

“ADVISORY VOTES” ARE A BARRIER TO VOTING IN WA AND MUST BE ABOLISHED

WASHINGTON STATE POLICY BRIEF

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Northwest Progressive Institute
revolutionizing grassroots politics

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INTRODUCTION

This policy brief explains why it is imperative that the Legislature act to repeal **statewide “advisory votes” in the 2023 session.** “Advisory votes” are a form of anti-tax propaganda and a tool for voter suppression conceived by Tim Eyman and his associates in the mid-2000s to **weaponize the ballot against Washington’s people** and their elected representatives. The Northwest Progressive Institute and the Sensible Ballots coalition are working to get rid of this barrier to voting with Senator Patty Kuderer and Amy Walen of the 48th Legislative District (Bellevue, Redmond, Kirkland). Our bill **would permanently repeal “advisory votes” and replace them with real information about the Legislature’s fiscal decisions in the voter’s pamphlet.**

PRINCIPLES GUIDING OUR LEGISLATION

The principles guiding our legislation are as follows:

The ballot is sacred and should be free of propaganda

"Advisory votes" are *not* ballot measures. They are anti-tax messages dressed up to look like ballot measures. They cannot be used to measure anything because they violate every single guideline for asking unbiased questions. Ridiculously, due to Tim Eyman's formulation of the trigger that sets up "advisory votes", bills that are not even tax increases but nevertheless have the effect of increasing state revenue, like the Reusable Bag Bill or the rescission of the Boeing tax breaks, are being presented to voters as tax increases when they are not.

Disinformation creates a barrier to voting, suppressing turnout

At election time, we want everybody to vote a complete ballot and participate fully. Tim Eyman's maliciously worded "advisory votes" are a barrier to securing more robust participation because they confuse and mislead the electorate, negating enthusiasm for voting and activating an unhealthy, cynical state of mind. **Research has shown that schemes like "advisory votes" interrupt the act of casting a ballot. "Advisory votes" are not, to use a medical metaphor, benign. They are malignant.**

"We find that when ballots are unnecessarily complex, that discourages participation. [Bowler, Donovan, & Happ](#) find that ballot complexity increases informational costs, which increases voter fatigue. Fatigue has lots of consequences, including roll-off (which means voters stop voting on issues) inattention (voters engage randomly instead of deliberately) and dropout (they decide not to vote at all)."

— Election administration researcher [Patrick L. Schoettmer, PhD](#), of Seattle University, testifying in support of Senate Bill 5182 [on January 20th, 2021](#)

The ballot is not an appropriate place to conduct opinion polling

Wording changes will not make "advisory votes" worthy of a place on our ballots. The ballot is simply not an appropriate place to conduct public opinion research of any kind. The only items on our ballots should be candidate elections and binding ballot measures (initiatives, referenda, and constitutional amendments, with the local equivalent being propositions and charter amendments). Every decision we make when we fill in an oval on our ballots should influence public policy or our representation.

We need real tools for making the Legislature's work more transparent

In addition to repealing "advisory votes", our bill would make useful information about the fiscal decisions legislators have made available online and in the voter's pamphlet so that voters can understand what budgeting decisions are being made on their behalf. Each measure that increases or decreases state revenue would receive a short fiscal impact statement no longer than a letter to the editor. Information summarizing the state's finances and providing context from past fiscal years would also be provided in graphical and tabular format.

HISTORY OF “ADVISORY VOTES”

- “Advisory votes” originated in 2007 as a component of Tim Eyman’s Initiative 960, which narrowly passed statewide (51.24% yes vote).
- Dozens of “advisory votes” have since appeared on the statewide ballot to date, in every single general election going back to 2012. Here is an inventory by year:
 - 2012: “Advisory Votes” #1 and #2 (two total)
 - 2013: “Advisory Votes” #3, #4, #5, #6, #7 (five total)
 - 2014: “Advisory Votes” #8 and #9 (two total)
 - 2015: “Advisory Votes” #10, #11, #12, and #13 (four total)
 - 2016: “Advisory Votes” #14 and #15 (two total)
 - 2017: “Advisory Votes” #16, #17, and #18 (three total)
 - 2018: “Advisory Vote” #19 (one total)
 - 2019: “Advisory Votes” #20, #21, #22, #23, #24, #25, #26, #27, #28, #29, #30, #31 (twelve total)
 - 2020: “Advisory Votes” #32, #33, #34, and #35 (four total)
 - 2021: “Advisory Votes” #36, #37, #38 (three total)
 - 2022: “Advisory Votes” #39 and #40 (two total)
- Although I-960 took effect in December 2007 (part of it was later struck down), the first “advisory votes” were not placed on the ballot until several years later, in 2012, because no one — not even Tim Eyman — remembered that they existed.
- The Legislature has historically ignored the results of the “advisory votes,” and for good reason: the results cannot tell us anything about voters’ views on fiscal decisions because the “advisory votes” all take the form of push polls, with questions that suggest their own answers. This is by design: as mentioned, “advisory votes” are a form of propaganda.

