
HOUSE BILL 1876

State of Washington

67th Legislature

2022 Regular Session

By Representatives Gregerson, Valdez, Fitzgibbon, Simmons, Chopp, Ramel, and Pollet

Read first time 01/11/22. Referred to Committee on State Government & Tribal Relations.

1 AN ACT Relating to public investment impact disclosures for
2 certain ballot measures that repeal, levy, or modify any tax or fee
3 and have a fiscal impact statement that shows that adoption of the
4 measure would cause a net change in state revenue; amending RCW
5 29A.72.050 and 29A.72.290; adding a new section to chapter 29A.72
6 RCW; and creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature recognizes that the people
9 have reserved for themselves the power to enact or reject legislation
10 through the initiative and referendum process, as provided in Article
11 II, section 1 of the state Constitution. The legislature finds that
12 when exercising this right, the people are entitled to know the
13 fiscal impact that their vote will have on public investments at the
14 time they cast their ballots. The legislature further finds that when
15 a ballot measure will affect funding for public investments, a
16 neutral, nonprejudicial disclosure of the public investments affected
17 will provide greater transparency and necessary information for
18 voters.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
20 RCW to read as follows:

1 (1) The attorney general must prepare a public investment impact
2 disclosure for any ballot measure that:

3 (a) Repeals, levies, or modifies any tax or fee, including
4 changing the scope or application of an existing tax or fee; and

5 (b) Has a fiscal impact statement, as provided by RCW 29A.72.025,
6 that shows that adoption of the measure would cause a net change in
7 state revenue.

8 (2) The public investment impact disclosure must include a
9 description of the investments that will be affected if the measure
10 is adopted. The description must be sufficiently broad to reflect the
11 subject of the investments that will be impacted by the change in
12 revenue that will result from adoption of the measure, but also
13 sufficiently precise to give notice of the subject matter of the
14 investments that will be impacted by the change in revenue that will
15 result from adoption of the measure. The description may not exceed
16 10 words, unless the fiscal impact is primarily to the state general
17 fund, in which case the description must list the top three
18 categories of state services funded by the general fund in the
19 current state budget and may not exceed 15 words. The attorney
20 general may consult with the office of financial management or any
21 other state or local agencies as necessary to procure accurate
22 information to draft the description.

23 (3) The format of the public investment impact disclosure, as it
24 appears on the ballot, is:

25 "This measure would (increase or decrease) funding for
26 (description of services)."

27 (4) In drafting the public investment impact disclosure, the
28 attorney general must use neutral language that cannot reasonably be
29 expected to create prejudice for or against the measure. The language
30 of the disclosure is not subject to appeal.

31 (5) The attorney general must file the public investment impact
32 disclosure with the secretary of state no later than five business
33 days after the fiscal impact statement has been filed under RCW
34 29A.72.025.

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

38 (7) Public investment impact disclosures are not considered part
39 of the ballot title under this chapter and are not subject to any of
40 the legal requirements for ballot titles.

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

3 (1) The ballot title for an initiative to the people, an
4 initiative to the legislature, a referendum bill, or a referendum
5 measure consists of: (a) A statement of the subject of the measure;
6 (b) a concise description of the measure; and (c) a question in the
7 form prescribed in this section for the ballot measure in question.
8 The statement of the subject of a measure must be sufficiently broad
9 to reflect the subject of the measure, sufficiently precise to give
10 notice of the measure's subject matter, and not exceed ten words. The
11 concise description must contain no more than thirty words, be a true
12 and impartial description of the measure's essential contents,
13 clearly identify the proposition to be voted on, and not, to the
14 extent reasonably possible, create prejudice either for or against
15 the measure.

16 (2) If a public investment impact disclosure is required under
17 section 2 of this act, the disclosure must appear in the middle of
18 the ballot title, after the concise description and before the
19 question. The disclosure is not, however, considered part of the
20 ballot title and is not subject to any of the legal requirements for
21 ballot titles under this chapter.

22 (3) For an initiative to the people, or for an initiative to the
23 legislature for which the legislature has not proposed an
24 alternative, the ballot title and public investment impact
25 disclosure, if applicable, must be displayed on the ballot
26 substantially as follows:

27 "Initiative Measure No. . . . concerns (statement of
28 subject). This measure would (concise description). (Public
29 investment impact disclosure, if applicable). Should this
30 measure be enacted into law?

31 Yes
32 No

33 (~~(3)~~) (4) For an initiative to the legislature for which the
34 legislature has proposed an alternative, the ballot title and public
35 investment impact disclosure, if applicable, must be displayed on the
36 ballot substantially as follows:

1 "Initiative Measure Nos. . . . and . . .B concern (statement
2 of subject).

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

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

8 1. Should either of these measures be enacted into law?

9 Yes

10 No

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

13 Measure No.

14 or

15 Measure No.

16 ((4)) (5) For a referendum bill submitted to the people by the
17 legislature, the ballot issue and public investment impact
18 disclosure, if applicable, must be displayed on the ballot
19 substantially as follows:

20 "The legislature has passed Bill No. . . . concerning
21 (statement of subject). This bill would (concise
22 description). (Public investment impact disclosure, if
23 applicable). Should this bill be:

24 Approved

25 Rejected

26 ((5)) (6) For a referendum measure by state voters on a bill
27 the legislature has passed, the ballot issue and public investment
28 impact disclosure, if applicable, must be displayed on the ballot
29 substantially as follows:

30 "The legislature passed Bill No. . . . concerning
31 (statement of subject) and voters have filed a sufficient
32 referendum petition on this bill. This bill would (concise
33 description). (Public investment impact disclosure, if
34 applicable). Should this bill be:

1 Approved

2 Rejected

3 ((+6)) (7) The legislature may specify the statement of subject
4 or concise description, or both, in a referendum bill that it refers
5 to the people. The legislature may specify the concise description
6 for an alternative it submits for an initiative to the legislature.
7 If the legislature fails to specify these matters, the attorney
8 general shall prepare the material that was not specified. The
9 statement of subject and concise description as so provided must be
10 included as part of the ballot title unless changed on appeal.

11 The attorney general shall specify the statement of subject and
12 concise description for an initiative to the people, an initiative to
13 the legislature, and a referendum measure. The statement of subject
14 and concise description as so provided must be included as part of
15 the ballot title unless changed on appeal.

16 **Sec. 4.** RCW 29A.72.290 and 2013 c 11 s 76 are each amended to
17 read as follows:

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

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

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