
ENGROSSED SUBSTITUTE SENATE BILL 5082

State of Washington

68th Legislature

2023 Regular Session

By Senate State Government & Elections (originally sponsored by Senators Kuderer, Hunt, Conway, Dhingra, Frame, Hasegawa, Nguyen, Nobles, Pedersen, Rolfes, Valdez, Van De Wege, Wellman, and C. Wilson)

READ FIRST TIME 01/16/23.

1 AN ACT Relating to encouraging electoral participation and making
2 ballots more meaningful by abolishing advisory votes; amending RCW
3 29A.32.070, 29A.64.090, 29A.72.040, 29A.72.250, 29A.72.290, and
4 29A.32.031; adding a new section to chapter 44.48 RCW; creating a new
5 section; and repealing RCW 29A.72.283, 29A.72.285, and 43.135.041.

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

7 **PART I**
8 **STATEMENT OF LEGISLATIVE INTENT**

9 NEW SECTION. **Sec. 1.** The legislature finds that making the act
10 of casting a ballot as simple as possible will help promote the free
11 and equal elections guaranteed by Article I, section 19 and Article
12 VI, section 1 of the Washington state Constitution. The legislature
13 recognizes that transparency and fiscal responsibility are important
14 to the people of Washington, and that election administration and
15 ballot design should reflect these long-held values. The legislature
16 further finds that the people rightfully expect items on their
17 ballots to be neutrally and accurately worded. Finally, the
18 legislature finds for the votes that Washingtonians cast to have
19 meaning, the ballot must be limited to candidate elections that give
20 the people the power to choose their representatives or ballot

1 measures that determine what laws and plan of government the state
2 and its localities shall have.

3 **PART II**

4 **REPEAL OF ADVISORY VOTES**

5 **Sec. 2.** RCW 29A.32.070 and 2016 c 83 s 1 are each amended to
6 read as follows:

7 The secretary of state shall determine the format and layout of
8 the voters' pamphlet published under RCW 29A.32.010. The secretary of
9 state shall print the pamphlet in clear, readable type on a size,
10 quality, and weight of paper that in the judgment of the secretary of
11 state best serves the voters. The pamphlet must contain a table of
12 contents. Measures and arguments must be printed in the order
13 specified by RCW 29A.72.290.

14 The secretary of state's name may not appear in the voters'
15 pamphlet in his or her official capacity if the secretary is a
16 candidate for office during the same year. His or her name may only
17 be included as part of the information normally included for
18 candidates.

19 The voters' pamphlet must provide the following information for
20 each statewide issue on the ballot (~~(except measures for an advisory~~
21 ~~vote of the people whose requirements are provided in subsection (11)~~
22 ~~of this section))):~~

23 (1) The legal identification of the measure by serial designation
24 or number;

25 (2) The official ballot title of the measure;

26 (3) A statement prepared by the attorney general explaining the
27 law as it presently exists;

28 (4) A statement prepared by the attorney general explaining the
29 effect of the proposed measure if it becomes law;

30 (5) The fiscal impact statement prepared under RCW 29A.72.025;

31 (6) The total number of votes cast for and against the measure in
32 the senate and house of representatives, if the measure has been
33 passed by the legislature;

34 (7) An argument advocating the voters' approval of the measure
35 together with any statement in rebuttal of the opposing argument;

36 (8) An argument advocating the voters' rejection of the measure
37 together with any statement in rebuttal of the opposing argument;

1 (9) Each argument or rebuttal statement must be followed by the
2 names of the committee members who submitted them, and may be
3 followed by a telephone number that citizens may call to obtain
4 information on the ballot measure;

5 (10) The full text of the measure((~~+~~

6 ~~(11) Two pages shall be provided in the general election voters'~~
7 ~~pamphlet for each measure for an advisory vote of the people under~~
8 ~~RCW 43.135.041 and shall consist of the serial number assigned by the~~
9 ~~secretary of state under RCW 29A.72.040, the short description~~
10 ~~formulated by the attorney general under RCW 29A.72.283, the tax~~
11 ~~increase's most up-to-date ten-year cost projection, including a~~
12 ~~year-by-year breakdown, by the office of financial management under~~
13 ~~RCW 43.135.031, and the names of the legislators, and their contact~~
14 ~~information, and how they voted on the increase upon final passage so~~
15 ~~they can provide information to, and answer questions from, the~~
16 ~~public. For the purposes of this subsection, "names of legislators,~~
17 ~~and their contact information" includes each legislator's position~~
18 ~~(senator or representative), first name, last name, party affiliation~~
19 ~~(for example, Democrat or Republican), city or town they live in,~~
20 ~~office phone number, and office email address)).~~

