

Multiple Agency Fiscal Note Summary

Bill Number: 5378 SB	Title: Voter education
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Estimated Cash Receipts

NONE

Agency Name	2023-25		2025-27		2027-29	
	GF- State	Total	GF- State	Total	GF- State	Total
Local Gov. Courts						
Loc School dist-SPI						
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.					
Local Gov. Total						

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of the Secretary of State	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	0	0.0	0	0	0	0.0	0	0	0

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of the Secretary of State	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Estimated Capital Budget Breakout

NONE

Prepared by: Gwen Stamey, OFM	Phone: (360) 790-1166	Date Published: Final
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Individual State Agency Fiscal Note

Bill Number: 5378 SB	Title: Voter education	Agency: 085-Office of the Secretary of State
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Sam Brown	Phone: 786-7470	Date: 01/25/2023
Agency Preparation: Mike Woods	Phone: (360) 704-5215	Date: 01/27/2023
Agency Approval: Mike Woods	Phone: (360) 704-5215	Date: 01/27/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 01/30/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 – The legislature finds that local jurisdictions changing the voting system used to select candidates and choosing alternative methods of candidate selection must be responsible for educating all voters affected by the change. It is necessary for county election officials to ensure full education of all voters participating in the changed system.

Section 2 – Whenever a voting jurisdiction changes the method of candidate selection, that jurisdiction must make notification to the public of the change and create a public education campaign intended to familiarize the voting public with any unique elements of the new process. The section identifies required elements of the public education campaigns. Costs of the education campaign are to be borne solely by the election office serving the voting jurisdiction.

Section 3 – Failure by a voting jurisdiction to conduct the education campaign is cause for the method of candidate selection to revert to the method previously employed in the voting jurisdiction.

Section 4 – Voters who find the education campaign to be inadequate may file an action against the voting jurisdiction.

The act takes effect January 1, 2024.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

No fiscal impact to the Office of the Secretary of State (OSOS). Section 2(7) requires that costs of the education campaigns be borne solely by the voting jurisdiction. OSOS assumes local jurisdictions may seek advice from OSOS but believes the impact of providing such advice could be covered within existing resources.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 5378 SB

Title: Voter education

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: could incur voter education campaign costs if a local jurisdiction chose to change its candidate selection method.
- Counties: could incur initial voter education campaign costs if a local jurisdiction changed its candidate selection method, but counties election offices participating in the voter education campaign would be reimbursed for all campaign costs by the local jurisdiction changing its candidate selection method.
- Special Districts: same as cities.
- Specific jurisdictions only: only local jurisdictions that choose to change their candidate selection method would incur indeterminate costs associated with the legislation's required voter education campaign.
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: which local jurisdictions will change their candidate selection methods; the total cost of a local jurisdiction's voter education campaign.

Estimated revenue impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated expenditure impacts to:

None

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/31/2023
Leg. Committee Contact: Sam Brown	Phone: 786-7470	Date: 01/25/2023
Agency Approval: Allan Johnson	Phone: 360-725-5033	Date: 01/31/2023
OFM Review: Gwen Stamey	Phone: (360) 790-1166	Date: 02/01/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Sec. 1(1) adds a new section declaring that local jurisdictions changing the voting system used to select candidates, and choosing alternative methods of candidate selection not defined in chapter 29A.52, shall be responsible for educating all voters affected by the change. Minimum levels of voter education must be conducted by county election offices in conjunction with local jurisdictions.

Sec. 1 (2) requires county election offices to work in conjunction with the voting jurisdiction making the candidate selection change to ensure all voters participating in the changed system including:

- people with limited English language proficiency
- limited literacy abilities
- limited intellectual abilities

Sec. 1 (3-4) requires voter education to be accomplished in several ways including mailing to every affected voter:

- a description of the new method
- an explanation of how the new method compares to the old method
- the notice must be translated into all of the languages required for that jurisdiction by federal law
- information must be included in the voter pamphlet

Sec. 1 (5) requires the voting jurisdiction to provide a website with all information about the candidate selection change to be published and available in the required languages of voters living in the jurisdiction at least 12 months before the new candidate selection method would be implemented.

Sec. 1 (6) declares that failure to provide any of the above notifications could result in reversion of the candidate selection methods to be consistent with the traditional requirements outlined in chapter 29A.52.

Sec. 2 (1) adds a new section that lists voting jurisdictions' requirements if they change the method of selecting a candidate. The jurisdiction must produce, print and mail voter education materials about the candidate selection change to each voter's mailing address in each voter registration record using USPS for delivery. The materials must be understandable to all voters including:

- people with limited English proficiency
- people with special needs and intellectual disabilities
- students and future voters living within the voting jurisdiction.

The materials must be translated into the language required by the federal law and spoken by voters within the voting jurisdiction that's changing the candidate selection method.

The jurisdiction must provide information about the change electronically:

- on a website accessible 24/7
- includes answers to frequently asked questions
- include a location for voters to ask questions and a monitored email address to submit questions. Jurisdiction must provide a response within one business day of submission.
- provide a toll-free telephone hotline for at least 12 months prior to the first election event that would implement the changed candidate selection method. Hotline must provide customer support during regular business hours of the election office serving the voting jurisdiction.
- offered in the required languages being used by voters
- available for at least 1 year before the new candidate selection method is implemented
- failure to provide these notifications and education should result in reversion of the candidate selection method.

