

SENATE BILL REPORT

SB 5182

As Reported by Senate Committee On:
State Government & Elections, February 3, 2021

Title: An act relating to advisory votes.

Brief Description: Concerning advisory votes.

Sponsors: Senators Kuderer, Hunt, Conway, Darneille, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Pedersen, Van De Wege and Wilson, C..

Brief History:

Committee Activity: State Government & Elections: 1/20/21, 2/03/21 [DPS, DNP].

Brief Summary of First Substitute Bill

- Repeals the requirement that advisory votes for tax increase legislation appear on the ballot and voters' pamphlet.
- Requires that a fiscal impact statement appear in the voters' pamphlet for legislation passed affecting state revenues.
- Requires that a pie chart showing operating budget expenditures for the most recent biennium appear in the voters' pamphlet.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Hasegawa and Hawkins.

Minority Report: Do not pass.

Signed by Senator Wilson, J., Ranking Member.

Staff: Samuel Brown (786-7470)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Advisory Votes. Advisory votes were established in 2008 with the enactment of Initiative 960. Through an advisory vote, voters advise the Legislature whether to repeal or maintain a tax increase enacted by the Legislature. The results of advisory votes are nonbinding and do not result in a change to the law.

A measure for an advisory vote by the people must be placed on the next general election ballot if a legislative bill raising taxes is not referred to the voters or contains an emergency clause, bonds or contractually obligates taxes, or otherwise prevents a referendum. If the bill involves multiple revenue sources, each is subject to a separate advisory vote.

Voters' Pamphlet. The Secretary of State must print and distribute a voters' pamphlet to each household in the state, public libraries, and other locations the Secretary of State deems appropriate whenever a statewide ballot measure or office, including an advisory vote, is scheduled to appear on the general election ballot. For advisory votes, the voters' pamphlet must include:

- the measure's short description;
- a ten-year cost projection of the measure by the Office of Financial Management (OFM), including an annual breakdown;
- the names and office contact information of legislators; and
- how legislators voted on the tax increase legislation.

For each initiative and referendum on the ballot, OFM, in consultation with the Secretary of State and Attorney General, must prepare a fiscal impact statement describing any increase or decrease in state revenues, costs, expenditures, or indebtedness. The statement must include both a summary of up to 100 words and a more detailed statement of the assumptions made in order to develop the fiscal impacts.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Advisory Votes. The requirement that advisory votes for tax increase legislation appear on the ballot at the subsequent general election is repealed.

Voters' Pamphlet. Information on advisory votes is not required to be printed in the voters' pamphlet. The voters' pamphlet must also include:

- a fiscal impact statement for each measure passed by the Legislature in the previous session increasing or decreasing state revenues; and
- a pie chart showing state operating budget expenditures by areas of government.

EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):

The voters' pamphlet must include a fiscal impact statement for each measure passed by the Legislature in the previous session increasing or decreasing state revenues.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: Advisory votes are push polls designed to foster mistrust in government. They are only required for tax increases, not decreases, and they do not provide voters with alternatives to discuss. This bill replaces advisory votes with information voters can actually use. The ballot is sacred and should be free of propaganda. Advisory votes cannot be used to measure anything because their construction violates all rules of data gathering. Advisory votes apply to measures that do not actually raise revenue. While other ballot measure titles are written by the Attorney General, advisory votes were written by a private citizen and inserted into an unrelated ballot measure. Unnecessarily complex ballots discourage participation and promote voter fatigue and intimidation.

Advisory vote language is confusing and deceptive. Voters feel their government is ineffectual and ignoring them, which is not healthy for democracy. Many voters refuse to participate in advisory votes or vote maintained on all of them as a form of protest. When a system confuses voters, it fails to advance the vision of government promoted in the state Constitution. Some voters have indicated they did not return a ballot because they were confused by the advisory votes. It is important to respect the process of voting and allow people to focus on the candidates, issues, and policies they are excited about.

CON: The growing level of support for advisory votes is unambiguous. Ten tax increases have been approved through advisory votes. These are an eminently successful effort to educate voters on how much their taxes went up. Advisory votes put in the citizens' faces how legislators voted, and in legislators' faces how citizens feel they should have voted. Data management and analysis is key to our society, and we should want to gather information about voter opinions and how citizens view and understand taxation to keep the state moving.

Taking this away from taxpayers is sending the message that the Legislature does not care about them. People vote on principle, not on issues. Just because some people are misinformed or confused is not an excuse for the rest of voters who want their voices heard.

Persons Testifying: PRO: Senator Patty Kuderer, Prime Sponsor; Andrew Villeneuve, Northwest Progressive Institute; Kathy Sakahara, League of Women Voters of Washington; Steve Zemke, Majority Rules; Shasti Conrad, King County Democrats; Jen Carter, citizen; Patrick Schoettmer, citizen; Doris Fulton, citizen; Nick Waldo, citizen; Tallman Trask,

citizen; Gracie Anderson, citizen.

CON: Tim Eyman, Permanent Offense; Jeff Pack, citizen; Joel Mapes, citizen; Philip Lane, citizen; Reni Storm, citizen; Gabriel Reid, citizen.

Persons Signed In To Testify But Not Testifying: No one.