21 **Sec. 3.** RCW 29A.64.090 and 2016 c 204 s 1 are each amended to
22 read as follows:

23 When the official canvass of returns of any election reveals that
24 the difference in the number of votes cast for the approval of a
25 statewide measure and the number of votes cast for the rejection of
26 such measure is less than two thousand votes and also less than one-
27 half of one percent of the total number of votes cast on such
28 measure, the secretary of state shall direct that a recount of all
29 votes cast on such measure be made on such measure, in the manner
30 provided by RCW 29A.64.041 and 29A.64.061, and the cost of such
31 recount will be at state expense. ((~~This section does not apply to~~
32 ~~any statewide advisory vote of the people that was placed on the~~
33 ~~ballot pursuant to RCW 43.135.041 and the secretary of state shall~~
34 ~~not direct any recount for any statewide advisory vote of the~~
35 ~~people.))~~

36 **Sec. 4.** RCW 29A.72.040 and 2008 c 1 s 7 are each amended to read
37 as follows:

1 The secretary of state shall give a serial number to each
2 initiative, referendum bill, or referendum measure, (~~(or measure for~~
3 ~~an advisory vote of the people,~~) using a separate series for
4 initiatives to the legislature, initiatives to the people, referendum
5 bills, and referendum measures, (~~(and measures for an advisory vote~~
6 ~~of the people,~~) and forthwith transmit one copy of the measure
7 proposed bearing its serial number to the attorney general.
8 Thereafter a measure shall be known and designated on all petitions,
9 ballots, and proceedings as "Initiative Measure No.,"
10 "Referendum Bill No.," or "Referendum Measure No.
11 (~~(r)~~)." ~~("Advisory Vote No.")~~)

12 **Sec. 5.** RCW 29A.72.250 and 2013 c 11 s 75 are each amended to
13 read as follows:

14 If a referendum or initiative petition for submission of a
15 measure to the people is found sufficient, the secretary of state
16 shall at the time and in the manner that he or she certifies to the
17 county auditors of the various counties the names of candidates for
18 state and district officers certify to each county auditor the serial
19 numbers and ballot titles of the several initiative and referendum
20 measures (~~(and serial numbers and short descriptions of measures~~
21 ~~submitted for an advisory vote of the people)) to be voted upon at
22 the next ensuing general election or special election ordered by the
23 legislature.~~

24 **Sec. 6.** RCW 29A.72.290 and 2022 c 114 s 4 are each amended to
25 read as follows:

26 The county auditor of each county shall print the serial numbers,
27 ballot titles, and public investment impact disclosures certified by
28 the secretary of state on the official ballots for the election at
29 which initiative and referendum measures (~~(and measures for an~~
30 ~~advisory vote of the people)) are to be submitted to the people for
31 their approval or rejection(~~(, the serial numbers, ballot titles, and~~
32 ~~public investment impact disclosures certified by the secretary of~~
33 ~~state and the serial numbers and short descriptions of measures for~~
34 ~~an advisory vote of the people)). They must appear under separate
35 headings in the order of the serial numbers as follows:~~~~

- 36 (1) Initiatives to the people;
- 37 (2) Referendum measures;
- 38 (3) Referendum bills;

- 1 (4) Initiatives to the legislature;
2 (5) Initiatives to the legislature and legislative alternatives;
3 (6) (~~Advisory votes;~~
4 ~~(7)~~) Proposed constitutional amendments.

5 NEW SECTION. **Sec. 7.** The following acts or parts of acts are
6 each repealed:

7 (1) RCW 29A.72.283 (Advisory vote on tax legislation—Short
8 description) and 2008 c 1 s 8;

9 (2) RCW 29A.72.285 (Advisory vote on tax legislation—Short
10 description filing and transmittal) and 2008 c 1 s 9; and

11 (3) RCW 43.135.041 (Tax legislation—Advisory vote—Duties of the
12 attorney general and secretary of state—Exemption) and 2016 c 1 s 5,
13 2013 c 1 s 6, 2010 c 4 s 3, & 2008 c 1 s 6.