Sec. 2 (3) provides additional requirements for local jurisdictions switching their candidate selection method to perform an

education and advertising campaign that begins at least 12 months prior to changing the candidate selection method and includes:

- a social media campaign, which may include electronic advertising
- radio, television and newspaper advertising campaigns for one year before method implementation

Sec. 2 (4) adds that election offices shall provide instructional materials and instructors when requested to all high schools in the voting jurisdiction. Materials shall include:

- an overview of the new method
- a contrast with the old method
- new ballot education

Sec. 2 (5) requires the county election office to partner with the jurisdiction making the change in order to coordinate a series of educational events for local organizations including people with intellectual disabilities. Events must:

- occur every month for 12 months prior to new method implementation
- be held in a location served by public transit within the jurisdiction
- be well advertised

Sec. 2 (6) allows the Secretary of State and the county election office to provide additional notification at their discretion.

Sec. 2 (7) requires all costs of the education campaign to be borne solely by the voting jurisdiction through reimbursement of the election office serving the jurisdiction.

Sec. 3 adds a new section to clarify that if a voting jurisdiction is found guilty of not providing the education required for the full 12 months before the new candidate election method would begin, then that voting jurisdiction must revert to the previous candidate election method.

Sec. 4 adds a new section to declare that any eligible voter residing in the jurisdiction may file an action against the voting jurisdiction and the election office serving the voting jurisdiction if they find the education and outreach campaign outlined in this act were inadequate in meeting any of the requirements. Additionally, the court shall:

- give any filing and associated case priority
- award financial damages as appropriate

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

Local jurisdictions changing their candidate selection method and the county auditors that serve those jurisdictions would incur indeterminate expenditures resulting from voter education campaign costs that would be incurred when a local jurisdiction chooses to change its candidate selection method. However, such costs will vary widely amongst jurisdictions. Additionally, the jurisdictions that will choose to change their candidate selection method is not known. Therefore, the expenditure impact is indeterminate.

The legislation requires local jurisdictions changing their candidate selection method to pay for all voter education campaign costs, so any initial expenditures county auditors incur would be reimbursed by the local jurisdiction changing its candidate selection method.

Various components are required for the voter education campaign. Required campaign components that would cause expenditure impacts include but is not limited to the following:

- Produce, print and mail voter education materials in all languages required in the jurisdiction
- Print new candidate selection information in the voter pamphlets

Produce and print all voter education materials that will be available at events, in school classrooms where training is requested, and in places where county election offices usually provide voter pamphlets.

- Host monthly voter education events near public transit stops for at least 12 months before the new candidate selection

method is implemented

- Attend high schools in the jurisdiction when invited. Instruct students on the new candidate selection method
- “Ensure full education” of all voters including people with limited English, limited literacy and limited intellectual abilities (The legislation does not define what “full education” is or how that would be measured.)
- Run a full voter education campaign on social media, tv, radio and newspaper with electronic and print advertising, in addition to other requirements.
- Creating and hosting an informational website about the new candidate selection method available at least 12 months before the new candidate selection method is implemented
- Provide a location for voters to ask questions with a monitored email address where voters may submit questions. Note: the jurisdiction must provide a response within one business day of submission.
- Provide a toll-free telephone hotline for at least 12 months prior to the first election event that would implement the changed candidate selection method. Hotline must provide customer support during regular business hours of the election office serving the voting jurisdiction.
- Staffing costs that would be needed to meet all requirements above.

Such costs will vary significantly by jurisdiction. Therefore, the legislation’s impact on county election offices’ expenditures is indeterminate.

Lastly, regarding legal action, if a county election office was accused of providing inadequate voter outreach and education, then the prosecutors could experience legal costs to defend the county. If the county election office was found guilty of providing inadequate voter outreach and education, then the court could make them pay financial damages. The number of cases that may be filed and the financial damages an election office may have to pay cannot be predicted. The impact is indeterminate.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

County auditors could experience indeterminately increased revenue as a result of the legislation if a local jurisdiction they serve performed a voter education campaign, which would be required if the local jurisdiction chose to change its candidate selection method.

The legislation would require county election departments to participate in a voter education campaign on behalf of a local jurisdiction if the jurisdiction planned to change its candidate selection method. First, the county election’s office that serves the local jurisdiction would pay for the election office’s costs to participate in the education campaign, such as printing voter education materials and providing election staff at education events. Then, the county would bill the local jurisdiction for the education campaign costs. Finally, the local jurisdiction would reimburse the county election office for the education campaign costs. So, any increased revenue county election offices may experience would be directly proportionate to the county election office’s costs incurred while participating in the local jurisdiction’s education campaign.

However, the exact revenue a county election office would receive from a local jurisdiction paying for their education campaign costs, and the number of jurisdictions that will choose to change their candidate selection method cannot be determined in advance. Consequently, county revenue impacts are indeterminate.

SOURCES:

Washington State Association of County Auditors