WHAT “ADVISORY VOTES” LOOK LIKE

Advisory Votes
Advisory Vote No. 10 Engrossed Substitute House Bill 1449
The legislature imposed, without a vote of the people, oil spill response and administration taxes to apply to crude oil or petroleum products transported by railroad, costing \$17,000,000, for government spending.
This tax increase should be:
<input type="radio"/> Repealed
<input type="radio"/> Maintained

To the left is one of the “advisory votes” put in front of voters. This is the tenth one, which appeared on the November 2015 ballot. The “wrapper” surrounding the bogus ten-year cost data is always the same (“the Legislature imposed, without a vote of the people... [an amount] ... for government spending.” Then it falsely asks if the tax increase should be “Repealed” or “Maintained”).

FORMAT/SYNTAX OF “ADVISORY VOTES”

What voters see on their ballots

“The legislature extended, without a vote of the people...” [prejudicial]

[Description of revenue source] [context...?]

“... costing [\$_____ (amount over ten years)] ...” *OR* [misleading]

“... costing an amount that cannot currently be estimated...” [confusing]

“... for government spending.” [prejudicial]

“This tax increase should be:” [dishonest]

☐ Repealed

☐ Maintained

What voters do not see, and are not told

- That the language of the “advisory votes” comes from a severed provision of an unconstitutional Tim Eyman initiative (I-960, dating back to 2007) and were not written by the Attorney General’s office.
- That I-960 does not allow the Attorney General, Secretary of State, or the Legislature to provide any additional context about the bills that have triggered an “advisory vote”, including plain English descriptions of what they do.
- That regardless of how they vote, their vote will not change what the Legislature did, contrary to what the answers imply (filling in the oval next to “Repealed” is not actually a vote to repeal anything).
- That the dollar figures are for a super long *ten-year* period that has no correlation with the state’s adopted budgets (budgeting is done in two- and one-year increments, not ten-year increments).
- What the actual reason was for the revenue increase (“for government spending” is *not* a reason; revenue increases are always adopted to benefit a particular public service or public purpose).
- That the revenue increase was (in most cases) part of an operating, capital, or transportation budget approved by the Legislature, with funds appropriated for a purpose or specific set of purposes, e.g., transportation projects.

GARBAGE IN, GARBAGE OUT...

“Advisory votes” are incapable of producing data that legislators can use to guide their future decision making because they violate each of the essential guidelines for asking neutral questions. Again, this is by design. The three most important guidelines in question writing are:

1. First Guideline: Do not introduce ideas or opinions that will influence responses.
2. Second Guideline: Make sure that no answer choice is more loaded than any other.
3. Third Guideline: Make clear that either a positive or a negative answer is equally acceptable.

— David F. Harris

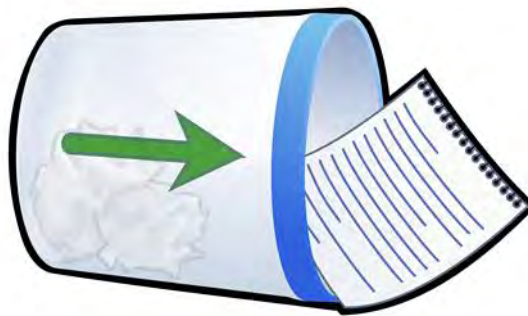
The Complete Guide to Writing Questionnaires, Chapter 9

I&M Press | Durham, North Carolina

Garbage in?



Garbage out!



People working in information technology (IT) call this concept *garbage in, garbage out*.

Or: Improperly programmed inputs = incorrect outputs.

Still another way to phrase it: if the questions are bad, then the answers will be equally worthless too!

Even if you have an agenda, you should want to ask unbiased questions!

- Otherwise, you get bad data.
- If the objective is to *influence* public opinion as opposed to measuring it, then biased language is great! The more loaded the question is, the better. The more prompted the respondent is to pick a particular response, the better.
- Elections are a public service that costs money. Elections should have meaning. Everything on the ballot should ask a question that pertains to deciding a course of action or choosing someone to serve in office. Any polling should be conducted separately – and not through the ballot. Mixing nonbinding plebiscites with candidate elections and binding ballot measures is a recipe for problems.

