
SUBSTITUTE HOUSE BILL 1364

State of Washington

64th Legislature

2015 Regular Session

By House State Government (originally sponsored by Representatives S. Hunt, Johnson, Bergquist, Walsh, Hunter, Zeiger, Harris, Kagi, Stanford, Ormsby, and Farrell)

READ FIRST TIME 02/16/15.

1 AN ACT Relating to establishing a citizens' initiative review
2 pilot program; amending RCW 29A.32.070; adding new sections to
3 chapter 29A.72 RCW; creating new sections; and providing an
4 expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that Washington
7 voters support initiatives in order to propose and enact laws or
8 reject laws at an election independent of the legislature. The
9 legislature also recognizes that informed public discussion and the
10 exercise of the initiative power will be enhanced by an independent
11 panel of voters who will report to the electorate on initiatives in
12 the voter's pamphlet. Citizen initiative review panels established in
13 other states have proven to be a useful tool for voters to gain
14 important information about initiatives. Therefore, the legislature
15 proposes to establish a pilot program for a citizens' review of
16 initiatives for 2016.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 29A.72
18 RCW to read as follows:

19 (1) The citizens' initiative review oversight committee is
20 established.

1 (2) The committee shall have ten members selected as follows:
2 (a) Two members from the senate representing each of the major
3 political parties selected by the secretary of the senate;
4 (b) Two members from the house of representatives representing
5 each of the major political parties selected by the chief clerk of
6 the house of representatives;
7 (c) One member selected by the governor;
8 (d) Four members from nonpartisan civic organizations, one each
9 selected by each caucus of the senate and the house of
10 representatives; and
11 (e) The secretary of state.

12 (3) The committee shall have the following duties:
13 (a) To select two initiatives to be voted on at the general
14 election for review by the panel. In selecting the initiatives, the
15 committee, at a minimum, must consider the fiscal impact of the
16 measure, the availability of funds to conduct the review, the
17 significance of other impacts on the public, and other criteria
18 established by the committee; and

19 (b) To review the work of the citizens' initiative review panels
20 to determine compliance with legislative intent.

21 (4) The Washington state institute for public policy shall:

22 (a) Convene and chair the citizen panels selected under section 3
23 of this act to review the initiatives;

24 (b) Contract with a facilitator for each citizen panel. A
25 facilitator must have experience in mediation and training people in
26 the use of analytical skills for review of complex measures; and

27 (c) Secure proponents and opponents of the initiative, as well as
28 experts, to appear before the panel to make presentations and answer
29 questions from panel members.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.72
31 RCW to read as follows:

32 (1) Each initiative selected by the citizens' initiative review
33 committee under section 2 of this act must be reviewed by a citizen
34 panel. Each panel must have not fewer than eighteen and not more than
35 twenty members.

36 (2) The secretary of state shall work with the Washington state
37 institute for public policy to select citizens for each panel from a
38 representative sample of anonymous electors, using survey sampling

1 methods that, to the extent practicable, give every elector a similar
2 chance of being selected.

3 (3) To the extent practicable and legally permissible, the
4 demographic makeup of each panel must fairly reflect the population
5 of the electorate of this state as a whole, with respect to the
6 following characteristics, prioritized in the following order:

- 7 (a) The location of the elector's residence;
- 8 (b) The elector's voting history; and
- 9 (c) The elector's age.

10 (4) In addition to the criteria described in subsection (3) of
11 this section, the following factors also may be considered:

- 12 (a) The elector's gender;
- 13 (b) The elector's ethnicity; and
- 14 (c) Any other criteria.

15 (5) Panel members shall be reimbursed for subsistence and travel
16 expenses in accordance with RCW 43.03.050 and 43.03.060. Panel
17 members shall receive a stipend of one hundred dollars for each day
18 serving on the panel.

19 (6) Once an initiative is selected for review, the Washington
20 state institute for public policy shall convene the citizen panels
21 for up to four consecutive days and not less than twenty-five hours.
22 Each panel shall conduct public hearings in which the panel receives
23 testimony or other information from proponents and opponents of the
24 measure, as well as experts not affiliated with the proponents or
25 opponents of the measure to analyze impacts of the measure and answer
26 questions. The panels must be open to the public for observation.

27 NEW SECTION. **Sec. 4.** A new section is added to chapter 29A.72
28 RCW to read as follows:

29 (1) Each citizen panel shall prepare and submit to the secretary
30 of state, at a date set by the secretary of state, no more than four
31 statements of two hundred fifty words each as follows:

32 (a) Ten key findings about the measure determined by a majority
33 of the panel;

34 (b) Five statements supporting the measure as determined by a
35 majority of the panel;

36 (c) Five statements opposing the measure as determined by a
37 majority of the panel; and

38 (d) A statement indicating the results of the panel's vote on the
39 measure.

1 (2) The secretary of state shall prescribe the size and manner of
2 placement of the statements submitted by the citizen panel to be
3 printed in the voters' pamphlet. The statements must be clearly
4 differentiated from other arguments or statements about the
5 initiatives in the voters' pamphlet. The secretary of state must
6 include at the beginning of the citizen panel statements a
7 description of the citizen panel process and the following
8 explanation:

9 "The opinions expressed in this statement are those of the
10 members of a citizen panel and were developed through the
11 citizen review process and are not official opinions or
12 positions endorsed by the State of Washington or any
13 government agency. A citizen panel is not a judge of the
14 constitutionality or legality of any ballot measure, and any
15 statements about such matters are not binding on a court of
16 law."

17 **Sec. 5.** RCW 29A.32.070 and 2009 c 415 s 5 are each amended to
18 read as follows:

19 The secretary of state shall determine the format and layout of
20 the voters' pamphlet published under RCW 29A.32.010. The secretary of
21 state shall print the pamphlet in clear, readable type on a size,
22 quality, and weight of paper that in the judgment of the secretary of
23 state best serves the voters. The pamphlet must contain a table of
24 contents. Measures and arguments must be printed in the order
25 specified by RCW 29A.72.290.

26 The voters' pamphlet must provide the following information for
27 each statewide issue on the ballot except measures for an advisory
28 vote of the people whose requirements are provided in subsection
29 (~~((11))~~) (12) of this section:

30 (1) The legal identification of the measure by serial designation
31 or number;

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

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

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

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

1 (6) The statement submitted by the citizens' initiative review
2 panel pursuant to section 4 of this act;

3 (7) The total number of votes cast for and against the measure in
4 the senate and house of representatives, if the measure has been
5 passed by the legislature;

6 (~~(7)~~) (8) An argument advocating the voters' approval of the
7 measure together with any statement in rebuttal of the opposing
8 argument;

9 (~~(8)~~) (9) An argument advocating the voters' rejection of the
10 measure together with any statement in rebuttal of the opposing
11 argument;

12 (~~(9)~~) (10) Each argument or rebuttal statement must be followed
13 by the names of the committee members who submitted them, and may be
14 followed by a telephone number that citizens may call to obtain
15 information on the ballot measure;

16 (~~(10)~~) (11) The full text of the measure;

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

32 NEW SECTION. **Sec. 6.** After the 2016 general election, the
33 Washington state institute for public policy shall contract for an
34 evaluation of the effectiveness of the citizen initiative review
35 process. The results of the evaluation must be reported to the
36 appropriate committees of the legislature. To the extent practicable,
37 the institute shall seek a pro bono evaluation by a well-qualified
38 organization. The evaluation must determine the effectiveness of the

1 pilot citizens' initiative review as defined by the criteria used in
2 previous evaluations funded by the national science foundation.

3 NEW SECTION. **Sec. 7.** This act expires July 1, 2017.

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