Concise Explanatory Statement

Rulemaking: Statewide Voters' Pamphlet
Chapter 434-381 WAC

Public Hearing: March 24, 2026
Adoption: March 25, 2026
Effective: April 25, 2026

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Introduction

The Elections Division of the Office of the Secretary of State is amending a rule to update the requirements for statewide voters' pamphlet contents. This document will serve as the Concise Explanatory Statement (CES) for this rulemaking.

Formal comments were accepted February 19, 2026 8:00 AM through March 23, 2026 5:00 PM.

The formal CR-102 public hearing was held March 24, 2026, 1:00 PM in person at 243 Israel Rd. SE, Conference Room 111, Tumwater, WA 98501.

Rules Summary and Agency Reasons for Adoption

Rules Text

AMENDATORY SECTION (Amending WSR 11-05-008, filed 2/3/11, effective 3/6/11)

WAC 434-381-130 Size and quality of photographs. Candidate photographs submitted for inclusion in the voters' pamphlet must have been taken within the past five years and not be digitally altered. ((~~Photos~~)) Photographs must be limited to the head and shoulders, with a light-colored background, but not a white background. Color ((~~photos~~)) photographs are preferred, though black and white ((~~photos~~)) photographs are acceptable.

Candidate photographs may be submitted electronically to the office of the secretary of state for inclusion in the voters' pamphlet. ((~~The photo~~)) Lab-processed matte prints meeting the size and quality specifications may also be submitted. If a physical printed photograph is submitted, the photograph size must be no smaller than two and one-half inches by three inches, and no larger than eight inches by ten inches. ((~~Photos submitted digitally must be a resolution no less than 300 dpi and not digitally altered. Lab processed no gloss prints meeting the size and quality specifications may also be submitted.~~))

The ((~~secretary~~)) office of the secretary of state may adjust or crop ((~~photos~~)) photographs as necessary to fit the publication format. ((~~Photos~~)) Photographs not meeting the specifications may be rejected ((~~in accordance with WAC 434-381-150~~)).

AMENDATORY SECTION (Amending WSR 11-05-008, filed 2/3/11, effective 3/6/11)

WAC 434-381-170 Statement and argument format. (1) Statements or arguments submitted for inclusion in the ((~~voters~~)) voters' pamphlet shall not exceed the word limit set by statute ((~~established in RCW 29A.32.121~~)).

(a) Arguments for or against measures may contain up to four headings used to highlight major points in the argument and will count toward the maximum word count set for arguments. Rebuttals may not contain headings;

(b) The four headings may not exceed ((~~fifteen~~)) 15 words for each heading((~~;~~

~~(c) Photographs or charts may be used in statements or arguments substituting fifty words from the statement or argument for each square inch used by the photograph or chart. This subsection does not apply to the photographs submitted pursuant to WAC 434-381-130 (size and quality of photographs)~~)).

(2) Statements and arguments submitted to the office of the secretary of state shall be printed in a format that in the opinion of the secretary will provide the best reproduction.

(a) Statements and arguments will be laid out in a standard font without the use of boldface, underlining, or all ((~~caps~~)) capitalized letters;

(b) Italics may be used to add emphasis to statements or arguments;

(c) Argument headings will be laid out in boldface letters; and

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(d) Statements are limited to one paragraph per ((~~fifty~~)) 50 words. Arguments are limited to four paragraphs. Rebuttals are limited to one paragraph.

AMENDATORY SECTION (Amending WSR 08-15-052, filed 7/11/08, effective 8/11/08)

WAC 434-381-200 Political party preference information. If a state voters' pamphlet includes a race for partisan office, the pamphlet must include an explanation that each candidate for partisan office may state a political party that ((~~he or she~~)) the candidate prefers, and that a candidate's preference does not imply that the candidate is nominated or endorsed by the party or that the party approves of or associates with that candidate. The pamphlet must also explain that a candidate can choose to not state a political party preference.

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Rules Summary
The amendments in this rulemaking package:
- Remove the minimum size resolution requirement for digitally-submitted photographs.
- Clarify requirements for physically-submitted photographs.
- Remove the allowance of photographs or charts in candidate statements or measure arguments.
- Remove gendered language referring to candidates.

Agency Reason for Adoption
These amendments to chapter 434-381 WAC update state administrative code in compliance with Engrossed Second Substitute House Bill 1272 (2024).

Agency Rulemaking Authority
RCW 29A.04.611 requires the Secretary of State to create administrative rules regarding the procedures for publication of a state voters' pamphlet and standards for submitting materials to the Office of the Secretary of State for the voters' pamphlet.

Summary of the Rulemaking Activities
The Elections Division released drafts of the proposed rule language for public comment and the CR-102 on February 19, 2026. Formal comments were accepted February 19, 2026, 8:00 AM through March 23, 2026, 5:00 PM. The public had the opportunity to provide formal public comment at the public hearing and by email, fax, or mail.

The CR-101 Preproposal Statement of Inquiry was filed February 26, 2025. Informal comments were accepted until February 18, 2026, 5:00 PM.

Changes to Rule (Proposed versus Adopted)
None.

Public Comment and Responses
Comment Period
The comment period for this rulemaking was February 19, 2026, 8:00 AM through March 23, 2026, 5:00 PM. A total of zero (0) comments were received.

Public Hearing
Date: March 24, 2026
Time: 1:00 PM
Location: 243 Israel Rd SE, Conference Room 111, Tumwater, WA 98501
Attendance: Zero (0) people
Testified: Zero (0) people

Summary of Comments Received and the Elections Division Responses

No comments were received.