
HOUSE BILL 2016

State of Washington

55th Legislature

1997 Regular Session

By Representatives Ogden, Scott, Costa, Lantz, Hankins, Mitchell, D. Sommers, O'Brien, Sullivan, Dunshee, Mielke, Skinner, Dunn, Keiser, Blalock, Conway and Anderson

Read first time 02/18/97. Referred to Committee on Government Administration.

1 AN ACT Relating to comments by the attorney general on the
2 constitutionality or enforceability of proposed ballot measures; and
3 adding a new section to chapter 29.79 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 29.79 RCW
6 to read as follows:

7 The attorney general may comment on the constitutionality and the
8 enforceability of proposed ballot measures. If the attorney general is
9 firmly convinced that, as a matter of settled law, a proposed
10 initiative or referendum measure is to a substantial degree contrary to
11 the state Constitution, or inconsistent with the Constitution and laws
12 of the United States, the attorney general may add to the ballot
13 measure summary a ballot measure comment in the form of the following
14 sentence (selecting the appropriate alternatives): "In the opinion of
15 the attorney general, much of this measure would, if enacted, be in
16 conflict with (the Washington state Constitution) (and/or) (the United
17 States Constitution) (and/or) (the laws and treaties of the United
18 States)."

1 In such cases, the attorney general shall publish a written opinion
2 setting forth the reasons for the comment. If the attorney general's
3 comment is the subject of judicial review, the reviewing court may
4 strike the comment upon a finding that the comment is not justified
5 under the standards established in this section. If the attorney
6 general declines to provide a comment on the constitutionality or
7 enforceability of a measure, the decision not to comment is not subject
8 to judicial review. Judicial review of an attorney general comment may
9 not be construed as an adjudication of the merits of any of the
10 questions presented or as a declaration of the law for any purpose
11 except this section.

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