated with honors from Stanford University and UW Law School. Judge Becker lives in Bellingham, where she practiced law and where she and her husband raised their two children. Her endorsements include the State Labor Council, Women's Political Caucus, and Washington Conservation Voters.

Justice of the Supreme Court



Barbara Madsen

Nonpartisan

Committee to Re-elect Barbara Madsen
PO Box 46752
Seattle, WA 98146

Telephone: 253.905.3272
E-mail: madsencampaign@earthlink.net
Website: www.barbaramadsen.org

After 12 years on the Supreme Court, Justice Barbara Madsen is known for her outstanding leadership and work ethic. She has decided over 1500 cases and is dedicated to upholding our Constitutional rights.

Experience: Since 1977, Barbara's been a defense attorney, prosecutor and judge. Appointed Special Prosecutor, Barbara developed the child abuse component of Seattle's Family Violence Project. Following the 2003 Brame murder, Barbara helped enact procedures when police are accused of domestic violence.

Common Sense: The Supreme Court decides the most serious issues facing Washington. Justice Madsen's common sense, 27 years of practice, and community involvement have given her a reputation for courage, integrity and sensitivity to issues confronting us all. Her endorsements include Democrats, Republicans, business, labor, community groups – proof of her commitment to individual rights and equal justice.

Community: Barbara and Don live in Pierce County with their four children. Barbara has volunteered with Tacoma and Seattle schools, PTA, U.S. Navy Sea Cadets, and Tacoma Rescue Mission. She received Washington Women Lawyer's Vanguard Award, Seattle University's Woman of the Year, the Equal Justice Coalition's Judicial Award, the Department of the Army's Certificate of Achievement and was honored by the Bar Association for her work on diversity.

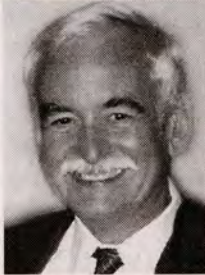
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Justice of the Supreme Court

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Richard B. Sanders

Nonpartisan

Sanders for Supreme Court
PO Box 11757
Olympia, WA 98508-1757

Telephone: 360.570.8669
E-mail: justicesanders@seanet.com
Website: www.friendsofjustice.com

"The protection of our constitutional liberties is more important now than at any time in our generation."
— Justice Richard Sanders

Keep the People's Judge on the Supreme Court

Justice Richard Sanders fights to protect the rights of the people of Washington. He knows the Washington Constitution protects our rights more than federal law.

Justice Sanders' courageous opinions help to restrain the power of the state over our lives and protect our civil liberties.

Experience for the People: Justice Sanders has served nine years on the Supreme Court. He has written over 300 opinions — more than any other Justice during that time. His comprehensive and compassionate understanding of the law protects us all.

Standing Up for Us: Before being elected to the Court, Justice Sanders was a practicing attorney, fighting for the rights of citizens. Today, he defends those rights from the bench.

Broad-Based Support: Justice Sanders was a featured speaker at all three state political conventions this year: Republican, Libertarian and Democratic. Sanders attracts support that cuts across the spectrum, with endorsements including: the State Republican and Libertarian Parties; Democratic Senators; the Teamsters Union; the Association of Washington Business; the Farm Bureau; civil libertarians—and more than 1,000 endorsers.



Terry Sebring

Nonpartisan

Sebring for Supreme Court
11012 Canyon Road E. #8, PMB 147
Puyallup, WA 98373-3002

Telephone: 253.531.2602
E-mail: terrysebring@prodigy.net

Education: Washington State University, University of Puget Sound Law School.

Occupation: Attorney since 1975.

Professional Experience: Assistant Attorney General: 1+ year; Superior Court Judge in Pierce County: 12+ years; Legal Counsel & Administrative Officer for Booth Gardner when Governor & Pierce County Executive: 8+ years; Deputy Prosecuting Attorney: 7 years. U.S. Army, 1st Lieutenant: 3 years.

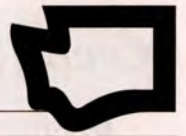
Personal Information: Age 57, born and raised in Wenatchee, WA, married 34 years to Laurie, 3 adult children.

