

# HOUSE BILL REPORT

## ESSB 5082

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**As Passed House:**

April 7, 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 & Tribal Relations: 3/10/23, 3/21/23 [DP].

**Floor Activity:**

Passed House: 4/7/23, 54-43.

**Brief Summary of Engrossed Substitute Bill**

- Repeals provisions that require legislative tax increases to be subject to an advisory vote in which voters at the next general election may express a nonbinding preference for the tax increases to be repealed or maintained.
- Requires the Legislative Evaluation and Accountability Program and the Office of Financial Management to create a website that includes certain information about the state budgets.
- Requires that voters' pamphlets contain information about how to access that website.

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**HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS**

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*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.*

**Majority Report:** Do pass. Signed by 4 members: Representatives Ramos, Chair; Stearns, Vice Chair; Gregerson and Mena.

**Minority Report:** Do not pass. Signed by 2 members: Representatives Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Low.

**Staff:** Jason Zolle (786-7124).

**Background:**

*Advisory Votes on Legislative Tax Increases.* Initiative 960, which was approved in 2007, created a process for Washington citizens to participate in an advisory vote on whether a tax increase passed by the Legislature should be repealed or maintained. The vote is nonbinding and the results do not affect the law. The advisory vote occurs at the next general election. An advisory vote is not held if the tax increase is referred to the people as a referendum or is included in a people's initiative.

*Voters' Pamphlets.* The Office of the Secretary of State (OSOS) is required to print a voters' pamphlet whenever at least one statewide measure or office is scheduled to appear on the general election ballot. The pamphlet must contain:

- information about initiatives or referenda submitted for the voters' approval or rejection;
- information about measures submitted for an advisory vote;
- statements and photographs of candidates for federal offices, many state offices, and appellate or superior court judges;
- contact information for the Public Disclosure Commission and a statement that its website contains information about donors;
- contact information for the major political parties; and
- any additional election information required by law or that the OSOS deems informative to voters.

With respect to advisory votes, the voters' pamphlet must contain:

- a short description of the tax increase, formulated by the Office of the Attorney General;
- the 10-year cost projection for the tax, including a year-by-year breakdown, as determined by the Office of Financial Management (OFM); and
- the names of state legislators and how they voted on the legislation.

The OSOS must distribute the pamphlet to each household in the state, to public libraries, and to other locations that the OSOS deems appropriate. The OSOS may make the pamphlet available in electronic form as well.

*Fiscal Analysis of Legislation.* Whenever a bill introduced in the Legislature raises taxes or

increases fees, the OFM must determine its cost to taxpayers over the first 10 years after its imposition. These fiscal analyses must be reported to legislators and the public and be posted on the OFM website. The 10-year cost projections must also include year-by-year breakdowns. The analyses must be updated and redistributed each time a bill increasing taxes or fees is scheduled for a public hearing, passed out of a committee, or passed by a chamber of the Legislature.

*The Legislative Evaluation and Accountability Program.*

In 1977 the Legislature created the Legislative Evaluation and Accountability Program (LEAP) to be an independent source to aid in its budget processes, both by providing information and by supporting the process through technology. The LEAP is a bipartisan committee with four senators, four representatives, and eleven staff.

**Summary of Bill:**

*Advisory Votes on Tax Increases.* The requirement that legislation that increases taxes be referred to the people for an advisory vote at the next general election is repealed. The voters' pamphlet no longer needs to contain information about advisory votes.

*Budget Information to Be Posted Online.* The LEAP and the OFM must create a website, updated August 15 of each year, with the following information:

- a summary of the most recently adopted regular and supplemental operating, transportation, and capital budgets, and information about how to locate the bills and roll call votes for the budgets online;
- graphical depictions of funds subject to outlook and a data visualization showing total budgeted funds for the state operating budget, broken down by functional areas of government;
- tables provided by the OFM comparing state and local expenditures with personal income over the past 20 years; and
- a list of each bill for which OFM prepared fiscal impact statements, and links to the legislative website for each bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) This bill continues Washington's efforts to make voting as easy as possible. The advisory votes on the ballot are the most glaring example of a barrier to voting. The way they are worded confuses people. The fact they are first on the ballot bogs people

down and discourages them from filling out the ballot. The language of the advisory votes contains anti-tax rhetoric and is politically charged propaganda designed to instill distrust in government. Every vote should have an effect. It is time to end this failed experiment and replace it with accurate fiscal information that is accessible to voters. Auditors support removing advisory votes because they take up significant space on the ballot and auditors have to field a lot of questions about what they mean. It is a waste of time and government resources to have this meaningless push poll on the ballot. Taxpayers will save money if advisory votes are eliminated. Advisory votes are unpopular and their repeal has been supported by poll after poll. The ballot is not the place for surveys. Budgeting by initiative is not feasible; we expect our representatives to make tough decisions about funding, and letting the people do it all would bring government to a halt.

(Opposed) The Legislature does not listen to the results of advisory votes, and now they want to take away people's chance to voice disapproval. All tax increases should go through the voters so they have a real say. In 10 years the Legislature has raised taxes 41 times, and people disapproved of 30 of them. Advisory votes allow people to retroactively hold legislators accountable. Advisory votes were created by initiative as a way to provide accountability and transparency regarding tax increases. This bill is an attempt to silence those with differing opinions. Advisory votes can be confusing and do not change anything, but they are a tool to question the Legislature. The language in them is factual, not biased. If people do not understand advisory votes, people should be educated; the votes should not be taken away.

**Persons Testifying:** (In support) Senator Patty Kuderer, prime sponsor; Carol Sullivan, League of Women Voters of Washington; Cindy Black, Fix Democracy First; Steve Hobbs, Office of the Secretary of State; Julie Wise, King County Elections; Jazmine Smith, The Washington Bus; Kari Bull, FairVote Washington; Abigail Leong, Washington Voting Justice Coalition; Steve Zemke, MajorityRules; Kathy Sakahara and Andrew Villeneuve, Northwest Progressive Institute; Joseph Lachman and Hailey Wu, Asian Counseling and Referral Service; Joe Kendo, Washington State Labor Council, AFL-CIO; Kristin Ang, Faith Action Network; Julie Andrzejewski; and Patrick Schoettmer.

(Opposed) Eric Pratt; Tim Eyman; Jeff Pack, Washington Citizens Against Unfair Taxes; Laurie Layne; Julie Barrett, Conservative Ladies of Washington; Anthony Mixer; John Fannon; Joshua Hardwick; and Suzanne Rohner.

**Persons Signed In To Testify But Not Testifying:** Tad Sommerville.