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**SENATE BILL 5182**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

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

Read first time 01/13/21. Referred to Committee on State Government & Elections.

1 AN ACT Relating to advisory votes; amending RCW 29A.32.070,  
2 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and 29A.32.031;  
3 creating a new section; and repealing RCW 29A.72.283, 29A.72.285, and  
4 43.135.041.

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

6 **PART I**

7 **STATEMENT OF LEGISLATIVE INTENT**

8 NEW SECTION. **Sec. 1.** The legislature finds that transparency  
9 and fiscal responsibility are important principles for state  
10 government, including election administration. The legislature finds  
11 that advisory votes are nonbinding after-the-fact polls that do not  
12 aid transparency, are costly to taxpayers, cause confusion and  
13 frustration among voters, and provide little, if any, useful feedback  
14 for the legislature. The legislature finds that there are more  
15 effective ways for the public to participate in the legislative  
16 process, and to be educated about the decisions the legislature makes  
17 without contributing to long ballots, which can lead to choice  
18 fatigue and voters abstaining from down-ballot races that determine  
19 who shall serve in the government closest the people.

1 **PART II**

2 **REPEAL OF ADVISORY VOTES**

3 **Sec. 2.** RCW 29A.32.070 and 2016 c 83 s 1 are each amended to  
4 read as follows:

5 The secretary of state shall determine the format and layout of  
6 the voters' pamphlet published under RCW 29A.32.010. The secretary of  
7 state shall print the pamphlet in clear, readable type on a size,  
8 quality, and weight of paper that in the judgment of the secretary of  
9 state best serves the voters. The pamphlet must contain a table of  
10 contents. Measures and arguments must be printed in the order  
11 specified by RCW 29A.72.290.

12 The secretary of state's name may not appear in the voters'  
13 pamphlet in his or her official capacity if the secretary is a  
14 candidate for office during the same year. His or her name may only  
15 be included as part of the information normally included for  
16 candidates.

17 The voters' pamphlet must provide the following information for  
18 each statewide issue on the ballot (~~except measures for an advisory~~  
19 ~~vote of the people whose requirements are provided in subsection (11)~~  
20 ~~of this section))):~~

21 (1) The legal identification of the measure by serial designation  
22 or number;

23 (2) The official ballot title of the measure;

24 (3) A statement prepared by the attorney general explaining the  
25 law as it presently exists;

26 (4) A statement prepared by the attorney general explaining the  
27 effect of the proposed measure if it becomes law;

28 (5) The fiscal impact statement prepared under RCW 29A.72.025;

29 (6) The total number of votes cast for and against the measure in  
30 the senate and house of representatives, if the measure has been  
31 passed by the legislature;

32 (7) An argument advocating the voters' approval of the measure  
33 together with any statement in rebuttal of the opposing argument;

34 (8) An argument advocating the voters' rejection of the measure  
35 together with any statement in rebuttal of the opposing argument;

36 (9) Each argument or rebuttal statement must be followed by the  
37 names of the committee members who submitted them, and may be  
38 followed by a telephone number that citizens may call to obtain  
39 information on the ballot measure;

1 (10) The full text of the measure (~~(11)~~)  
2 ~~(11) Two pages shall be provided in the general election voters'~~  
3 ~~pamphlet for each measure for an advisory vote of the people under~~  
4 ~~RCW 43.135.041 and shall consist of the serial number assigned by the~~  
5 ~~secretary of state under RCW 29A.72.040, the short description~~  
6 ~~formulated by the attorney general under RCW 29A.72.283, the tax~~  
7 ~~increase's most up-to-date ten-year cost projection, including a~~  
8 ~~year-by-year breakdown, by the office of financial management under~~  
9 ~~RCW 43.135.031, and the names of the legislators, and their contact~~  
10 ~~information, and how they voted on the increase upon final passage so~~  
11 ~~they can provide information to, and answer questions from, the~~  
12 ~~public. For the purposes of this subsection, "names of legislators,~~  
13 ~~and their contact information" includes each legislator's position~~  
14 ~~(senator or representative), first name, last name, party affiliation~~  
15 ~~(for example, Democrat or Republican), city or town they live in,~~  
16 ~~office phone number, and office email address)).~~

17 **Sec. 3.** RCW 29A.64.090 and 2016 c 204 s 1 are each amended to  
18 read as follows:

