

HOUSE BILL REPORT

SSB 5507

As Passed House - Amended:
April 9, 2013

Title: An act relating to increasing transparency of donors to candidates and ballot measures.

Brief Description: Increasing transparency of donors to candidates and ballot measures.

Sponsors: Senate Committee on Governmental Operations (originally sponsored by Senators Billig, Benton, Rolfes, Rivers, Hatfield, Harper, Ranker, Hasegawa, Frockt, Schlicher, Smith, Fraser, Sheldon, Roach, Kohl-Welles, Keiser, Shin, Murray, McAuliffe, Kline and Conway).

Brief History:

Committee Activity:

Government Operations & Elections: 3/19/13, 3/20/13, 3/26/13 [DPA].

Floor Activity:

Passed House - Amended: 4/9/13, 93-0.

**Brief Summary of Substitute Bill
(As Amended by House)**

- Requires that a statement including the Public Disclosure Commission's website be included in a prominent position within the voters' pamphlet.
- Requires that the statement including the Public Disclosure Commission's website be included either on the ballot itself or on both the ballot envelope and within the ballot materials.

HOUSE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass as amended. Signed by 11 members: Representatives Hunt, Chair; Bergquist, Vice Chair; Buys, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Alexander, Carlyle, Fitzgibbon, Kristiansen, Manweller, Orwall and Van De Wege.

Staff: Jasmine Vasavada (786-7301).

Background:

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

Whenever a statewide ballot measure or office is scheduled to appear on the general election ballot, the Secretary of State must print a voters' pamphlet and distribute it to each household in the state, public libraries, and other locations. The voters' pamphlet contains the following information:

- information about ballot measures and advisory vote measures;
- candidate statements, if submitted;
- contact information for the Public Disclosure Commission;
- contact information for the major political parties;
- a statement explaining the amendatory style used in ballot measures; and
- any additional information required by law or that the Secretary of State deems informative to voters.

The top of each ballot must contain clear and concise instructions directing the voter on how to mark their ballot, including how to write in a vote. Ballots must contain a clear delineation between the instructions and the candidates and measures that appear on the ballot.

Although the county auditor or local election official has the overall responsibility to conduct state and local elections within a county, the cost of printing and mailing ballots, envelopes, and instructions is shared proportionately by cities, towns, and districts who are holding elections. The state also assumed a prorated share of the costs of certain elections.

Summary of Amended Bill:

The following statement must be included with each ballot: "For a list of the people and organizations that donated to state and local government candidates and ballot measure campaigns, visit www.pdc.wa.gov." The Secretary of State may substitute such language as is necessary for accuracy and clarity. The statement must be included either on the ballot itself or within the ballot materials and on the ballot envelope.

The Secretary of State must include the same statement in a prominent position within the voters' pamphlet. The Secretary of State may substitute such language as is necessary for accuracy and clarity.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington has a great public disclosure system, probably one of the best in the country. Disclosure creates transparency and makes our democracy stronger. However, most voters do not know about the information that is available about who is donating to candidate campaigns and ballot measures. This bill has been amended in the Senate committee to help

ensure that it will not increase postage costs, and it has very strong bipartisan support in the Senate.

(In support with concerns) From the perspective of county auditors and elections managers, the requirement that the statement be placed on the ballot itself raises concerns. It would be better to include it in the voters' pamphlet, which is where voters go to get information, and where auditors can format the information in a way that voters will really read it. In some elections, the ballot can get very crowded. People often do not read the instructions as it is, and adding more words in the instruction section will make it less likely that people read the instructions and cast their ballot correctly. It also makes it more likely for the message to get lost on the ballot. Instead of requiring the statement on the ballot itself, the message could be printed on an insert or on the ballot envelope, as well as in the voters' pamphlet. The text on the ballot is already small print, and auditors cannot make it very large because they try hard to ensure that voters can mail it in with only one stamp. It would be better policy to give county auditors the flexibility to put the information within the ballot packet, but not on the ballot itself.

According to the Washington Association of County Officials, there is much to support in this bill but also a significant concern. Considering the space that must be left for trimming a ballot, there is actually no extra space on most ballots for additional information. Every effort is made to keep the ballot down to one page, because no candidate would want to be a candidate cut off from the rest of the ballot on a second page. It would be better policy to make placement of the statement on the ballot optional rather than mandatory, so an auditor can place it on the ballot if there is room. Alternately, the Secretary of State is already authorized to do this under current law, so instead of passing this bill, the Secretary of State's Office could put together administrative rules to require this information to be included within the ballot packet.

(Opposed) None.

Persons Testifying: (In support) Senator Billig, prime sponsor.

(In support with concerns) Mike Rooney, Washington Association of County Auditors; and Monty Cobb, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.