

HOUSE BILL REPORT

ESHB 2704

As Passed House:
February 12, 2018

Title: An act relating to election ballot space and voter informations.

Brief Description: Concerning election ballot space and voter informations.

Sponsors: House Committee on State Govt, Elections & IT (originally sponsored by Representatives Hudgins, Muri and McBride).

Brief History:

Committee Activity:

State Government, Elections & Information Technology: 1/24/18, 1/26/18 [DPS].

Floor Activity:

Passed House: 2/12/18, 98-0.

Brief Summary of Engrossed Substitute Bill

- Changes the ballot order of elected positions, moving Insurance Commissioner above Superintendent of Public Instruction.
- Changes the ballot order of ballot measures, moving advisory votes below proposed constitutional amendments.
- Removes the Public Disclosure Commission notification from the ballot, and requires it to be included on the ballot envelope, accompanying ballot materials, or in the voter's pamphlet.
- Raises the voter pamphlet candidate statement for State House of Representatives limit to 200 words.

HOUSE COMMITTEE ON STATE GOVERNMENT, ELECTIONS & INFORMATION TECHNOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Hudgins, Chair; Dolan, Vice Chair; Kraft, Assistant Ranking Minority Member; Appleton, Gregerson, Johnson and Pellicciotti.

Staff: Sean Flynn (786-7124).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Ballot Design. The Secretary of State (Secretary) has authority to create standards for the design, layout, and production of ballots. Election ballots must be uniform within a precinct. The ballot must identify the date and type of primary or election and contain instructions on how to record a vote.

The ballot must include a statement directing people to contact the Public Disclosure Commission (PDC) for information about political donations made to candidates or measures. Alternatively, the county auditor may print such information on the ballot envelope and accompanying ballot materials.

Ballot Order. The candidates and issues on the ballot must be clearly separated. Any state measure submitted to the voters must appear on the ballot before an election of offices. The order of measures is as follows:

- initiatives to the people;
- referendum measures;
- referendum bills;
- initiatives to the Legislature;
- initiatives to the Legislature with legislative alternatives;
- advisory votes; and
- proposed constitutional amendments.

The order of candidates on a ballot must be as follows:

- President and Vice President, when applicable;
- United States Senator;
- United States Representative;
- Governor;
- Lieutenant Governor;
- Secretary of State;
- State Treasurer;
- State Auditor;
- Attorney General;
- Commissioner of Public Lands;
- Superintendent of Public Instruction;
- Insurance Commissioner;
- State Senator;
- State Representative;
- county officers;
- justices of the supreme court;
- judges of the court of appeals;
- judges of the superior court; and
- judges of the district court.

Advisory Votes. Advisory votes were established through Initiative 960 in 2008 and allow voters to indicate whether to repeal or maintain a tax increase enacted by the Legislature. The results of advisory votes are nonbinding and do not result in a change to the law.

An advisory vote must be added to the ballot as a statewide measure for the general election when the Legislature takes action to raise taxes that is not referred to the people through a referendum, or when a bill increasing taxes, bonding or contractually obligating taxes, is enacted with an emergency clause taxes, or otherwise prevents a referendum on the bill. If the tax increase involves more than one revenue source, each tax being increased is subject to a separate advisory vote.

Voters' Pamphlets. The Secretary is required to publish a voters' pamphlet for each general election in which at least one statewide measure or office will appear on the ballot. The Secretary determines the format and layout of the voters' pamphlet. State voters' pamphlets must contain a candidate's statement, photograph, and contact information. Candidate statements for President, Congress, and Governor are limited to 300 words. Candidate statements for State Senator, judges, and other state officials are limited to 200 words, except that for State House Representative candidates, the limit is 100 words.

Summary of Engrossed Substitute Bill:

Ballot Design. The statement directing people to contact the PDC for information about political donations is not included on the ballot. The county auditor may put the statement on the ballot envelope, ballot materials accompanying the ballot, or in the voter's pamphlet.

Ballot Order. The ballot order is amended for particular matters. For state measures, advisory votes are moved to the bottom of the order, below proposed constitutional amendments. For state offices, the position for Insurance Commissioner is moved ahead of the position for Superintendent of Public Instruction.

Advisory Vote Study. The Secretary must study the cost effectiveness of providing advisory votes on ballots. The study should include cost comparisons and assess ballot designs. By December 1, 2018, the Secretary must report to the Legislature on the study, including recommendations for improving the efficiency and cost-effectiveness of using advisory votes in elections, and possible alternative voting methods for nonbinding ballot issues.

Voter pamphlet candidate statements for State House of Representatives is raised to a 200 word limit.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Ballot real estate is very limited and it is important to be as efficient as possible with ballot space in order to save costs. These changes help to bring clarity to the process of designing ballots. Removing the PDC notice off the ballot will help to conserve space. The notice will be more visible to voters on other ballot materials. Ballot measure title

descriptions take up a lot of space on ballots and it will be helpful to reduce the space allocated for those descriptions. The provisions to reorder the list of offices and measures simply align with putting partisan positions above nonpartisan positions.

(Opposed) None.

(Other) Fire districts include annexations and other complex issues that require considerable explanation for voters. Reducing those statements may make it more difficult for voters to understand proposed measures.

Persons Testifying: (In support) Debbie Adelstein, Washington State Association of County Auditors; and Mary Hall, Thurston County Auditor's Office.

(Other) Ryan Spiller, Washington Fire Commissioners Association.

Persons Signed In To Testify But Not Testifying: None.