Community Involvement: My wife and I attend Lighthouse Christian Center in Puyallup; past member: State Employees Insurance Board, Higher Education Finance Authority.

Personal Views: Court decisions impact all of us; we need to feel safe and secure. I have years of experience as a trial judge; and a willingness to improve the law and our courts. Health care insurance costs concern me; I understand the factors behind them.

Superior Court Judge

Thurston County



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Chris Wickham

Committee to Elect Chris Wickham Judge
PO Box 442
Olympia, WA 98507

Nonpartisan

Telephone: 360.789.4973
E-mail: hcwickham@aol.com
Website: www.chriswickham2004.com

Chris Wickham has the experience, knowledge, and community values we expect from our judicial leaders. For 13 years, Chris has presided over thousands of court cases as Superior Court Commissioner, and earned a reputation as tough but fair. He uses his judicial authority to protect families and children, and places community safety first.

He helped develop innovative, cost-effective programs that encourage personal accountability, including Unified Family Court and Family Drug Court. Outside his courtroom, Chris trains fellow judges at the state judicial college.

Chris is active in our community, with Senior Services, Dispute Resolution Center, UCAN, Rotary, and the Chamber of Commerce. Chris is a US Navy Vietnam veteran who worked in private practice for 10 years before his appointment as Court Commissioner. He and his wife have three children.

Chris is endorsed by Supreme Court Chief Justice Gerry Alexander, retired Supreme Court Justice Robert Utter, retired Secretary of State Ralph Munro, and Mayors Mark Foutch, Virgil Clarkston, Ralph Osgood, Adam Rivas, and Ken Jones.

Chris will use his experience in the courtroom and community to improve the way the courts work. Please join neighbors, friends, judges, and community leaders: Vote for Chris Wickham.

More endorsements and information at www.chriswickham2004.com.



Jim Powers

Committee to Elect Jim Powers Judge
1722 Harrison Avenue N.W., #D
Olympia, WA 98502

Nonpartisan

Telephone: 360.956.1772
E-mail: jamespowers2004@yahoo.com
Website: www.powersforjudge.com

For 21 years, I have served the citizens of Thurston County as Deputy Prosecuting Attorney, with extensive trial experience in the most serious and complex criminal cases. I also chaired the committee which created Thurston County's Drug Court Program. My candidacy is supported by Washington Supreme Court Justice Charles Z. Smith (ret.), Sheriff Gary Edwards, Coroner Judy Arnold, Clerk Betty Gould, Treasurer Robin Hunt, Former County Commissioner Judy Wilson, the Tumwater Police Officers' Guild, and the Washington State Patrol Troopers' Association. Along with my wife Julie and son Jake, I have resided in Thurston County since 1983.

As Superior Court Judge, my commitment will be to: maintain personal integrity and honesty at all times; exercise fairness and objectivity towards both sides in cases before the court; hold those who criminally violate the rights of others fully accountable for their actions; support the use of alternative programs like Drug Court in appropriate criminal cases; respect the constitutional limitations on the power of judges; and protect individual citizens from the illegal exercise of governmental power. The respect given to the position of Superior Court Judge must never be taken for granted. I will daily strive to earn that respect.

County Auditor and Elections Department Information

These numbers require special telephone equipment to operate.

