

SHB 1876 - CONF REPT
By Conference Committee

HOUSE ADOPTED 03/10/2022; SENATE ADOPTED 03/10/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that the
4 people have reserved for themselves the power to enact or reject
5 legislation through the initiative and referendum process, as
6 provided in Article II, section 1 of the state Constitution. The
7 legislature finds that when exercising this right, the people are
8 entitled to know the fiscal impact that their vote will have on
9 public investments at the time they cast their ballots. The
10 legislature further finds that when a ballot measure will affect
11 funding for public investments, a neutral, nonprejudicial disclosure
12 of the public investments affected will provide greater transparency
13 and necessary information for voters.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
15 RCW to read as follows:

16 (1) The attorney general must prepare a public investment impact
17 disclosure for any ballot measure that:

18 (a) Repeals, levies, or modifies any tax or fee, including
19 changing the scope or application of an existing tax or fee; and

20 (b) Has a fiscal impact statement, as provided by RCW 29A.72.025,
21 that shows that adoption of the measure would cause a net change in
22 state revenue.

23 (2) The public investment impact disclosure must include a
24 description of the investments that will be affected if the measure
25 is adopted. The description must be sufficiently broad to reflect the
26 subject of the investments that will be impacted by the change in
27 revenue that will result from adoption of the measure, but also
28 sufficiently precise to give notice of the subject matter of the
29 investments that will be impacted by the change in revenue that will
30 result from adoption of the measure. The description may not exceed
31 10 words, unless the fiscal impact is primarily to the state general

1 fund, in which case the description must list the top three
2 categories of state services funded by the general fund in the
3 current state budget and may not exceed 15 words. The attorney
4 general may consult with the office of financial management or any
5 other state or local agencies as necessary to procure accurate
6 information to draft the description.

7 (3) The format of the public investment impact disclosure, as it
8 appears on the ballot, is:

9 "This measure would (increase or decrease) funding for
10 (description of services)."

11 (4) In drafting the public investment impact disclosure, the
12 attorney general must use neutral language that cannot reasonably be
13 expected to create prejudice for or against the measure. The language
14 of the disclosure is not subject to appeal, except as provided in
15 this act.

16 (5) The attorney general must file the public investment impact
17 disclosure with the secretary of state no later than July 23rd.

18 (6) The secretary of state must certify the public investment
19 impact disclosure and timely transmit it to each county auditor for
20 its inclusion on the ballot.

21 (7) Public investment impact disclosures are not considered part
22 of the ballot title under this chapter and are not subject to any of
23 the legal requirements for ballot titles.

24 **Sec. 3.** RCW 29A.72.050 and 2003 c 111 s 1806 are each amended to
25 read as follows:

26 (1) The ballot title for an initiative to the people, an
27 initiative to the legislature, a referendum bill, or a referendum
28 measure consists of: (a) A statement of the subject of the measure;
29 (b) a concise description of the measure; and (c) a question in the
30 form prescribed in this section for the ballot measure in question.
31 The statement of the subject of a measure must be sufficiently broad
32 to reflect the subject of the measure, sufficiently precise to give
33 notice of the measure's subject matter, and not exceed ten words. The
34 concise description must contain no more than thirty words, be a true
35 and impartial description of the measure's essential contents,
36 clearly identify the proposition to be voted on, and not, to the
37 extent reasonably possible, create prejudice either for or against
38 the measure.

1 Measure No.

2 or

3 Measure No.

4 ((4)) (5) For a referendum bill submitted to the people by the
5 legislature, the ballot issue and public investment impact
6 disclosure, if applicable, must be displayed on the ballot
7 substantially as follows:

8 "The legislature has passed Bill No. . . . concerning
9 (statement of subject). This bill would (concise
10 description). (Public investment impact disclosure, if
11 applicable). Should this bill be:

12 Approved

13 Rejected

14 ((5)) (6) For a referendum measure by state voters on a bill
15 the legislature has passed, the ballot issue and public investment
16 impact disclosure, if applicable, must be displayed on the ballot
17 substantially as follows:

18 "The legislature passed Bill No. . . . concerning
19 (statement of subject) and voters have filed a sufficient
20 referendum petition on this bill. This bill would (concise
21 description). (Public investment impact disclosure, if
22 applicable). Should this bill be:

23 Approved

24 Rejected

25 ((6)) (7) The legislature may specify the statement of subject
26 or concise description, or both, in a referendum bill that it refers
27 to the people. The legislature may specify the concise description
28 for an alternative it submits for an initiative to the legislature.
29 If the legislature fails to specify these matters, the attorney
30 general shall prepare the material that was not specified. The
31 statement of subject and concise description as so provided must be
32 included as part of the ballot title unless changed on appeal.