AN APT ANALOGY: PUSH POLLS

What is a push poll?

"A *push poll* is a nefarious telemarketing technique designed to spread negative information about an opposition candidate. During the South Carolina primary of 2000, a caller from the George W. Bush campaign asked 300 potential voters:

John McCain calls the campaign finance system corrupt, but as chairman of the Senate Commerce Committee, he raises money and travels on the private jets of corporations with legislative proposals before his committee. In view of this, are you much more likely to vote for him... or much more likely to vote against him?

A push poll is not a legitimate public opinion survey because its purpose is not to obtain an opinion but to influence it, which qualifies the device as a *dirty trick*."

— From the *Dirty Tricks* entry of [Safire's Political Dictionary, 2008 edition](#)
Oxford University Press | New York, New York

To the left below is the text of a 2015 "advisory vote".

To the right is a mock script using some of the language from that same "advisory vote" to demonstrate what a conventional telephone push poll looks and sounds like.

The legislature expanded, without a vote of the people, the oil spill response and administration taxes to crude oil or petroleum products received by pipeline, costing \$13,000,000 over ten years for government spending. This tax increase should be:

- ☐ Repealed
- ☐ Maintained

Last session, Senator John Doe voted to raise oil spill and response taxes by thirteen million dollars, increasing government spending, without a vote of the people. Having heard this information, do you think that in the upcoming election, Senator John Doe should be:

- ☐ Replaced with someone better
- ☐ Returned to the Legislature

HOW “ADVISORY VOTES” SUPPRESS VOTER TURNOUT

By confusing voters who want to cast an informed vote

What’s an engrossed second substitute House bill? Why did the Legislature raise so many taxes without a vote of the people? What am I being asked to vote on? What do these choices mean? Will anything happen if I vote to repeal a tax? Those are all questions a voter might reasonably start asking themselves when confronted with a ballot brimming with anti-tax propaganda. In fact, we *know* voters are asking such questions, because county elections departments frequently field calls about “advisory votes.” When a voter isn’t sure how to vote, they hesitate. Anything that interrupts the act of casting a ballot and getting it returned to a drop box or post office is a barrier to voting.

“When we ask people to vote on things and their vote doesn’t have any impact, we erode public trust. And I think we all know that we can’t afford that.”

— King County Elections Director Julie Wise, February 1st, 2019 ([testimony](#))

By needlessly lengthening the ballot

The adage *less is more* speaks to a truism about how people process information and what makes ideas sticky. Simplicity is an essential principle in **design, including ballot design**. “Advisory votes” are not real ballot items, but since the law currently requires their placement, they are making ballots longer than they need to be. The longer a ballot is, the more daunting it can be to fill out, especially for a new voter or a voter who is pressed for time due to family and work obligations.

“Former Snohomish County Auditor Carolyn Weikel, after the November election, shared her concern that the length of the ballot might have discouraged voter turnout, or at least prompted some voters to wait until the last minute to get ballots in. As it was, turnout for the general election reached only 42.9 percent.”

— The Herald of Everett, February 11th, 2020

Editorial: [Ballot’s ‘push polls’ on taxes don’t advise anyone](#)