14 **PART III**

15 **INFORMATION REGARDING STATE TAX REVENUE**

16 **Sec. 8.** RCW 29A.32.031 and 2020 c 208 s 11 are each amended to
17 read as follows:

18 The voters' pamphlet published or distributed under RCW
19 29A.32.010 must contain:

20 (1) Information about (~~each measure for an advisory vote of the~~
21 ~~people and~~) each ballot measure initiated by or referred to the
22 voters for their approval or rejection as required by RCW 29A.32.070;

23 (2) In even-numbered years, statements, if submitted, from
24 candidates for the office of president and vice president of the
25 United States, United States senator, United States representative,
26 governor, lieutenant governor, secretary of state, state treasurer,
27 state auditor, attorney general, commissioner of public lands,
28 superintendent of public instruction, insurance commissioner, state
29 senator, state representative, justice of the supreme court, judge of
30 the court of appeals, or judge of the superior court. Candidates may
31 also submit campaign contact information and a photograph not more
32 than five years old in a format that the secretary of state
33 determines to be suitable for reproduction in the voters' pamphlet;

34 (3) In odd-numbered years, if any office voted upon statewide
35 appears on the ballot due to a vacancy, then statements and

1 photographs for candidates for any vacant office listed in subsection
2 (2) of this section must appear;

3 (4) Contact information for the public disclosure commission
4 established under RCW 42.17A.100, including the following statement:
5 "For a list of the people and organizations that donated to state and
6 local candidates and ballot measure campaigns, visit www.pdc.wa.gov."
7 The statement must be placed in a prominent position, such as on the
8 cover or on the first two pages of the voters' pamphlet. The
9 secretary of state may substitute such language as is necessary for
10 accuracy and clarity and consistent with the intent of this section;

11 (5) Contact information for major political parties;

12 (6) A brief statement explaining the deletion and addition of
13 language for proposed measures under RCW 29A.32.080;

14 (7) A list of all student engagement hubs as designated under RCW
15 29A.40.180; (~~and~~)

16 (8) A page providing information about how to access the internet
17 presentation of the information created in section 9 of this act
18 about the state budgets, including a uniform resource locator, a
19 quick response code, and a phone number for the legislative
20 information center. The uniform resource locator and quick response
21 codes will lead the voter to the internet information required in
22 section 9 of this act; and

23 (9) Any additional information pertaining to elections as may be
24 required by law or in the judgment of the secretary of state is
25 deemed informative to the voters.

26 NEW SECTION. Sec. 9. A new section is added to chapter 44.48
27 RCW to read as follows:

28 The legislative evaluation and accountability program, in
29 conjunction with the office of financial management, must create a
30 website presentation accessible 24 hours a day beginning August 15th
31 of each year containing the following information:

32 (1) (a) A summary of each of the following:

33 (i) The adopted operating budget and supplemental operating
34 budget for the most recent fiscal biennium;

35 (ii) The adopted capital budget and supplemental capital budget
36 for the most recent fiscal biennium; and

37 (iii) The adopted transportation budget and supplemental
38 transportation budget for the most recent fiscal biennium;

1 (b) Every summary required by (a) of this subsection must
2 additionally include:
3 (i) The numbers of each bill that was part of the budget for that
4 session;
5 (ii) Access information for each bill on the official legislative
6 website;
7 (iii) The date that each bill was approved with brief
8 instructions on how to locate roll call votes online; and
9 (iv) The number of votes cast for and against each bill;
10 (2) Graphical depictions of funds subject to outlook and a data
11 visualization showing total budgeted funds for the state operating
12 budget by functional areas of government for the most recent
13 biennium;
14 (3) Tables provided by the office of financial management
15 comparing state and local expenditures with personal income from the
16 most recent fiscal year available to each fiscal year going back 20
17 years; and
18 (4) A list, generated by the legislative evaluation and
19 accountability program in coordination with the office of financial
20 management, of every bill for which an analysis was produced in
21 compliance with RCW 43.135.031, and links to the legislative website
22 for each bill on the list so the public may see how legislators voted
23 and instructions for voters on how to locate analyses produced in
24 compliance with RCW 43.135.031.

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