

SENATE BILL REPORT

SB 6610

As of February 5, 2020

Title: An act relating to advisory votes.

Brief Description: Concerning advisory votes.

Sponsors: Senators Kuderer, Hunt, Pedersen and Wilson, C.

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/05/20.

Brief Summary of Bill

- Repeals the requirement that advisory votes for tax increase legislation appear on the ballot and voters' pamphlet.
- Creates a task force to provide recommendations on how to gather and report public input on legislation with significant fiscal impact.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Staff: Samuel Brown (786-7470)

Background: Advisory Votes. Advisory votes were established in 2008 with the enactment of Initiative 960. Through an advisory vote, voters advise the Legislature whether to repeal or maintain a tax increase enacted by the Legislature. The results of advisory votes are non-binding and do not result in a change to the law.

A measure for an advisory vote by the people is required and must be placed on the next general election ballot if a legislative bill raising taxes is not referred to the voters or contains an emergency clause, bonds or contractually obligates taxes, or otherwise prevents a referendum. If the bill involves multiple revenue sources, each is subject to a separate advisory vote.

Voters' Pamphlet. The Secretary of State must print and distribute a voters' pamphlet to each household in the state, public libraries, and other locations the Secretary of State deems appropriate whenever a statewide ballot measure or office, including an advisory vote, is

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scheduled to appear on the general election ballot. For advisory votes, the voters' pamphlet must include:

- the measure's short description;
- a ten-year cost projection of the measure by the Office of Financial Management, including an annual breakdown;
- the names and office contact information of legislators; and
- how legislators voted on the legislation subject to the advisory vote.

Summary of Bill: Advisory Votes Repealed. The requirement that advisory votes for tax increase legislation appear on the ballot at the subsequent general election is repealed. Information on advisory votes is not required to be printed in the voters' pamphlet.

Task Force Created. A task force is created to provide recommendations to the Legislature on how best to gather and report public input on legislation with significant fiscal impact. The task force must meet at least four times and provide its recommendations to appropriate legislative committees by December 1, 2020. The task force consists of:

- one member from each of the two largest caucuses in the House and Senate;
- the secretary of state;
- three county elections officials; and
- four members of the public, with one each appointed by the two largest caucuses in the House and Senate.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The advisory vote process is a failed experiment and a waste of taxpayer dollars designed to instill cynicism and distrust. Legislators want constituent feedback, just not through a push poll using coded language. Advisory votes rely on misleading statements and confusion, reducing participation. Voters expect objectivity, not partisan influence. Ballots are not an appropriate place for propaganda. Our polling found a 17-point margin in favor of repealing advisory votes. Advisory votes exhaust voters before they get to votes that matter.

Advisory votes are confusingly written and lead voters to think their votes do not matter. Auditors frequently hear from upset and confused voters. Votes that do not count are philosophically wrong. Four counties are subject to Voting Rights Act requirements to produce ballots in English and Spanish, and with advisory votes, our ballots are the longest our vendor can offer. It is not appropriate that advisory votes appear before candidates on the ballot. In 2016, the presidential race was placed on the back side of the ballot due to advisory votes.

With many advisory votes, a voter could mark their ballot in a unique way identifying themselves, opening up concerns about coercion. People do not vote because of lack of time

and thinking it does not make a difference, and advisory votes implicate both of those concerns. Advisory votes discourage participation in low-frequency voters. A ballot is not the right place to express an opinion; the legislative process is. It is scary for voters to vote on something they do not feel knowledgeable about. Advisory votes are propaganda that impact how people think and raise anti-tax ire.

CON: The sentiments of Initiative 960 cannot be replaced with a task force. Most voters take advantage of the opportunity to opine, and vote to maintain some measures. This is an arrogant, elitist bill, sending the message to voters that the Legislature has no interest in their opinion. 57 million votes have been cast in advisory votes. If legislators do not like advisory votes, do not raise taxes, or put increases on the ballot.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Alaina Lee, Indivisible Washington; Diane Jones, NW Progressive Institute; Heidi Hunt, Washington State Association of County Auditors; John Plimpton, citizen; Janet MacLean, citizen; Carl Larson, North Seattle Progressives; Kathy Sakahara, League of Women Voters; Julie Wise, King County Director of Elections; Paddy McGuire, Mason County Auditor; Hanna Floss, citizen; Susan Edwards, citizen; Josh Benaloh, citizen.

CON: Jay Jennings, Office of Secretary of State; Tim Eyman, citizen.

Persons Signed In To Testify But Not Testifying: No one.