By pushing legitimate items down the ballot or even to the other side

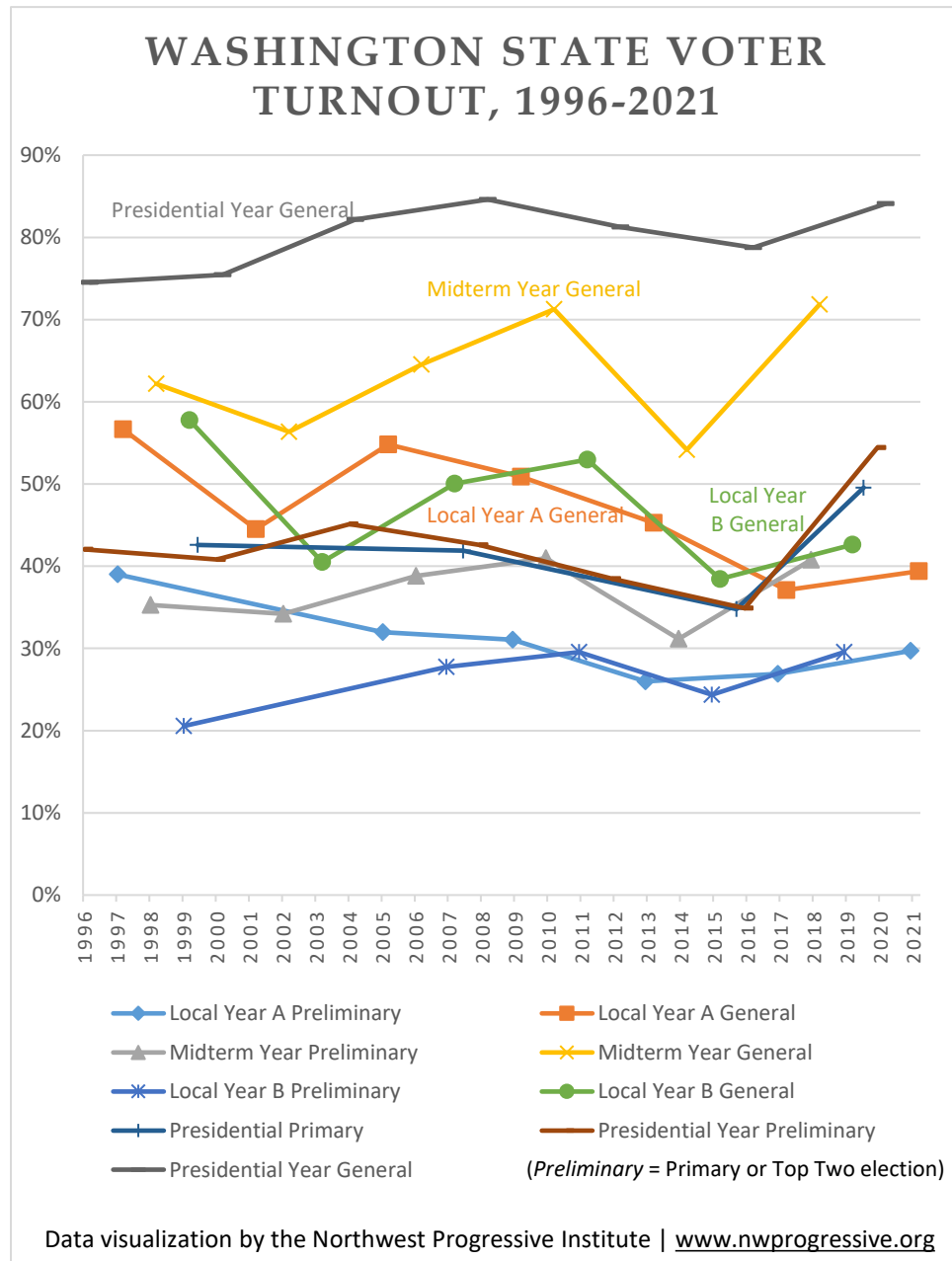
“Advisory votes” are required by Tim Eyman’s Initiative 960 to appear right after statewide initiatives and referenda on the ballot, which means they prevent candidate elections and local ballot measures from occupying their rightful place near the top of the ballot. Voters must look past the anti-tax propaganda to find the items that really matter – or flip their ballot over.

Here is a sample ballot from the year 2019 (English version). As we can see, most of the front of the ballot is devoted to **propaganda** (“**advisory votes**”), which are highlighted in yellow. In 2019, there were a record **number of “advisory votes”** – twelve.

Not a single candidate election appeared on the front of this ballot because there simply **wasn't** room for any. The only other front-side items you see here are statewide ballot measures – real ones.

The staff at King County Elections told NPI that trying to make everything fit on a single piece of paper was extremely challenging and they had to consider going to two pages. Ultimately, they were able to get everything to fit on a single piece of paper, front and back.

VOTER TURNOUT BEFORE AND DURING THE “ADVISORY VOTE” YEARS (2012-2021)



“Advisory votes” have sullied our ballots and suppressed the vote for a decade. During much of that span, Washington experienced a significant decline in voter turnout across *all* types of elections, a trend that continued for six years. Beginning in the 2018 Top Two election, voter turnout began rebounding, after two successive odd year general elections that were the worst in state history (2015, 2017). However, the 2019 general election still saw the seventh worst turnout ever, and 2021 was the third worst. Elections in odd-numbered years have historically had the highest **number of “advisory votes”**, because those years are when the Legislature has its long one hundred and five-day budget writing sessions. The 2015 general election **ballot had four “advisory votes,”** the 2017 and 2021 ballots had three, and the 2019 ballot had a staggering twelve, as shown on the preceding page.

