

SENATE BILL REPORT

ESSB 5082

As Passed Senate, February 8, 2023

Title: An act relating to encouraging electoral participation and making ballots more meaningful by abolishing advisory votes.

Brief Description: Encouraging electoral participation and making ballots more meaningful by abolishing advisory votes.

Sponsors: Senate Committee on State Government & Elections (originally sponsored by Senators Kuderer, Hunt, Conway, Dhingra, Frame, Hasegawa, Nguyen, Nobles, Pedersen, Rolfes, Valdez, Van De Wege, Wellman and Wilson, C.).

Brief History:

Committee Activity: State Government & Elections: 1/10/23, 1/13/23 [DPS-WM, DNP, w/oRec].

Ways & Means: 1/23/23 [w/oRec, DNP].

Floor Activity: Passed Senate: 2/8/23, 30-18.

Brief Summary of Engrossed First Substitute Bill

- Repeals the requirement that advisory votes for tax increase legislation appear on the ballot and voters' pamphlet.
- Requires creation of a public website with summaries of operating, capital, and transportation budgets, graphs of state budgeted expenditures by object for the most recent biennium, a table charting state and local expenditures relative to personal income, and information on measures analyzed under Initiative 960.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5082 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

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.

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

Minority Report: Do not pass.

Signed by Senator Fortunato.

Minority Report: That it be referred without recommendation.

Signed by Senators Wilson, J., Ranking Member; Dozier.

Staff: Samuel Brown (786-7470)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Gildon, Assistant Ranking Member, Operating; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Van De Wege and Wellman.

Minority Report: Do not pass.

Signed by Senators Wilson, L., Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Torres and Wagoner.

Staff: Sarian Scott (786-7729)

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 to develop the fiscal impacts.

Initiative 960 (I-960) Analyses. Under I-960, passed by the voters in 2007, OFM must produce a ten-year cost projection for each bill introduced in the Legislature which raises taxes or increases fees. Bills with multiple revenue sources must have a separate ten-year cost projection for each revenue source. OFM must report the results of this analysis by e-mailed press release to each member of the Legislature, the news media, and the public.

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

Information on Budgets and Expenditures. The Legislative Evaluation and Accountability Program (LEAP), in conjunction with OFM, must create a website by August 15 of each year with the following information:

- summaries of each of the most recently adopted operating, transportation, and capital budgets and supplemental budgets;
- graphical depictions of budgeted expenditures by areas of government over the previous biennium;
- tables prepared by OFM comparing state and local expenditures with personal income over each of the preceding 20 years; and
- a list of bills for which I-960 analyses were prepared, links to the legislative website for each bill, and instructions on how to find the I-960 analyses.

Voters' Pamphlet. Information on advisory votes is not required to be printed in the voters' pamphlet. The voters' pamphlet must also include information about how to access the website created by LEAP and OFM with information about state budgets, including a web address, QR code, and phone number for the Legislative Information Center.

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 Original Bill (State Government & Elections):

The committee recommended a different version of the bill than what was heard. PRO: Advisory votes do more harm than good. They are being placed above crucial votes, such as for the president. In the 2021 voters' pamphlet, 18 of 23 pages were advisory votes, which cost hundreds of thousands of dollars and accomplished nothing. The ballot is not the place for these non-binding votes. They confuse voters and make folks suspicious that the rest of the ballot might be meaningless. We need real tools to educate the public about the Legislature's work and make it more transparent, not advisory votes. Ballots are sacred and should be free of propaganda. Everything on the ballot should be meaningful, not biased opinion or push polls that don't change anything. Advisory votes interrupt the voting process, cause confusion, and reduce participation, especially among underrepresented voters. Removing advisory votes makes voting easier and removes bias. Advisory votes devalue legislative work and the citizens' votes. Advisory votes hijack the public conversation around revenue, focusing on individual bills rather than inequities in the tax code itself. Information the bill requires in the voters' pamphlet will help voters understand how the state spends taxpayer dollars and how it keeps up with our growth—or doesn't.

CON: Voters are not stupid. Advisory votes allow the voice of the public to be heard. 75% of advisory votes on tax increases have been rejected, that is important for showing the will of the people. This is an underhanded way to weaken the voting process. The advisory votes create accountability, a check, and public opinion. This bill should contain a referendum clause, reflecting that advisory votes were enacted by a vote of the people.

OTHER: We request an amendment to replace the budget information in the voters' pamphlet with a QR code and website address that would take interested members of the public to a budget website. This would be cheaper, more succinct, and preserve the Secretary of State's ministerial role in the voters' pamphlet.

Persons Testifying (State Government & Elections): PRO: Senator Patty Kuderer, Prime Sponsor; Carol Sullivan, League of Women Voters of WA; Andrew Villeneuve, Northwest Progressive Institute; Cindy Black, Fix Democracy First; Steve Zemke, MajorityRules.org; Peggy Morell; Julie Wise, King County Director of Elections; Carolyn Brotherton; Robert Beekman, Faith Action Network; Shasti Conrad; Denisse Guerrero, WA Community Alliance.

CON: Aaron Lang; Jeff Pack, Me.

OTHER: Steve Hobbs, Secretary of State.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony (Ways & Means): No public hearing was held.

Persons Testifying (Ways & Means): N/A.

Persons Signed In To Testify But Not Testifying (Ways & Means): N/A.