
HOUSE JOINT RESOLUTION 4238

State of Washington

52nd Legislature

1992 Regular Session

By Representatives Prince, Brumsickle, Bowman, May, Edmondson, Vance, Van Luven, Silver, Nealey, Carlson, Brough, McLean, Horn, Mitchell, Broback, Winsley, P. Johnson, Neher and Wynne

Read first time 01/23/92. 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 there
4 shall be submitted to the qualified voters of the state for their
5 approval and ratification, or rejection, an amendment to Article II,
6 section 1 of the Constitution of the state of Washington to read as
7 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.

1 (a) Initiative: The first power reserved by the people is the
2 initiative. Every such petition shall include the full text of the
3 measure so proposed. In the case of initiatives to the legislature and
4 initiatives to the people, the number of valid signatures of legal
5 voters required shall be equal to eight percent of the votes cast for
6 the office of governor at the last gubernatorial election preceding the
7 initial filing of the text of the initiative measure with the secretary
8 of state.

9 Initiative petitions shall be filed with the secretary of state not
10 less than four months before the election at which they are to be voted
11 upon, or not less than ten days before any regular session of the
12 legislature. If filed at least four months before the election at
13 which they are to be voted upon, he shall submit the same to the vote
14 of the people at the said election. If such petitions are filed not
15 less than ten days before any regular session of the legislature, he
16 shall certify the results within forty days of the filing. The state
17 supreme court shall rule on the constitutionality of each initiative
18 that the secretary of state has certified to have qualified for the
19 ballot or submission to the legislature within forty-five days of the
20 certification. If certification is not complete by the date that the
21 legislature convenes, he shall provisionally certify the measure
22 pending final certification of the measure. Such initiative measures,
23 whether certified or provisionally certified, shall take precedence
24 over all other measures in the legislature except appropriation bills
25 and shall be either enacted or rejected without change or amendment by
26 the legislature before the end of such regular session. If any such
27 initiative measures shall be enacted by the legislature it shall be
28 subject to the referendum petition, or it may be enacted and referred
29 by the legislature to the people for approval or rejection at the next
30 regular election. If it is rejected or if no action is taken upon it

1 by the legislature before the end of such regular session, the
2 secretary of state shall submit it to the people for approval or
3 rejection at the next ensuing regular general election. The
4 legislature may reject any measure so proposed by initiative petition
5 and propose a different one dealing with the same subject, and in such
6 event both measures shall be submitted by the secretary of state to the
7 people for approval or rejection at the next ensuing regular general
8 election. When conflicting measures are submitted to the people the
9 ballots shall be so printed that a voter can express separately by
10 making one cross (X) for each, two preferences, first, as between
11 either measure and neither, and secondly, as between one and the other.
12 If the majority of those voting on the first issue is for neither, both
13 fail, but in that case the votes on the second issue shall nevertheless
14 be carefully counted and made public. If a majority voting on the
15 first issue is for either, then the measure receiving a majority of the
16 votes on the second issue shall be law.

17 (b) Referendum. The second power reserved by the people is the
18 referendum, and it may be ordered on any act, bill, law, or any part
19 thereof passed by the legislature, except such laws as may be necessary
20 for the immediate preservation of the public peace, health or safety,
21 support of the state government and its existing public institutions,
22 either by petition signed by the required percentage of the legal
23 voters, or by the legislature as other bills are enacted: PROVIDED,
24 That the legislature may not order a referendum on any initiative
25 measure enacted by the legislature under the foregoing subsection (a).
26 The number of valid signatures of registered voters required on a
27 petition for referendum of an act of the legislature or any part
28 thereof, shall be equal to or exceeding four percent of the votes cast
29 for the office of governor at the last gubernatorial election preceding

1 the filing of the text of the referendum measure with the secretary of
2 state.

3 (c) No act, law, or bill subject to referendum shall take effect
4 until ninety days after the adjournment of the session at which it was
5 enacted. No act, law, or bill approved by a majority of the electors
6 voting thereon shall be amended or repealed by the legislature within
7 a period of two years following such enactment: PROVIDED, That any
8 such act, law, or bill may be amended within two years after such
9 enactment at any regular or special session of the legislature by a
10 vote of two-thirds of all the members elected to each house with full
11 compliance with section 12, Article III, of the Washington
12 Constitution, and no amendatory law adopted in accordance with this
13 provision shall be subject to referendum. But such enactment may be
14 amended or repealed at any general regular or special election by
15 direct vote of the people thereon.

16 (d) The filing of a referendum petition against one or more items,
17 sections, or parts of any act, law, or bill shall not delay the
18 remainder of the measure from becoming operative. Referendum petitions
19 against measures passed by the legislature shall be filed with the
20 secretary of state not later than ninety days after the final
21 adjournment of the session of the legislature which passed the measure
22 on which the referendum is demanded. The veto power of the governor
23 shall not extend to measures initiated by or referred to the people.
24 All elections on measures referred to the people of the state shall be
25 had at the next succeeding regular general election following the
26 filing of the measure with the secretary of state, except when the
27 legislature shall order a special election. Any measure initiated by
28 the people or referred to the people as herein provided shall take
29 effect and become the law if it is approved by a majority of the votes
30 cast thereon: PROVIDED, That the vote cast upon such question or

1 measure shall equal one-third of the total votes cast at such election
2 and not otherwise. Such measure shall be in operation on and after the
3 thirtieth day after the election at which it is approved. The style of
4 all bills proposed by initiative petition shall be: "Be it enacted by
5 the people of the State of Washington." This section shall not be
6 construed to deprive any member of the legislature of the right to
7 introduce any measure. All such petitions shall be filed with the
8 secretary of state, who shall be guided by the general laws in
9 submitting the same to the people until additional legislation shall
10 especially provide therefor. This section is self-executing, but
11 legislation may be enacted especially to facilitate its operation. The
12 legislature may impose additional requirements and restrictions on
13 initiatives in the following matters:

14 (1) The size of print required;

15 (2) The disclosure of whether or not the person gathering
16 signatures is or may be being paid to do so;

17 (3) Restricting or prohibiting contributions from out-of-state
18 persons or organizations to initiative campaigns;

19 (4) Proposed initiatives that have been ruled unconstitutional by
20 the state supreme court;

21 (5) Reasonable filing fees, so long as a method for filing by
22 indigent persons is provided.

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

1 BE IT FURTHER RESOLVED, That the secretary of state shall cause
2 notice of the foregoing constitutional amendment to be published at
3 least four times during the four weeks next preceding the election in
4 every legal newspaper in the state.