
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 43.41 RCW; adding a new
5 section to chapter 29A.32 RCW; creating a new section; and repealing
6 RCW 29A.72.283, 29A.72.285, and 43.135.041.

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

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

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

1 the people the power to choose their representatives or ballot
2 measures that determine what laws and plan of government the state
3 and its localities shall have.

4 **PART II**

5 **REPEAL OF ADVISORY VOTES**

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

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

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

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

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

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

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

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

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

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

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

37 (8) An argument advocating the voters' rejection of the measure
38 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 sections 9 and 10 of this
18 act about the state budgets, including a uniform resource locator, a
19 quick response code, and a phone number for the office of financial
20 management. The uniform resource locator and quick response codes
21 will lead the voter to the internet information required in sections
22 9 and 10 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 43.41
27 RCW to read as follows:

28 The office of financial management, in conjunction with the
29 legislature, must create a website presentation accessible 24 hours a
30 day beginning October 15th of each even-numbered year containing the
31 following information:

32 (1) (a) A summary of 300 words or less 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 describe the major sources of revenue for that budget, categorize the
3 expenditures by amount in decreasing order, and additionally include:

4 (i) The numbers of each bill that was part of the budget for that
5 session;

6 (ii) Access information for each bill on the official legislative
7 website;

8 (iii) The date that each bill was approved with brief
9 instructions on how to locate roll call votes online; and

10 (iv) The number of votes cast for and against each bill;

11 (2) Graphical depictions of funding sources including a pie chart
12 prepared by the legislative evaluation and accountability program
13 showing total budgeted funds for the state operating budget by
14 functional areas of government for the most recent biennium;

15 (3) (a) Tables provided by the office of financial management
16 comparing state and local expenditures per \$1,000 of personal income
17 from the most recent fiscal year available to each fiscal year going
18 back 20 years; and

19 (b) An explanation not to exceed 100 words of what is measured in
20 (a) of this subsection; and

21 (4) Instructions for voters on how to locate fiscal impact
22 statements prepared under section 10 of this act.

23 NEW SECTION. **Sec. 10.** A new section is added to chapter 29A.32
24 RCW to read as follows:

25 (1) The office of financial management, in consultation with the
26 secretary of state, the attorney general, and any other appropriate
27 state or local agency, shall prepare a fiscal impact statement for
28 each bill enacted since the previous election that increases or
29 decreases state tax revenue deposited in any fund, budget, or
30 account, regardless of whether the revenues are deposited in the
31 general fund. Fiscal impact statements must be written in clear and
32 concise language, avoid legal and technical terms when possible, and
33 be filed with the secretary of state no later than the 23rd day of
34 July. Fiscal impact statements may include easily understood
35 graphics.

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

1 estimated dollar amounts and a description placing the estimated
2 dollar amounts into context. A fiscal impact statement must include a
3 summary not to exceed 250 words, and a more detailed statement that
4 includes the assumptions that were made to develop the fiscal
5 impacts.

6 (3) Fiscal impact statements must be available online from the
7 website of the office of financial management, grouped by biennium,
8 and must also be accessible through a link on the front page of the
9 legislative website. Additional information may be posted on the
10 website of the office of financial management.

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