S-3449.1

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**SENATE BILL 5850**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Frockt, Kuderer, Hasegawa, Hunt, Nguyen, Nobles, and Pedersen

AN ACT Relating to public services impact disclosures in ballot titles; amending RCW 29A.72.050 and 29A.72.290; and adding a new section to chapter 29A.72 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 29A.72 RCW to read as follows:

(1) For any initiative or referendum that repeals or changes any tax or fee, including changing the scope or application of an existing tax or fee, such that there is a net decrease in state revenue, a public services impact disclosure shall appear on the ballot.

(2) The public services impact disclosure shall include a description of services. The description of services shall be a high-level description of the primary categories of state services negatively fiscally impacted by the measure. The description shall be sufficiently broad to reflect the subject of the primary state services impacted, sufficiently precise to give notice of the specific subject matter of the state services impacted, and not exceed 10 words. If the fiscal impact falls primarily on the general fund, then the description of services may not exceed 15 words and shall list the top three categories of state services funded by the general fund in the current state budget.

(3) The attorney general shall be responsible for drafting the public services impact disclosure using neutral language that does not create prejudice for or against the measure. The attorney general's language is not subject to appeal. The public services impact disclosure shall appear on the ballot substantially as follows:

"This measure would reduce funding for (description of services)."

(4) The attorney general shall formulate the public services impact disclosure for an initiative or referendum no later than five business days after the office of financial management files the fiscal impact statement for the initiative or referendum with the secretary of state pursuant to RCW 29A.72.025.

(5) In determining whether subsection (1) of this section is met and in drafting the public services impact disclosure, the attorney general may rely on the filed fiscal impact statement and may consult with the office of financial management, the secretary of state, and any other state or local agencies as necessary.

(6) Upon completion, the attorney general shall transmit the public services impact disclosure to the secretary of state.

(7) The secretary of state shall certify the public services impact disclosure and timely transmit it to each county auditor to ensure inclusion on the ballot.

(8) Public services impact disclosures are not subject to the ballot title and petition provisions of this chapter. However, public services impact disclosures must appear on the ballot in the location prescribed in RCW 29A.72.050.

**Sec.**  RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to read as follows:

(1) The ballot title for an initiative to the people, an initiative to the legislature, a referendum bill, or a referendum measure consists of: (a) A statement of the subject of the measure; (b) a concise description of the measure; and (c) a question in the form prescribed in this section for the ballot measure in question. The statement of the subject of a measure must be sufficiently broad to reflect the subject of the measure, sufficiently precise to give notice of the measure's subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure's essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure. For initiatives and referenda that require a public services impact disclosure under section 1 of this act, the public services impact disclosure must appear on the ballot after the concise description and before the question.

(2) For an initiative to the people, or for an initiative to the legislature for which the legislature has not proposed an alternative, the ballot title and public services impact disclosure must be displayed on the ballot substantially as follows:

"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). (Public services impact disclosure, if applicable). Should this measure be enacted into law?

Yes  **□**

No   **□**

(3) For an initiative to the legislature for which the legislature has proposed an alternative, the ballot title and public services impact disclosure must be displayed on the ballot substantially as follows:

"Initiative Measure Nos. . . . and . . .B concern (statement of subject).

Initiative Measure No. . . . would (concise description). (Public services impact disclosure, if applicable).

As an alternative, the legislature has proposed Initiative Measure No. . . .B, which would (concise description). (Public services impact disclosure, if applicable).

1. Should either of these measures be enacted into law?

Yes  **□**

No   **□**

2. Regardless of whether you voted yes or no above, if one of these measures is enacted, which one should it be?

Measure No.  **□**

or

Measure No.  **□**

(4) For a referendum bill submitted to the people by the legislature, the ballot issue and public services impact disclosure must be displayed on the ballot substantially as follows:

"The legislature has passed . . . . Bill No. . . . concerning (statement of subject). This bill would (concise description). (Public services impact disclosure, if applicable). Should this bill be:

Approved  **□**

Rejected  **□**

(5) For a referendum measure by state voters on a bill the legislature has passed, the ballot issue and public services impact disclosure must be displayed on the ballot substantially as follows:

"The legislature passed . . . Bill No. . . . concerning (statement of subject) and voters have filed a sufficient referendum petition on this bill. This bill would (concise description). (Public services impact disclosure, if applicable). Should this bill be:

Approved  **□**

Rejected  **□**

(6) The legislature may specify the statement of subject or concise description, or both, in a referendum bill that it refers to the people. The legislature may specify the concise description for an alternative it submits for an initiative to the legislature. If the legislature fails to specify these matters, the attorney general shall prepare the material that was not specified. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

The attorney general shall specify the statement of subject and concise description for an initiative to the people, an initiative to the legislature, and a referendum measure. The statement of subject and concise description as so provided must be included as part of the ballot title unless changed on appeal.

**Sec.**  RCW 29A.72.290 and 2013 c 11 s 76 are each amended to read as follows:

The county auditor of each county shall print on the official ballots for the election at which initiative and referendum measures and measures for an advisory vote of the people are to be submitted to the people for their approval or rejection, the serial numbers, public services impact disclosures, and ballot titles certified by the secretary of state and the serial numbers and short descriptions of measures for an advisory vote of the people. They must appear under separate headings in the order of the serial numbers as follows:

(1) Initiatives to the people;

(2) Referendum measures;

(3) Referendum bills;

(4) Initiatives to the legislature;

(5) Initiatives to the legislature and legislative alternatives;

(6) Advisory votes;

(7) Proposed constitutional amendments.

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