The ten worst general election turnouts in Washington State’s **recorded** history

- | | |
|-------------------|--------------------|
| #1: 2017 (37.10%) | #6: 1987 (42.32%) |
| #2: 2015 (38.45%) | #7: 2001 (44.51%) |
| #3: 2021 (39.38%) | #8: 2019 (45.19%) |
| #4: 1985 (40.18%) | #9: 2013 (45.27%) |
| #5: 2003 (40.49%) | #10: 1981 (46.73%) |

Highlighted elections are those that have taken place since “advisory votes” began appearing on Washington State ballots. Of the ten worst turnouts, five (**that’s half!**) have been in the last ten years. They were all odd-numbered years in which there were multiple “advisory votes”.

“ADVISORY VOTES” ARE WASTEFUL

Millions of dollars in local and state tax dollars could be saved every biennium by eliminating “advisory votes”. We know this because NPI has asked the thirty-nine county election departments to provide data about the costs of recent elections. For example, according to the invoice vouchers the counties gave us, in 2017, the total cost of that year’s elections was \$14,184,423.98. Of that sum, the state’s share was \$2,786,772.88 – and most of that \$2.7 million was spent on “advisory votes”. Copies of the counties’ odd-year election invoice vouchers can be readily obtained.

Eliminating Tim **Eyman’s push polls will end a glaring – and real –** instance of waste, fraud, and abuse in government

"The cost of adding the advisory votes to the ballot does not justify continuing this mandate... It's clear taxpayers would save by eliminating the advisory votes. The Legislature has the power to take that action, and should do so."

— Walla Walla Union Bulletin, February 9th, 2020

Editorial: [It's time to end non-binding tax advisory votes](#)

Elections are a public service: Cost data for the 2017 election by county

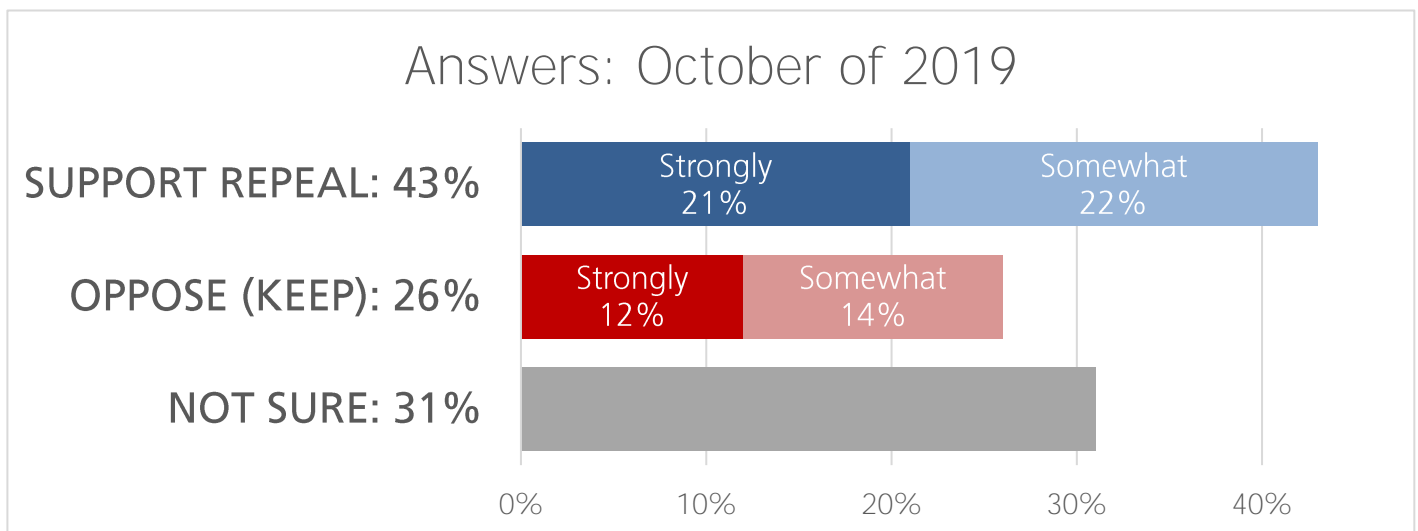
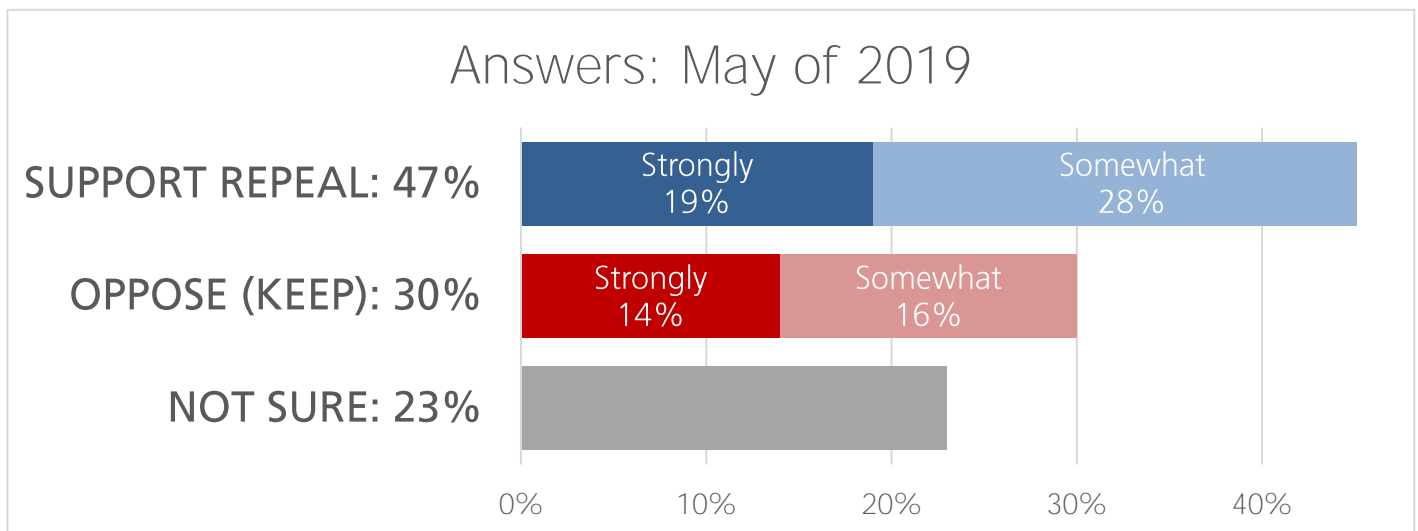
State's = amount billed to state by the counties through vouchers. Some counties had a few state-level items other than "advisory votes" in 2017; most just had "advisory votes" and nothing else.

