

FINAL BILL REPORT

SHB 1876

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Synopsis as Enacted

Brief Description: Concerning public investment impact disclosures for certain ballot measures that repeal, levy, or modify any tax or fee and have a fiscal impact statement that shows that adoption of the measure would cause a net change in state revenue.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel and Pollet).

House Committee on State Government & Tribal Relations
Senate Committee on State Government & Elections

Background:

The Washington Constitution provides voters with the right to participate in the lawmaking process through initiatives and referenda. An initiative is a piece of legislation proposed outside the Legislature and submitted to the Legislature for its consideration or to the people for a vote. A referendum may be ordered by the people or by the Legislature, and it permits the people to vote on whether an act passed by the Legislature should become law.

When initiatives and referenda appear on the ballot, they are introduced with a short description called the ballot title. For example, the format for a ballot title for an initiative to the people is: "Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). Should this measure be enacted into law?" The voter is permitted to select "yes" or "no." For a referendum measure, voters are asked whether the bill should be "approved" or "rejected."

For these ballot titles, the Attorney General is responsible for writing the "statement of subject" and "concise description" (except in a referendum ordered by the Legislature, for which the Legislature may specify this language). The subject statement is limited to 10 words, and it must be sufficiently broad to reflect the subject of the measure, but sufficiently precise to give notice of the measure's subject matter. The concise description is limited to 30 words, and it must be a true and impartial description of the measure's

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essential contents, clearly identifying the proposition to be voted on, without creating prejudice either for or against the measure.

The Attorney General is also responsible for writing a summary of the measure limited to 75 words. A person who is dissatisfied with the ballot title or summary may appeal to the Thurston County Superior Court (Court). The Court then decides whether the title and summary are consistent with the statutory requirements. The Court's decision is final and not subject to further appeal.

For initiatives and referenda that appear on the ballot, the Office of Financial Management (OFM) prepares a fiscal impact statement that describes any projected increase or decrease in revenues, costs, expenditures, or indebtedness that the state or local governments would experience if the ballot measure were approved by voters. The fiscal impact statement may include estimates and descriptions when appropriate. It must include a summary of 100 words or fewer. Fiscal impact statements are due to the Secretary of State (Secretary) by August 10, and they are posted on the Secretary's website and included in the voters' pamphlet.

Summary:

A public investment impact disclosure (disclosure) must appear on the ballot within the ballot title for any ballot measure that:

- repeals, levies, or modifies a tax or fee; and
- has a fiscal impact statement that shows the measure would cause a net change in state revenue.

This disclosure must include a description of the investments that will be affected if the measure is adopted, not to exceed 10 words. (However, if the fiscal impact is primarily to the State General Fund, the description must list the top three categories of state services funded by the State General Fund in the current state budget, and it may be up to 15 words in length). This description must appear in the following format: "This measure would (increase or decrease) funding for (description of services)."

The disclosure must be drafted by the Attorney General, who may consult with the OFM or other state and local agencies as needed. The disclosure must appear on the ballot in the middle of the ballot title. For example, an initiative measure with a disclosure would appear in the following format: "Initiative Measure No. . . . concerns (statement of subject). This measure would (concise description). This measure would (increase or decrease) funding for (description of services). Should this measure be enacted into law?"

The disclosure is not subject to appeal or to other legal requirements for ballot titles.

Fiscal impact statements on ballot measures prepared by the OFM are due to the Secretary by July 25, rather than August 10.

Votes on Final Passage:

House 54 44
Senate 26 22 (Senate amended)
(House refused to concur)

Conference Committee

Senate 27 22
House 55 43

Effective: June 9, 2022