19 When the official canvass of returns of any election reveals that  
20 the difference in the number of votes cast for the approval of a  
21 statewide measure and the number of votes cast for the rejection of  
22 such measure is less than two thousand votes and also less than one-  
23 half of one percent of the total number of votes cast on such  
24 measure, the secretary of state shall direct that a recount of all  
25 votes cast on such measure be made on such measure, in the manner  
26 provided by RCW 29A.64.041 and 29A.64.061, and the cost of such  
27 recount will be at state expense. (~~This section does not apply to~~  
28 ~~any statewide advisory vote of the people that was placed on the~~  
29 ~~ballot pursuant to RCW 43.135.041 and the secretary of state shall~~  
30 ~~not direct any recount for any statewide advisory vote of the~~  
31 ~~people.))~~

32 **Sec. 4.** RCW 29A.72.040 and 2008 c 1 s 7 are each amended to read  
33 as follows:

34 The secretary of state shall give a serial number to each  
35 initiative, referendum bill, or referendum measure, (~~or measure for~~  
36 ~~an advisory vote of the people,)) using a separate series for  
37 initiatives to the legislature, initiatives to the people, referendum  
38 bills, and referendum measures, (~~and measures for an advisory vote~~~~

1 ~~of the people,~~) and forthwith transmit one copy of the measure  
2 proposed bearing its serial number to the attorney general.  
3 Thereafter a measure shall be known and designated on all petitions,  
4 ballots, and proceedings as "Initiative Measure No. . . . .,"  
5 "Referendum Bill No. . . . .," or "Referendum Measure No. . . . .  
6 (~~7~~)." (~~or "Advisory Vote No. . . . ."~~)

7 **Sec. 5.** RCW 29A.72.250 and 2013 c 11 s 75 are each amended to  
8 read as follows:

9 If a referendum or initiative petition for submission of a  
10 measure to the people is found sufficient, the secretary of state  
11 shall at the time and in the manner that he or she certifies to the  
12 county auditors of the various counties the names of candidates for  
13 state and district officers certify to each county auditor the serial  
14 numbers and ballot titles of the several initiative and referendum  
15 measures (~~and serial numbers and short descriptions of measures~~  
16 ~~submitted for an advisory vote of the people~~) to be voted upon at  
17 the next ensuing general election or special election ordered by the  
18 legislature.

19 **Sec. 6.** RCW 29A.72.290 and 2013 c 11 s 76 are each amended to  
20 read as follows:

21 The county auditor of each county shall print the serial numbers  
22 and ballot titles certified by the secretary of state on the official  
23 ballots for the election at which initiative and referendum measures  
24 (~~and measures for an advisory vote of the people~~) are to be  
25 submitted to the people for their approval or rejection(~~7~~, ~~the serial~~  
26 ~~numbers and ballot titles certified by the secretary of state and the~~  
27 ~~serial numbers and short descriptions of measures for an advisory~~  
28 ~~vote of the people~~). They must appear under separate headings in the  
29 order of the serial numbers as follows:

- 30 (1) Initiatives to the people;
- 31 (2) Referendum measures;
- 32 (3) Referendum bills;
- 33 (4) Initiatives to the legislature;
- 34 (5) Initiatives to the legislature and legislative alternatives;
- 35 (6) (~~Advisory votes;~~
- 36 ~~7~~) Proposed constitutional amendments.



1 The statement must be placed in a prominent position, such as on the  
2 cover or on the first two pages of the voters' pamphlet. The  
3 secretary of state may substitute such language as is necessary for  
4 accuracy and clarity and consistent with the intent of this section;

5 (5) Contact information for major political parties;

6 (6) A brief statement explaining the deletion and addition of  
7 language for proposed measures under RCW 29A.32.080;

8 (7) A list of all student engagement hubs as designated under RCW  
9 29A.40.180; (~~and~~)

10 (8) For each measure that increases or decreases state tax  
11 revenue deposited in any fund, budget, or account, regardless of  
12 whether the revenues are deposited in the general fund, a reference  
13 to the page for the measure on the legislative website, a brief  
14 description of how the measure will increase or decrease state tax  
15 revenues, and a brief description of how revenue generated by the  
16 measure will be expended by the state under the measure or what state  
17 expenditures will be eliminated or reduced if the measure will  
18 decrease state revenue;

19 (9) A pie chart prepared by the legislative evaluation and  
20 accountability program showing budgeted state expenditures by object  
21 for the most recent biennium; and

22 (10) Any additional information pertaining to elections as may be  
23 required by law or in the judgment of the secretary of state is  
24 deemed informative to the voters.

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