County	Costs for 2017	County	Costs for 2017	County	Costs for 2017
Adams	State's: \$5,243.31 Total: \$37,918.88	Grays Harbor	State's: \$15,843.21 Total: \$89,802.26	Pierce	State's: \$218,726.00 Total: \$1,236,211.22
Asotin	State's: \$3,992.59 Total: \$24,080.53	Island	State's: \$21,231.31 Total: \$94,955.30	San Juan	State's: \$13,054.66 Total: \$72,481.84
Benton	State's: \$37,365.16 Total: \$153,271.26	Jefferson	State's: \$13,502.59 Total: \$73,524.67	Skagit	State's: \$34,909.72 Total: \$146,983.61
Chelan	State's: \$35,468.00 Total: \$156,926.00	King	State's: \$1,247,936.91 Total: \$7,459,412.84	Skamania	State's: \$5,631.66 Total: \$27,882.23
Clallam	State's: \$21,703.73 Total: \$135,053.19	Kitsap	State's: \$128,149.86 Total: \$619,861.09	Snohomish	State's: \$160,940.46 Total: \$862,187.00
Clark	State's: \$99,738.76 Total: \$371,193.56	Kittitas	State's: \$10,117.64 Total: \$55,655.61	Spokane	State's: \$137,216.13 Total: \$358,767.56
Columbia	State's: \$340.59 Total: \$2,204.84	Klickitat	State's: \$7,560.54 Total: \$45,625.89	Stevens	State's: \$23,900.96 Total: \$60,884.53
Cowlitz	State's: \$29,531.56 Total: \$124,145.75	Lewis	State's: \$14,306.85 Total: \$63,822.95	Thurston	State's: \$108,624.43 Total: \$473,119.19
Douglas	State's: \$16,550.86 Total: \$92,531.96	Lincoln	State's: \$8,668.42 Total: \$36,644.26	Wahkiakum	State's: \$5,602.79 Total: \$20,956.45
Ferry	State's: \$2,574.14 Total: \$8,495.45	Mason	State's: \$13,754.91 Total: \$62,128.40	Walla Walla	State's: \$11,438.52 Total: \$40,862.29
Franklin	State's: \$40,186.72 Total: \$187,522.39	Okanogan	State's: \$11,541.95 Total: \$38,491.32	Whatcom	State's: \$86,195.01 Total: \$502,653.55
Garfield	State's: \$604.80 Total: \$3,687.57	Pacific	State's: \$5,209.95 Total: \$36,610.89	Whitman	State's: \$20,309.25 Total: \$95,357.30
Grant	State's: \$12,123.16 Total: \$64,292.11	Pend Oreille	State's: \$13,022.32 Total: \$47,905.08	Yakima	State's: \$143,953.45 Total: \$200,313.16