COUNTY AUDITOR ELECTIONS DEPARTMENT	MAILING ADDRESS	CITY	ZIP	TELEPHONE NUMBER	TDD SERVICE ONLY for the speech or hearing impaired.
Adams	210 W Broadway, Ste 200	Ritzville	99169	509.659.3249	509.659.1122
Asotin	P O Box 129	Asotin	99402	509.243.2084	1.800.855.1155
Benton	P O Box 470	Prosser	99350	509.736.3085	1.800.855.1155
Chelan	P O Box 400	Wenatchee	98807	509.667.6808	1.800.833.6388
Clallam	223 E 4 th St, Ste 1	Port Angeles	98362	360.417.2221	1.800.833.6388
Clark	P O Box 8815	Vancouver	98666-8815	360.397.2345	360.397.6032
Columbia	341 E Main St	Dayton	99328-1361	509.382.4541	1.800.833.6388
Cowlitz	207 4 th Ave N	Kelso	98626	360.577.3005	360.577.3061
Douglas	P O Box 456	Waterville	98858	509.745.8527	509.745.8527, Ext 297
Ferry	350 E Delaware Ave #2	Republic	99166	509.775.5208	1.800.833.6388
Franklin	P O Box 1451	Pasco	99301	509.545.3538	1.800.833.6388
Garfield	P O Box 278	Pomeroy	99347	509.843.1411	1.800.833.6388
Grant	P O Box 37	Ephrata	98823	509.754.2011 Ext 343	1.800.833.6388
Grays Harbor	100 W Broadway, Ste 2	Montesano	98563	360.249.4232	360.249.6575
Island	P O Box 5000	Coupeville	98239	360.679.7366	360.679.7305
Jefferson	P O Box 563	Port Townsend	98368	360.385.9119	1.800.833.6388
King	500 4 th Ave, Rm 553	Seattle	98104	206.296.8683	206.296.0109
Kitsap	1026 Sidney Ave, Ste 175	Port Orchard	98366	360.337.7128	1.800.833.6388
Kittitas	205 W 5 th , Rm 105	Ellensburg	98926	509.962.7503	1.800.833.6388
Klickitat	205 S Columbus MSCH 2	Goldendale	98620	509.773.2311	1.800.833.6388
Lewis	P O Box 29	Chehalis	98532-0029	360.740.1278	360.740.1480
Lincoln	P O Box 28	Davenport	99122	509.725.4971	1.800.833.6388
Mason	P O Box 400	Shelton	98584	360.427.9670 Ext 469	1.800.833.6388
Okanogan	P O Box 1010	Okanogan	98840	509.422.7240	1.800.833.6388
Pacific	P O Box 97	South Bend	98586-0097	360.875.9317	360.875.9400
Pend Oreille	P O Box 5015	Newport	99156	509.447.3185	509.447.3186
Pierce	2401 S 35 th St, Rm 200	Tacoma	98409	253.798.7430	1.800.833.6388
				1.800.446.4979	
San Juan	P O Box 638	Friday Harbor	98250	360.378.3357	360.378.4151
Skagit	P O Box 1306	Mount Vernon	98273	360.336.9305	360.336.9332
Skamania	P O Box 790	Stevenson	98648	509.427.9420	1.800.833.6388
Snohomish	3000 Rockefeller Ave MS 505	Everett	98201	425.388.3444	425.388.3700
Spokane	1033 W Gardner	Spokane	99260	509.477.2320	509.477.2333
Stevens	215 S Oak St	Colville	99114	509.684.7514	1.800.833.6384
Thurston	2000 Lakeridge Dr SW	Olympia	98502	360.786.5408	360.754.2933
Wahkiakum	P O Box 543	Cathlamet	98612	360.795.3219	1.800.833.6388
Walla Walla	P O Box 1856	Walla Walla	99362	509.527.3204	1.800.833.6388
Whatcom	311 Grand Ave, Ste 103	Bellingham	98225	360.676.6742	360.738.4555
Whitman	400 N Main	Colfax	99111	509.397.6270	1.800.833.6388
Yakima	128 N 2 nd St, Rm 117	Yakima	98901	509.574.1340	1.800.833.6388

➤ 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.

Absentee Ballot Application

If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

To be filled out by applicant. Please print in ink.

Registered Name: _____

Street Address: _____

City: _____ ZIP Code: _____

Telephone: (Day) _____ (Eve.) _____

For identification purposes only (optional): Voter registration number, if known: _____

Birth Date: _____ Have you recently registered to vote? Yes No

I hereby declare that I am a registered voter.

Date _____

Signature  _____

To be valid, your signature must be included.

Send my ballot to the following address (if different from above):

Mailing Address: _____

City: _____ State: _____

ZIP Code: _____ Country: _____



This application is for:

General Election only

November 2, 2004

Permanent Request

All future elections

For office use only

Precinct Code: _____

Levy Code: _____

Ballot Code: _____

Ballot Mailed: _____

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