

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2055

Chapter 171, Laws of 2015

(partial veto)

64th Legislature
2015 Regular Session

VOTERS' PAMPHLETS--BALLOT MEASURE STATEMENTS

EFFECTIVE DATE: 7/24/2015

Passed by the House April 16, 2015
Yeas 96 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2015
Yeas 45 Nays 1

BRAD OWEN

President of the Senate

Approved May 6, 2015 2:39 PM, with the
exception of section 3, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby
certify that the attached is **HOUSE
BILL 2055** as passed by House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 6, 2015

**Secretary of State
State of Washington**

HOUSE BILL 2055

AS AMENDED BY THE SENATE

Passed Legislature - 2015 Regular Session

State of Washington **64th Legislature** **2015 Regular Session**

By Representatives Johnson, S. Hunt, Walsh, Van De Wege, Haler, Appleton, Hawkins, Robinson, Zeiger, Sawyer, Wilson, Clibborn, Scott, Kagi, Buys, Fagan, and Tharinger

Read first time 02/09/15. Referred to Committee on State Government.

1 AN ACT Relating to statements on ballot measures in voters'
2 pamphlets; and amending RCW 29A.32.040, 29A.32.060, and 29A.72.025.

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

4 **Sec. 1.** RCW 29A.32.040 and 2009 c 415 s 3 are each amended to
5 read as follows:

6 (1) Explanatory statements prepared by the attorney general under
7 RCW 29A.32.070 (3) and (4) must be written in clear and concise
8 language, avoiding legal and technical terms when possible.
9 Statements are initiated by written request from the secretary of
10 state, and must be filed with the secretary of state ((no later than
11 the tenth day of August))by the date provided in the request.

12 (2) When the explanatory statements for a measure initiated by
13 petition ((is))are filed with the secretary of state, the secretary
14 of state shall immediately provide the text of the ((explanatory))
15 statements to the person proposing the measure and any others who
16 have made written request for notification of the exact language of
17 the ((explanatory)) statements. When the ((explanatory)) statements
18 for a measure referred to the ballot by the legislature ((is))are
19 filed with the secretary of state, the secretary of state shall
20 immediately provide the text of the ((explanatory)) statements to the
21 presiding officer of the senate ((and)), the presiding officer of the

1 house of representatives, the prime sponsor, and any others who have
2 made written request for notification of the exact language of the
3 (~~explanatory~~) statements.

4 (3) A person dissatisfied with the (~~explanatory~~) statements may
5 appeal to the superior court of Thurston County within five days of
6 the filing date. A copy of the petition and a notice of the appeal
7 must be served on the secretary of state and the attorney general.
8 The court shall examine the measure, the (~~explanatory~~) statements,
9 and objections, and may hear arguments. The court shall render its
10 decision and certify to and file with the secretary of state (~~an~~
11 ~~explanatory~~)a statement it determines will meet the requirements of
12 this chapter, and within the timelines identified by the secretary of
13 state.

14 The decision of the superior court is final, and its
15 (~~explanatory~~) statement is the established explanatory statement.
16 The appeal must be heard without costs to either party.

17 **Sec. 2.** RCW 29A.32.060 and 2003 c 111 s 806 are each amended to
18 read as follows:

19 Committees shall write and submit arguments advocating the
20 approval or rejection of each statewide ballot issue and rebuttals of
21 those arguments. The secretary of state, the presiding officer of the
22 senate, and the presiding officer of the house of representatives
23 shall appoint the initial two members of each committee. In making
24 these committee appointments the secretary of state and presiding
25 officers of the senate and house of representatives shall consider
26 legislators, sponsors of initiatives and referendums, and other
27 interested groups known to advocate or oppose the ballot measure.
28 Committees must have the explanatory and fiscal impact statements
29 available before preparing their arguments.

30 The initial two members may select up to four additional members,
31 and the committee shall elect a chairperson. The remaining committee
32 member or members may fill vacancies through appointment.

33 After the committee submits its initial argument statements to
34 the secretary of state, the secretary of state shall transmit the
35 statements to the opposite committee. The opposite committee may then
36 prepare rebuttal arguments. Rebuttals may not interject new points.

37 The voters' pamphlet may contain only argument statements
38 prepared according to this section. Arguments may contain graphs and

1 charts supported by factual statistical data and pictures or other
2 illustrations. Cartoons or caricatures are not permitted.