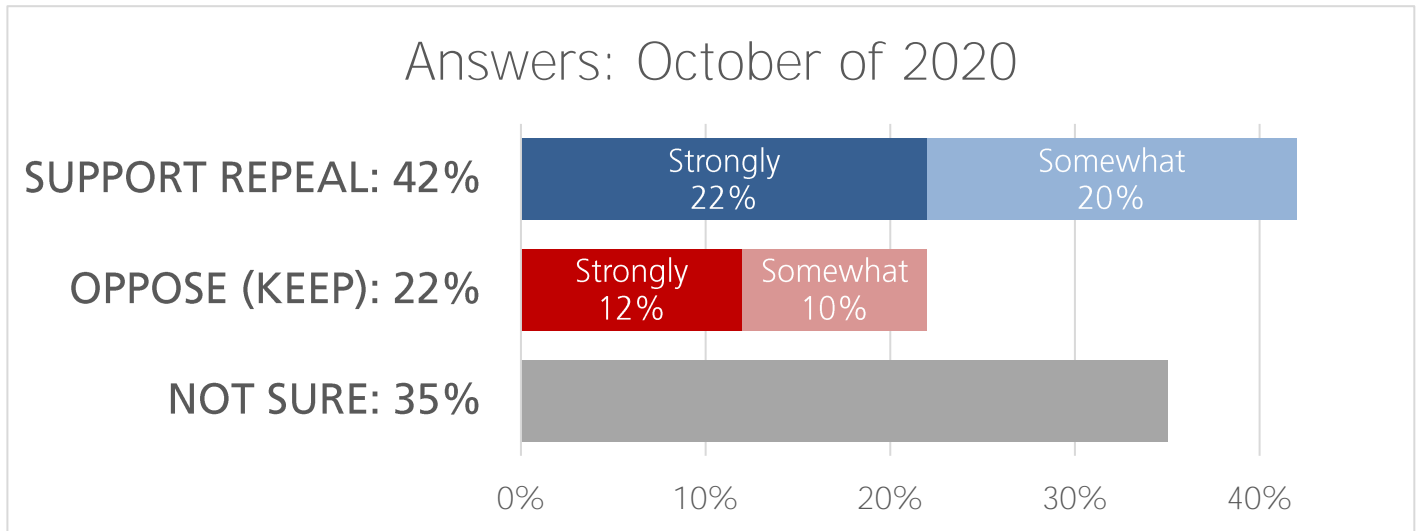
POLLING: VOTERS BACK REPEAL

Washingtonians who have an opinion on “advisory votes” favor abolishing them... a view confirmed in a succession of many different surveys with different samples, taken at different times.

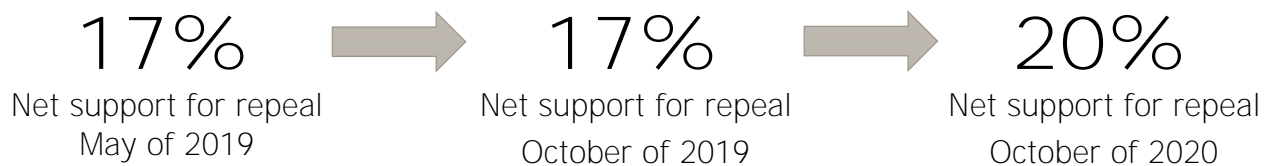
QUESTION: The Washington State Legislature is considering legislation that would abolish the non-binding statewide advisory votes that are triggered whenever a bill is passed that increases state revenue. Proponents of advisory votes say they allow voters to vote on tax **increases and transform the voter’s pamphlet into** a tax increase report card, enabling voters to find out what Olympia is doing to them. Opponents say that advisory votes are actually costly push polls designed to confuse the public, which ought to be eliminated to save valuable tax dollars and prevent legitimate measures and candidate elections from being pushed to the back of the ballot. Do you strongly support, somewhat support, somewhat oppose, or strongly oppose abolishing non-binding advisory votes?



