
SUBSTITUTE SENATE BILL 5182

State of Washington

67th Legislature

2021 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Kuderer, Hunt, Conway, Darneille, Das, Dhingra, Hasegawa, Lovelett, Nguyen, Pedersen, Van De Wege, and Wilson, C.)

READ FIRST TIME 02/03/21.

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 adding a new section to chapter 29A.32 RCW; creating a new section;
4 and repealing RCW 29A.72.283, 29A.72.285, and 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 (~~(+~~
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 bill enacted since the previous election that
11 increases or decreases state tax revenue deposited in any fund,
12 budget, or account, regardless of whether the revenues are deposited
13 in the general fund:

14 (a) A reference to the page for the bill on the official
15 legislative website; and

16 (b) The fiscal impact statement prepared under section 9 of this
17 act;

18 (9) A pie chart prepared by the legislative evaluation and
19 accountability program showing total budgeted funds for the state
20 operating budget by functional areas of government for the most
21 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.

25 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.32
26 RCW to read as follows:

27 (1) The office of financial management, in consultation with the
28 secretary of state, the attorney general, and any other appropriate
29 state or local agency, shall prepare a fiscal impact statement for
30 each bill enacted under RCW 29A.32.031(8). Fiscal impact statements
31 must be written in clear and concise language, avoid legal and
32 technical terms when possible, and be filed with the secretary of
33 state no later than the 10th day of August. Fiscal impact statements
34 may include easily understood graphics.

35 (2) A fiscal impact statement must describe any projected
36 increase or decrease in revenues, costs, expenditures, or
37 indebtedness that the state or local governments will experience.
38 Where appropriate, a fiscal impact statement may include both
39 estimated dollar amounts and a description placing the estimated

1 dollar amounts into context. A fiscal impact statement must include a
2 summary not to exceed 100 words, and a more detailed statement that
3 includes the assumptions that were made to develop the fiscal
4 impacts.

5 (3) Fiscal impact statements must be available online from the
6 secretary of state's website and included in the state voters'
7 pamphlet. Additional information may be posted on the website of the
8 office of financial management.

--- **END** ---