3 *Sec. 3. RCW 29A.72.025 and 2009 c 415 s 7 are each amended to
4 read as follows:

5 (1) The office of financial management, in consultation with the
6 secretary of state, the attorney general, and any other appropriate
7 state or local agency, shall prepare a fiscal impact statement for
8 each of the following state ballot measures: ~~((1))~~(a) An initiative
9 to the people that is certified to the ballot; ~~((2))~~(b) an
10 initiative to the legislature that will appear on the ballot; ~~((3))~~
11 (c) an alternative measure appearing on the ballot that the
12 legislature proposes to an initiative to the legislature; ~~((4))~~(d)
13 a referendum bill referred to voters by the legislature; and ~~((5))~~
14 (e) a referendum measure appearing on the ballot. Fiscal impact
15 statements must be written in clear and concise language, and avoid
16 legal and technical terms when possible. The statement must be
17 prepared upon written request from the secretary of state, and must
18 be filed ~~((with the secretary of state no later than the tenth day of~~
19 August))by the deadline in the request. Fiscal impact statements may
20 include easily understood graphics.

21 (2) A fiscal impact statement must describe any projected
22 increase or decrease in revenues, costs, expenditures, or
23 indebtedness that the state or local governments will experience if
24 the ballot measure were approved by state voters. Where appropriate,
25 a fiscal impact statement may include both estimated dollar amounts
26 and a description placing the estimated dollar amounts into context.
27 A fiscal impact statement must include both a summary of not to
28 exceed one hundred words and a more detailed statement that includes
29 the assumptions that were made to develop the fiscal impacts.

30 (3) When the fiscal impact statement for a measure initiated by
31 petition is filed with the secretary of state, the secretary of state
32 shall immediately provide the text of the statement to the person
33 proposing the measure and any others who have made written request
34 for notification of the exact language of the statement. When the
35 statement for a measure referred to the ballot by the legislature is
36 filed with the secretary of state, the secretary of state shall
37 immediately provide the text of the statement to the presiding
38 officer of the senate, the presiding officer of the house of
39 representatives, the prime sponsor, and any others who have made

1 written request for notification of the exact language of the
2 statement.

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

7 (5)(a) A person dissatisfied with the fiscal impact statement may
8 appeal to the superior court of Thurston county within five days of
9 the filing date. A copy of the petition and a notice of the appeal
10 must be served on the secretary of state and the attorney general.
11 The court shall examine the measure, the statement, and objections,
12 and may hear arguments including arguments from persons advocating
13 and opposing the measure. The court shall render its decision and
14 certify to and file with the secretary of state a statement it
15 determines will meet the requirements of this chapter, and within the
16 timelines identified by the secretary of state.

17 (b) The decision of the superior court is final, and its
18 statement is the established fiscal impact statement. The appeal must
19 be heard without costs to either party.

*Sec. 3 was vetoed. See message at end of chapter.

Passed by the House April 16, 2015.

Passed by the Senate April 13, 2015.

Approved by the Governor May 6, 2015, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State May 6, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3, House Bill No. 2055 entitled:

"AN ACT Relating to statements on ballot measures in voters' pamphlets."

The intent of this bill is to provide voters with more information about the potential fiscal impact of a ballot initiative. The bill moves forward the deadline for the Attorney General to prepare the explanatory statement and the Office of Financial Management to prepare the fiscal impact statement so that the information is available to the pro and con committees when drafting their statements for the voters pamphlet.

In addition to moving forward the deadline for the Office of Financial Management to prepare the fiscal impact statement, Section 3 also creates a new cause of action for any person dissatisfied with the fiscal impact statement to challenge the statement in superior court. This new cause of action would frustrate the intent of this bill and cause unnecessary delay. It would also place the court in the untenable position of having to make advisory rulings on the initiative at issue in the fiscal impact statement. The Office of Financial Management identifies the assumptions made in preparation

of the fiscal impact statement. Under this new cause of action, the court would have to make a legal ruling on these assumptions, which would constitute an advisory opinion on the initiative. There are current legal options available to those who wish to challenge a fiscal impact statement without creating a new cause of action. For these reasons, I am vetoing section 3 of House Bill 2055.

While I am vetoing Section 3, I am instructing the Office of Financial Management to work cooperatively with the Secretary of State to ensure any fiscal impact statement is completed in time to share with the pro and con committees before they complete their statements for the voters' pamphlet. This will ensure the intent of the legislation is fulfilled.

For these reasons I have vetoed Section 3 of House Bill No. 2055.

With the exception of Section 3, House Bill No. 2055 is approved."

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