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SENATE BILL 5535

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Fain, Lias, Rivers, Miloscia, Nelson, McCoy, Mullet, Dammeier, Litzow, Frockt, Hill, Chase, Darneille, and Kohl-Welles

Read first time 01/23/15.      Referred to Committee on Government Operations & State Security.

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 a new section.

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

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

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

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

20            (2) The committee shall have ten members selected as follows:

1 (a) Two members from the senate representing each of the major  
2 political parties selected by the secretary of the senate;

3 (b) Two members from the house of representatives representing  
4 each of the major political parties selected by the chief clerk of  
5 the house of representatives;

6 (c) One member selected by the governor;

7 (d) Four members from nonpartisan civic organizations, one each  
8 selected by each caucus of the senate and the house of  
9 representatives; and

10 (e) The secretary of state.

11 (3) The committee shall have the following duties:

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

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

20 (4) The secretary of state has operational responsibility for the  
21 review panels. The secretary of state must:

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 select citizens for each panel  
37 from a representative sample of anonymous electors, using survey  
38 sampling methods that, to the extent practicable, give every elector  
39 a similar chance of being selected.

1 (3) The secretary of state shall ensure, to the extent  
2 practicable and legally permissible, that the demographic makeup of  
3 each panel fairly reflects the population of the electorate of this  
4 state as a whole, with respect to the following characteristics,  
5 prioritized in the following order:

6 (a) The location of the elector's residence;

7 (b) The elector's voting history; and

8 (c) The elector's age.

9 (4) In addition to the criteria described in subsection (3) of  
10 this section, the secretary of state may also consider:

11 (a) The elector's gender;

12 (b) The elector's ethnicity; and

13 (c) Any other criteria.

14 (5) Panel members shall be reimbursed for subsistence and travel  
15 expenses in accordance with RCW 43.03.050 and 43.03.060.

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

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

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

29 (a) Ten key findings about the measure determined by a majority  
30 of the panel;

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

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

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

37 (2) The secretary of state shall prescribe the size and manner of  
38 placement of the statements submitted by the citizen panel to be  
39 printed in the voters' pamphlet. The statements must be clearly

1 differentiated from other arguments or statements about the  
2 initiatives in the voters' pamphlet. The secretary of state must  
3 include with any citizen panel statement a description of the citizen  
4 panel process and the following explanation:

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

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

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

22 The voters' pamphlet must provide the following information for  
23 each statewide issue on the ballot except measures for an advisory  
24 vote of the people whose requirements are provided in subsection  
25 (~~((11))~~) (12) of this section:

26 (1) The legal identification of the measure by serial designation  
27 or number;

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

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

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

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

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

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

1       ~~((7))~~ (8) An argument advocating the voters' approval of the  
2 measure together with any statement in rebuttal of the opposing  
3 argument;

4       ~~((8))~~ (9) An argument advocating the voters' rejection of the  
5 measure together with any statement in rebuttal of the opposing  
6 argument;

7       ~~((9))~~ (10) Each argument or rebuttal statement must be followed  
8 by the names of the committee members who submitted them, and may be  
9 followed by a telephone number that citizens may call to obtain  
10 information on the ballot measure;

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

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

27       NEW SECTION.       **Sec. 6.** After the 2016 general election, the  
28 secretary of state shall contract for an evaluation of the  
29 effectiveness of the citizen initiative review process. The results  
30 of the evaluation must be reported to the appropriate committees of  
31 the legislature. To the extent practicable, the secretary of state  
32 shall seek a pro bono evaluation by a well-qualified organization.  
33 The evaluation must determine the effectiveness of the pilot  
34 citizens' initiative review as defined by the criteria used in  
35 previous evaluations funded by the national science foundation.

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