33 The attorney general shall specify the statement of subject and
34 concise description for an initiative to the people, an initiative to
35 the legislature, and a referendum measure. The statement of subject

1 and concise description as so provided must be included as part of
2 the ballot title unless changed on appeal.

3 **Sec. 4.** RCW 29A.72.290 and 2013 c 11 s 76 are each amended to
4 read as follows:

5 The county auditor of each county shall print on the official
6 ballots for the election at which initiative and referendum measures
7 and measures for an advisory vote of the people are to be submitted
8 to the people for their approval or rejection, the serial numbers
9 ~~((and)),~~ ballot titles, and public investment impact disclosures
10 certified by the secretary of state and the serial numbers and short
11 descriptions of measures for an advisory vote of the people. They
12 must appear under separate headings in the order of the serial
13 numbers as follows:

- 14 (1) Initiatives to the people;
- 15 (2) Referendum measures;
- 16 (3) Referendum bills;
- 17 (4) Initiatives to the legislature;
- 18 (5) Initiatives to the legislature and legislative alternatives;
- 19 (6) Advisory votes;
- 20 (7) Proposed constitutional amendments.

21 **Sec. 5.** RCW 29A.72.025 and 2009 c 415 s 7 are each amended to
22 read as follows:

23 The office of financial management, in consultation with the
24 secretary of state, the attorney general, and any other appropriate
25 state or local agency, shall prepare a fiscal impact statement for
26 each of the following state ballot measures: (1) An initiative to the
27 people that is certified to the ballot; (2) an initiative to the
28 legislature that will appear on the ballot; (3) an alternative
29 measure appearing on the ballot that the legislature proposes to an
30 initiative to the legislature; (4) a referendum bill referred to
31 voters by the legislature; and (5) a referendum measure appearing on
32 the ballot. The secretary of state shall notify the office of
33 financial management and the attorney general when the sponsor of a
34 ballot measure has made an appointment to submit petitions to the
35 secretary of state for filing. The office of financial management and
36 appropriate state agencies may begin work on a fiscal impact
37 statement prior to the submission of petitions. Fiscal impact
38 statements must be written in clear and concise language, avoid legal

1 and technical terms when possible, and be filed with the secretary of
2 state no later than (~~the tenth day of August~~) July 23rd if a public
3 investment impact disclosure is required under section 2 of this act,
4 and no later than July 31st for all other measures. Fiscal impact
5 statements may include easily understood graphics.

6 A fiscal impact statement must describe any projected increase or
7 decrease in revenues, costs, expenditures, or indebtedness that the
8 state or local governments will experience if the ballot measure were
9 approved by state voters. Where appropriate, a fiscal impact
10 statement may include both estimated dollar amounts and a description
11 placing the estimated dollar amounts into context. A fiscal impact
12 statement must include both a summary of not to exceed one hundred
13 words and a more detailed statement that includes the assumptions
14 that were made to develop the fiscal impacts.

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

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 29A.72
20 RCW to read as follows:

21 Any persons, including either or both houses of the legislature,
22 dissatisfied with the public investment impact disclosure for a state
23 initiative or referendum may, within three days from the filing of
24 the public investment impact disclosure in the office of the
25 secretary of state, appeal to the superior court of Thurston county
26 by petition setting forth the measure, the public investment impact
27 disclosure, and their objections to the public investment impact
28 disclosure and requesting amendment of the public investment impact
29 disclosure by the court. Saturdays, Sundays, and legal holidays are
30 not counted in calculating the time limits contained in this section.

31 A copy of the petition on appeal together with a notice that an
32 appeal has been taken shall be served upon the secretary of state,
33 upon the attorney general, and upon the person proposing the measure
34 if the appeal is initiated by someone other than that person. Upon
35 the filing of the petition on appeal or at the time to which the
36 hearing may be adjourned by consent of the appellant, the court shall
37 accord first priority to examining the proposed measure, the public
38 investment impact disclosure, and the objections to that public
39 investment impact disclosure, may hear arguments, and shall, within

1 five days, render its decision and file with the secretary of state a
2 certified copy of such public investment impact disclosure as it
3 determines will meet the requirements of section 2 of this act. The
4 decision of the superior court shall be final. Such appeal shall be
5 heard without costs to either party."

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6 On page 1, line 4 of the title, after "revenue;" strike the
7 remainder of the title and insert "amending RCW 29A.72.050,
8 29A.72.290, and 29A.72.025; adding new sections to chapter 29A.72
9 RCW; and creating a new section."

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