POLLING: VOTERS BACK REPEAL



Net support for repeal grew from 2019 to 2020



Poll methodologies

All polls were conducted by Public Policy Polling for the Northwest Progressive Institute; cellphone only voters were included in each sample using a hybrid methodology

May 2019 survey	October 2019 survey	October 2020 survey
886 likely 2019 voters	900 likely 2019 voters	610 likely 2020 voters
May 21 st -22 nd , 2019	October 22 nd -23 rd , 2019	October 14 th -15 th , 2020
Margin of error: +/- 3.3%	Margin of error: +/- 3.3%	Margin of error: +/- 4.0%
Mediums: IVR, online	Mediums: IVR, text	Mediums: IVR, text

About our statewide question

Unlike Tim Eyman’s “advisory votes”, our poll question adheres to the guidelines for writing neutral questions. Some of Tim Eyman’s arguments in favor of “advisory votes” were presented simultaneously with some of our arguments against them. The “proponents say” wording was sourced straight from Eyman’s own emails and testimony. Because we asked a question that did not suggest its own answer, this data has value. It shows us what Washington voters really think. And most voters who have an opinion favor abolishing “advisory votes” – a finding confirmed repeatedly.

IN THEIR OWN WORDS: VOTERS SPEAK

In an October-November 2022 survey conducted countywide in King County for NPI by Change Research with over seven hundred participants, likely voters were shown a graphic extracted from a PDF sample ballot showing the 2022 set of “advisory votes” (with no markings or annotations) alongside a question that presented arguments for keeping them (from Tim Eyman) and arguments for repealing them (from NPI). Voters overwhelmingly backed repeal, with around three out of five voters expressing support for legislation to do away with “advisory votes.”

Here is a diverse sampling of the follow-up comments that we received from King County voters after they answered the question about whether “advisory votes” should be kept or repealed:

“I have multiple degrees and still struggle with the wording. I think many people don't go and research each one... they just do their best. I support saving taxpayer money on the ballots and writing a full, fifth grade level explanation in the voter pamphlet.”

– Female voter between the ages of 18 and 34

“They literally do nothing. They’re a public opinion survey that is thrown in the trash afterwards. Voting to repeal doesn't actually repeal and voting to approve is basically a rubber stamp. These advisory votes are pointless and wasteful.”

– Male voter between the ages of 18 and 34

“I recall reading those descriptions and thinking that they sounded incredibly biased. If we voted for the person who came up with those policies, it wasn't truly 'against the will of the people.’”

– Male voter between the ages of 35 to 49

“I've previously voted incorrectly based on the misleading wording of the advisory votes. I've not made the mistake since, but how many other voters have also made these mistakes?”

– Female voter between the ages of 35 to 49

“If we do not trust our state representatives with our money, we should not vote them into office. Advisory votes are a waste of paper asking folks to understand complex issues we are paying our representatives to understand.”

– Female voter between the ages of 50 and 64

“They're a waste of ballot space and because of prejudicial wording they don't give legislators any useful feedback.”

– Male voter between the ages of 50 and 64

“Advisory votes are just a meaningless gesture to undermine the legislature's essential role of raising and dispensing revenue.”

– Male voter aged sixty-five or older

“I frequently find them confusing and lacking enough background information to feel comfortable with my decision.”

– Female voter aged sixty-five or older

CONCLUDING REMARKS

"Senate Bill 5182, introduced this year, would replace advisory votes with information in the Voter's Pamphlet about the Legislature's fiscal decisions. As state Senator Patty Kuderer, D-Bellevue, and sponsor of the bill, writes about advisory votes: 'It's a waste of taxpayer dollars that's designed to instill distrust and cynicism in government and the decisions made by elected leaders.' We agree. Which leads to our only recommendation about non-binding advisory votes: Let's get rid of them."

— The Columbian, October 8th, 2021

Editorial: [Advisory votes waste taxpayer money](#)

"Advisory votes" are a form of voter suppression. They are propaganda pieces explicitly designed to confuse, mislead, and alienate voters, breaking down trust between voters and elected representatives and discouraging people from participating in democracy. Their continued presence on our ballots is unacceptable. They must be repealed.

The Legislature has done a lot of important work in the last four years to eliminate barriers to voting, especially for underrepresented and historically marginalized communities and constituencies.

Let's build on that.

In 2023, legislators have an opportunity to knock down one of the **most odious remaining barriers to voting by repealing "advisory votes"** and replacing them with useful information in the voter's pamphlet about the Legislature's fiscal decisions.

Join us in supporting this legislation.