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HOUSE JOINT RESOLUTION 4206

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Doumit, Buck, H. Sommers, G. Chandler, Morris, Clements, Kessler, Cox, Tokuda, Ballasiotes, Fisher, Lisk, Dickerson, D. Schmidt, Kenney, Mulliken, McIntire, O'Brien, Kagi, Gombosky, Edmonds and Edwards

Read first time 01/29/2001. Referred to Committee on State Government.

1 BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3 THAT, At the next general election to be held in this state the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, an amendment to  
6 Article II, section 1 of the Constitution of the state of Washington to  
7 read as follows:

8 Article II, section 1. The legislative authority of the state of  
9 Washington shall be vested in the legislature, consisting of a senate  
10 and house of representatives, which shall be called the legislature of  
11 the state of Washington, but the people reserve to themselves the power  
12 to propose bills, laws, and to enact or reject the same at the polls,  
13 independent of the legislature, and also reserve power, at their own  
14 option, to approve or reject at the polls any act, item, section, or  
15 part of any bill, act, or law passed by the legislature.

16 (a) Initiative: The first power reserved by the people is the  
17 initiative. Every such petition shall include the full text of the  
18 measure so proposed. In the case of initiatives to the legislature and  
19 initiatives to the people, the number of valid signatures of legal  
20 voters required shall be equal to eight percent of the votes cast for  
21 the office of governor at the last gubernatorial election preceding the

1 initial filing of the text of the initiative measure with the secretary  
2 of state.

3 Initiative petitions shall be filed with the secretary of state not  
4 less than four months before the election at which they are to be voted  
5 upon, or not less than ten days before any regular session of the  
6 legislature. If filed at least four months before the election at  
7 which they are to be voted upon, he shall submit the same to the vote  
8 of the people at the said election. If such petitions are filed not  
9 less than ten days before any regular session of the legislature, he  
10 shall certify the results within forty days of the filing. If  
11 certification is not complete by the date that the legislature  
12 convenes, he shall provisionally certify the measure pending final  
13 certification of the measure. Such initiative measures, whether  
14 certified or provisionally certified, shall take precedence over all  
15 other measures in the legislature except appropriation bills and shall  
16 be either enacted or rejected without change or amendment by the  
17 legislature before the end of such regular session. If any such  
18 initiative measures shall be enacted by the legislature it shall be  
19 subject to the referendum petition, or it may be enacted and referred  
20 by the legislature to the people for approval or rejection at the next  
21 regular election. If it is rejected or if no action is taken upon it  
22 by the legislature before the end of such regular session, the  
23 secretary of state shall submit it to the people for approval or  
24 rejection at the next ensuing regular general election. The  
25 legislature may reject any measure so proposed by initiative petition  
26 and propose a different one dealing with the same subject, and in such  
27 event both measures shall be submitted by the secretary of state to the  
28 people for approval or rejection at the next ensuing regular general  
29 election. When conflicting measures are submitted to the people the  
30 ballots shall be so printed that a voter can express separately by  
31 making one cross (X) for each, two preferences, first, as between  
32 either measure and neither, and secondly, as between one and the other.  
33 If the majority of those voting on the first issue is for neither, both  
34 fail, but in that case the votes on the second issue shall nevertheless  
35 be carefully counted and made public. If a majority voting on the  
36 first issue is for either, then the measure receiving a majority of the  
37 votes on the second issue shall be law.

38 (b) Referendum. The second power reserved by the people is the  
39 referendum, and it may be ordered on any act, bill, law, or any part

1 thereof passed by the legislature, except such laws as may be necessary  
2 for the immediate preservation of the public peace, health or safety,  
3 support of the state government and its existing public institutions,  
4 either by petition signed by the required percentage of the legal  
5 voters, or by the legislature as other bills are enacted: *Provided,*  
6 That the legislature may not order a referendum on any initiative  
7 measure enacted by the legislature under the foregoing subsection (a).  
8 The number of valid signatures of registered voters required on a  
9 petition for referendum of an act of the legislature or any part  
10 thereof, shall be equal to or exceeding four percent of the votes cast  
11 for the office of governor at the last gubernatorial election preceding  
12 the filing of the text of the referendum measure with the secretary of  
13 state.

14 (c) No act, law, or bill subject to referendum shall take effect  
15 until ninety days after the adjournment of the session at which it was  
16 enacted. No act, law, or bill approved by a majority of the electors  
17 voting thereon shall be amended or repealed by the legislature within  
18 a period of two years following such enactment: *Provided,* That any  
19 such act, law, or bill may be amended within two years after such  
20 enactment at any regular or special session of the legislature by a  
21 vote of two-thirds of all the members elected to each house with full  
22 compliance with section 12, Article III, of the Washington  
23 Constitution, and no amendatory law adopted in accordance with this  
24 provision shall be subject to referendum. But such enactment may be  
25 amended or repealed at any general regular or special election by  
26 direct vote of the people thereon.

27 (d) The filing of a referendum petition against one or more items,  
28 sections, or parts of any act, law, or bill shall not delay the  
29 remainder of the measure from becoming operative. Referendum petitions  
30 against measures passed by the legislature shall be filed with the  
31 secretary of state not later than ninety days after the final  
32 adjournment of the session of the legislature which passed the measure  
33 on which the referendum is demanded. The veto power of the governor  
34 shall not extend to measures initiated by or referred to the people.

35 (e) All elections on measures referred to the people of the state  
36 shall be had at the next succeeding regular general election following  
37 the filing of the measure with the secretary of state, except when the  
38 legislature shall order a special election. Any initiative or  
39 referendum measure (~~((initiated by the people or))~~) referred to the

1 people as herein provided shall take effect and become the law if it is  
2 approved by a majority of the votes cast thereon(~~(:—Provided, That)~~).  
3 However, the legislature shall establish by statute a method for  
4 determining whether a measure initiated by the people has a substantial  
5 fiscal impact on the state or on any local government. If a measure  
6 initiated by the people is determined to have a substantial fiscal  
7 impact, then the measure takes effect and becomes the law if it is  
8 approved by sixty percent of the votes cast thereon. The vote cast  
9 upon such question or measure shall equal one-third of the total votes  
10 cast at such election and not otherwise. Such measure shall be in  
11 operation on and after the thirtieth day after the election at which it  
12 is approved. The style of all bills proposed by initiative petition  
13 shall be: "Be it enacted by the people of the State of Washington."  
14 This section shall not be construed to deprive any member of the  
15 legislature of the right to introduce any measure. All such petitions  
16 shall be filed with the secretary of state, who shall be guided by the  
17 general laws in submitting the same to the people until additional  
18 legislation shall especially provide therefor. This section is  
19 self-executing, but legislation may be enacted especially to facilitate  
20 its operation.

21 ~~((e))~~ (f) The legislature shall provide methods of publicity of  
22 all laws or parts of laws, and amendments to the Constitution referred  
23 to the people with arguments for and against the laws and amendments so  
24 referred. The secretary of state shall send one copy of the  
25 publication to each individual place of residence in the state and  
26 shall make such additional distribution as he shall determine necessary  
27 to reasonably assure that each voter will have an opportunity to study  
28 the measures prior to election.

29 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
30 notice of this constitutional amendment to be published at least four  
31 times during the four weeks next preceding the election in every legal  
32 newspaper in the state.

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