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**SUBSTITUTE SENATE BILL 5182**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate State Government & Elections (originally sponsored by Senators Kuderer, Hunt, Conway, Darneille, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Pedersen, Van De Wege, and Wilson, C.)

AN ACT Relating to advisory votes; amending RCW 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031; adding a new section to chapter 29A.32 RCW; creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

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

**PART I**

**STATEMENT OF LEGISLATIVE INTENT**

NEW SECTION. **Sec.**  The legislature finds that transparency and fiscal responsibility are important principles for state government, including election administration. The legislature finds that advisory votes are nonbinding after-the-fact polls that do not aid transparency, are costly to taxpayers, cause confusion and frustration among voters, and provide little, if any, useful feedback for the legislature. The legislature finds that there are more effective ways for the public to participate in the legislative process, and to be educated about the decisions the legislature makes without contributing to long ballots, which can lead to choice fatigue and voters abstaining from down-ballot races that determine who shall serve in the government closest the people.

**PART II**

**REPEAL OF ADVISORY VOTES**

**Sec.**  RCW 29A.32.070 and 2016 c 83 s 1 are each amended to read as follows:

The secretary of state shall determine the format and layout of the voters' pamphlet published under RCW 29A.32.010. The secretary of state shall print the pamphlet in clear, readable type on a size, quality, and weight of paper that in the judgment of the secretary of state best serves the voters. The pamphlet must contain a table of contents. Measures and arguments must be printed in the order specified by RCW 29A.72.290.

The secretary of state's name may not appear in the voters' pamphlet in his or her official capacity if the secretary is a candidate for office during the same year. His or her name may only be included as part of the information normally included for candidates.

The voters' pamphlet must provide the following information for each statewide issue on the ballot ((~~except measures for an advisory vote of the people whose requirements are provided in subsection (11) of this section~~)):

(1) The legal identification of the measure by serial designation or number;

(2) The official ballot title of the measure;

(3) A statement prepared by the attorney general explaining the law as it presently exists;

(4) A statement prepared by the attorney general explaining the effect of the proposed measure if it becomes law;

(5) The fiscal impact statement prepared under RCW 29A.72.025;

(6) The total number of votes cast for and against the measure in the senate and house of representatives, if the measure has been passed by the legislature;

(7) An argument advocating the voters' approval of the measure together with any statement in rebuttal of the opposing argument;

(8) An argument advocating the voters' rejection of the measure together with any statement in rebuttal of the opposing argument;

(9) Each argument or rebuttal statement must be followed by the names of the committee members who submitted them, and may be followed by a telephone number that citizens may call to obtain information on the ballot measure;

(10) The full text of the measure((~~;~~

~~(11) Two pages shall be provided in the general election voters' pamphlet for each measure for an advisory vote of the people under RCW 43.135.041 and shall consist of the serial number assigned by the secretary of state under RCW 29A.72.040, the short description formulated by the attorney general under RCW 29A.72.283, the tax increase's most up~~‑~~to~~‑~~date ten~~‑~~year cost projection, including a year~~‑~~by~~‑~~year breakdown, by the office of financial management under RCW 43.135.031, and the names of the legislators, and their contact information, and how they voted on the increase upon final passage so they can provide information to, and answer questions from, the public. For the purposes of this subsection, "names of legislators, and their contact information" includes each legislator's position (senator or representative), first name, last name, party affiliation (for example, Democrat or Republican), city or town they live in, office phone number, and office email address~~)).

**Sec.**  RCW 29A.64.090 and 2016 c 204 s 1 are each amended to read as follows:

When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a statewide measure and the number of votes cast for the rejection of such measure is less than two thousand votes and also less than one-half of one percent of the total number of votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the manner provided by RCW 29A.64.041 and 29A.64.061, and the cost of such recount will be at state expense. ((~~This section does not apply to any statewide advisory vote of the people that was placed on the ballot pursuant to RCW 43.135.041 and the secretary of state shall not direct any recount for any statewide advisory vote of the people.~~))

