

# SENATE BILL REPORT

## SB 5082

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As Reported by Senate Committee On:  
State Government & Elections, January 13, 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:** 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].

### Brief Summary of First Substitute Bill

- Repeals the requirement that advisory votes for tax increase legislation appear on the ballot and voters' pamphlet.
- Requires that summaries of operating, capital, and transportation budgets, a pie chart showing state budgeted expenditures by object for the most recent biennium, and a table charting state and local expenditures relative to personal income appear on a website produced by the Office of Financial Management (OFM).
- Requires that OFM produce fiscal impact statements for legislation impacting state revenues and make it available online.

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### 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.

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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.*

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)

**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.

**Summary of Bill (First Substitute):** 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. OFM must create a website by October 15 of each even-numbered year with the following information:

- summaries of 300 words or less for each of the most recently adopted operating, transportation, and capital budgets and supplemental budgets;

- a pie chart prepared by the Legislative Evaluation and Accountability Program showing budgeted expenditures by areas of government over the previous biennium;
- tables prepared by OFM comparing state and local expenditures per \$1,000 of personal income over the preceding 20 years; and
- instructions on how to find fiscal impact statements prepared by OFM for measures impacting state revenues.

Fiscal Impact Statements. OFM, in consultation with the Secretary of State, Attorney General, and other appropriate agencies, must prepare fiscal impact statements for each bill that impacts state tax revenues. Statements must be available by July 23. Fiscal impact statements must be clear and concise descriptions of the bill which describe the increase or decrease in state or local revenues, costs, or spending. Fiscal impact statements must include a summary of no more than 250 words, and more detailed information as necessary. Fiscal impact statements must be made available on OFM and legislative websites.

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 fiscal impact statements and the OFM website with information about state budgets, including a web address, QR code, and phone number for OFM.

**EFFECT OF CHANGES MADE BY STATE GOVERNMENT & ELECTIONS COMMITTEE (First Substitute):**

Information on recently adopted budgets, and charts and tables describing recent state and local expenditures must appear on a website created by OFM by October 15 of each even-numbered year, rather than in the voters' pamphlet. The voters' pamphlet is required to include information about how to access the OFM website with budget and expenditure information.

**Appropriation:** None.

**Fiscal Note:** Requested on January 5, 2023.

**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:** *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:** 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:** No one.