

SHB 1876 - S COMM AMD

By Committee on State Government & Elections

ADOPTED AND ENGROSSED 3/2/2022

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.

14 (5) The attorney general must file the public investment impact
15 disclosure with the secretary of state no later than July 31st.

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

19 (7) Public investment impact disclosures are considered part of
20 the ballot title under this chapter and are subject to the legal
21 requirements for ballot titles.

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

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

37 (2) If a public investment impact disclosure is required under
38 section 2 of this act, the disclosure must appear in the middle of
39 the ballot title, after the concise description and before the

1 question. The disclosure is not, however, considered part of the
2 ballot title and is not subject to any of the legal requirements for
3 ballot titles under this chapter.

4 (3) For an initiative to the people, or for an initiative to the
5 legislature for which the legislature has not proposed an
6 alternative, the ballot title and public investment impact
7 disclosure, if applicable, must be displayed on the ballot
8 substantially as follows:

9 "Initiative Measure No. . . . concerns (statement of
10 subject). This measure would (concise description). (Public
11 investment impact disclosure, if applicable). Should this
12 measure be enacted into law?

13 Yes
14 No

15 (~~(3)~~) (4) For an initiative to the legislature for which the
16 legislature has proposed an alternative, the ballot title and public
17 investment impact disclosure, if applicable, must be displayed on the
18 ballot substantially as follows:

19 "Initiative Measure Nos. . . . and . . .B concern (statement
20 of subject).

21 Initiative Measure No. . . . would (concise description).
22 (Public investment impact disclosure, if applicable).

23 As an alternative, the legislature has proposed Initiative
24 Measure No. . . .B, which would (concise description).
25 (Public investment impact disclosure, if applicable).

26 1. Should either of these measures be enacted into law?
27 Yes
28 No

29 2. Regardless of whether you voted yes or no above, if one of
30 these measures is enacted, which one should it be?

31 Measure No.
32 or
33 Measure No.

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

- 10 (1) Initiatives to the people;
- 11 (2) Referendum measures;
- 12 (3) Referendum bills;
- 13 (4) Initiatives to the legislature;
- 14 (5) Initiatives to the legislature and legislative alternatives;
- 15 (6) Advisory votes;
- 16 (7) Proposed constitutional amendments.

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

19 The office of financial management, in consultation with the
20 secretary of state, the attorney general, and any other appropriate
21 state or local agency, shall prepare a fiscal impact statement for
22 each of the following state ballot measures: (1) An initiative to the
23 people that is certified to the ballot; (2) an initiative to the
24 legislature that will appear on the ballot; (3) an alternative
25 measure appearing on the ballot that the legislature proposes to an
26 initiative to the legislature; (4) a referendum bill referred to
27 voters by the legislature; and (5) a referendum measure appearing on
28 the ballot. Fiscal impact statements must be written in clear and
29 concise language, avoid legal and technical terms when possible, and
30 be filed with the secretary of state no later than (~~the tenth day of~~
31 ~~August~~) July 31st. Fiscal impact statements may include easily
32 understood graphics.

33 A fiscal impact statement must describe any projected increase or
34 decrease in revenues, costs, expenditures, or indebtedness that the
35 state or local governments will experience if the ballot measure were
36 approved by state voters. Where appropriate, a fiscal impact
37 statement may include both estimated dollar amounts and a description
38 placing the estimated dollar amounts into context. A fiscal impact
39 statement must include both a summary of not to exceed one hundred

1 words and a more detailed statement that includes the assumptions
2 that were made to develop the fiscal impacts.

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

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

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