**Sec.**  RCW 29A.72.040 and 2008 c 1 s 7 are each amended to read as follows:

The secretary of state shall give a serial number to each initiative, referendum bill, or referendum measure, ((~~or measure for an advisory vote of the people,~~)) using a separate series for initiatives to the legislature, initiatives to the people, referendum bills, and referendum measures, ((~~and measures for an advisory vote of the people,~~)) and forthwith transmit one copy of the measure proposed bearing its serial number to the attorney general. Thereafter a measure shall be known and designated on all petitions, ballots, and proceedings as "Initiative Measure No. . . . .," "Referendum Bill No. . . . .," or "Referendum Measure No. . . . .((~~,~~))." ((~~or "Advisory Vote No. . . . .."~~))

**Sec.**  RCW 29A.72.250 and 2013 c 11 s 75 are each amended to read as follows:

If a referendum or initiative petition for submission of a measure to the people is found sufficient, the secretary of state shall at the time and in the manner that he or she certifies to the county auditors of the various counties the names of candidates for state and district officers certify to each county auditor the serial numbers and ballot titles of the several initiative and referendum measures ((~~and serial numbers and short descriptions of measures submitted for an advisory vote of the people~~)) to be voted upon at the next ensuing general election or special election ordered by the legislature.

**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 the serial numbers and ballot titles certified by the secretary of state 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 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.

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

(1)RCW 29A.72.283 (Advisory vote on tax legislation—Short description) and 2008 c 1 s 8;

(2)RCW 29A.72.285 (Advisory vote on tax legislation—Short description filing and transmittal) and 2008 c 1 s 9; and

(3)RCW 43.135.041 (Tax legislation—Advisory vote—Duties of the attorney general and secretary of state—Exemption) and 2016 c 1 s 5, 2013 c 1 s 6, 2010 c 4 s 3, & 2008 c 1 s 6.

**PART III**

**INFORMATION REGARDING STATE TAX REVENUE**

**Sec.**  RCW 29A.32.031 and 2020 c 208 s 11 are each amended to read as follows:

The voters' pamphlet published or distributed under RCW 29A.32.010 must contain:

(1) Information about ((~~each measure for an advisory vote of the people and~~)) each ballot measure initiated by or referred to the voters for their approval or rejection as required by RCW 29A.32.070;

(2) In even‑numbered years, statements, if submitted, from candidates for the office of president and vice president of the United States, 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, justice of the supreme court, judge of the court of appeals, or judge of the superior court. Candidates may also submit campaign contact information and a photograph not more than five years old in a format that the secretary of state determines to be suitable for reproduction in the voters' pamphlet;

(3) In odd‑numbered years, if any office voted upon statewide appears on the ballot due to a vacancy, then statements and photographs for candidates for any vacant office listed in subsection (2) of this section must appear;

(4) Contact information for the public disclosure commission established under RCW 42.17A.100, including the following statement: "For a list of the people and organizations that donated to state and local candidates and ballot measure campaigns, visit www.pdc.wa.gov." The statement must be placed in a prominent position, such as on the cover or on the first two pages of the voters' pamphlet. The secretary of state may substitute such language as is necessary for accuracy and clarity and consistent with the intent of this section;

(5) Contact information for major political parties;

(6) A brief statement explaining the deletion and addition of language for proposed measures under RCW 29A.32.080;

(7) A list of all student engagement hubs as designated under RCW 29A.40.180; ((~~and~~))

(8) For each bill enacted since the previous election that increases or decreases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited in the general fund:

(a) A reference to the page for the bill on the official legislative website; and

(b) The fiscal impact statement prepared under section 9 of this act;

(9) A pie chart prepared by the legislative evaluation and accountability program showing total budgeted funds for the state operating budget by functional areas of government for the most recent biennium; and

(10) Any additional information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters.

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

(1) The office of financial management, in consultation with the secretary of state, the attorney general, and any other appropriate state or local agency, shall prepare a fiscal impact statement for each bill enacted under RCW 29A.32.031(8). Fiscal impact statements must be written in clear and concise language, avoid legal and technical terms when possible, and be filed with the secretary of state no later than the 10th day of August. Fiscal impact statements may include easily understood graphics.

(2) A fiscal impact statement must describe any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments will experience. Where appropriate, a fiscal impact statement may include both estimated dollar amounts and a description placing the estimated dollar amounts into context. A fiscal impact statement must include a summary not to exceed 100 words, and a more detailed statement that includes the assumptions that were made to develop the fiscal impacts.

(3) Fiscal impact statements must be available online from the secretary of state's website and included in the state voters' pamphlet. Additional information may be posted on the website of the office of financial management.

**--- END ---**