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SENATE JOINT RESOLUTION 8228

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State of Washington

53rd Legislature

1994 Regular Session

By Senators Haugen, Winsley and Drew

Read first time 01/25/94. Referred to Committee on Government Operations.

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 I,  
6 section 33; and an amendment to Article II, section 1 of the  
7 Constitution of the state of Washington to read as follows:

8 Article I, section 33. Every elective public officer of the state  
9 of Washington (~~(except [except])~~) except judges of courts of record is  
10 subject to recall and discharge by the legal voters of the state, or of  
11 the political subdivision of the state, from which he or she was  
12 elected whenever a petition demanding his or her recall, reciting that  
13 such officer has committed some act or acts of malfeasance or  
14 misfeasance while in office, or who has violated his or her oath of  
15 office, stating the matters complained of, signed by the percentages of  
16 the qualified electors thereof, hereinafter provided, the percentage  
17 required to be computed from the total number of votes cast for all  
18 candidates for his or her said office to which he or she was elected at  
19 the preceding election, is filed with the officer with whom a petition  
20 for nomination, or certificate for nomination, to such office must be

1 filed under the laws of this state, and the same officer shall call a  
2 special election as provided by the general election laws of this  
3 state, and the result determined as therein provided.

4 A petition for a recall of a state-wide elected officer shall be  
5 signed by the percentages of the qualified voters from each  
6 congressional district in the state, computed from the total number of  
7 votes cast for all candidates for that office at the preceding  
8 election.

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

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

25 Initiative petitions shall be filed with the secretary of state not  
26 less than four months before the election at which they are to be voted  
27 upon, or not less than ten days before any regular session of the  
28 legislature. If filed at least four months before the election at  
29 which they are to be voted upon, he shall submit the same to the vote  
30 of the people at the said election. If such petitions are filed not  
31 less than ten days before any regular session of the legislature, he  
32 shall certify the results within forty days of the filing. If  
33 certification is not complete by the date that the legislature  
34 convenes, he shall provisionally certify the measure pending final  
35 certification of the measure. Such initiative measures, whether  
36 certified or provisionally certified, shall take precedence over all  
37 other measures in the legislature except appropriation bills and shall  
38 be either enacted or rejected without change or amendment by the

1 legislature before the end of such regular session. If any such  
2 initiative measures shall be enacted by the legislature it shall be  
3 subject to the referendum petition, or it may be enacted and referred  
4 by the legislature to the people for approval or rejection at the next  
5 regular election. If it is rejected or if no action is taken upon it  
6 by the legislature before the end of such regular session, the  
7 secretary of state shall submit it to the people for approval or  
8 rejection at the next ensuing regular general election. The  
9 legislature may reject any measure so proposed by initiative petition  
10 and propose a different one dealing with the same subject, and in such  
11 event both measures shall be submitted by the secretary of state to the  
12 people for approval or rejection at the next ensuing regular general  
13 election. When conflicting measures are submitted to the people the  
14 ballots shall be so printed that a voter can express separately by  
15 making one cross (X) for each, two preferences, first, as between  
16 either measure and neither, and secondly, as between one and the other.  
17 If the majority of those voting on the first issue is for neither, both  
18 fail, but in that case the votes on the second issue shall nevertheless  
19 be carefully counted and made public. If a majority voting on the  
20 first issue is for either, then the measure receiving a majority of the  
21 votes on the second issue shall be law.

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

37 (c) No act, law, or bill subject to referendum shall take effect  
38 until ninety days after the adjournment of the session at which it was  
39 enacted. No act, law, or bill approved by a majority of the electors

1 voting thereon shall be amended or repealed by the legislature within  
2 a period of two years following such enactment: *Provided*, That any  
3 such act, law, or bill may be amended within two years after such  
4 enactment at any regular or special session of the legislature by a  
5 vote of two-thirds of all the members elected to each house with full  
6 compliance with section 12, Article III, of the Washington  
7 Constitution, and no amendatory law adopted in accordance with this  
8 provision shall be subject to referendum. But such enactment may be  
9 amended or repealed at any general regular or special election by  
10 direct vote of the people thereon.

11 (d) The filing of a referendum petition against one or more items,  
12 sections, or parts of any act, law, or bill shall not delay the  
13 remainder of the measure from becoming operative. Referendum petitions  
14 against measures passed by the legislature shall be filed with the  
15 secretary of state not later than ninety days after the final  
16 adjournment of the session of the legislature which passed the measure  
17 on which the referendum is demanded. The veto power of the governor  
18 shall not extend to measures initiated by or referred to the people.  
19 All elections on measures referred to the people of the state shall be  
20 had at the next succeeding regular general election following the  
21 filing of the measure with the secretary of state, except when the  
22 legislature shall order a special election. Any measure initiated by  
23 the people or referred to the people as herein provided shall take  
24 effect and become the law if it is approved by a majority of the votes  
25 cast thereon: *Provided*, That the vote cast upon such question or  
26 measure shall equal one-third of the total votes cast at such election  
27 and not otherwise. Such measure shall be in operation on and after the  
28 thirtieth day after the election at which it is approved. The style of  
29 all bills proposed by initiative petition shall be: "Be it enacted by  
30 the people of the State of Washington." This section shall not be  
31 construed to deprive any member of the legislature of the right to  
32 introduce any measure. All such petitions shall be filed with the  
33 secretary of state, who shall be guided by the general laws in  
34 submitting the same to the people until additional legislation shall  
35 especially provide therefor. This section is self-executing, but  
36 legislation may be enacted especially to facilitate its operation.

37 (e) The legislature shall provide methods of publicity of all laws  
38 or parts of laws, and amendments to the Constitution referred to the  
39 people with arguments for and against the laws and amendments so

1 referred. The secretary of state shall send one copy of the  
2 publication to each individual place of residence in the state and  
3 shall make such additional distribution as he shall determine necessary  
4 to reasonably assure that each voter will have an opportunity to study  
5 the measures prior to election.

6 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
7 notice of the foregoing constitutional amendment to be published at  
8 least four times during the four weeks next preceding the election in  
9 every legal newspaper in the state; and

10 BE IT FURTHER RESOLVED, That the foregoing amendment shall be  
11 construed as a single amendment within the meaning of Article XXIII,  
12 section 1 of the state Constitution.

13 The legislature finds that the changes contained in the foregoing  
14 amendment constitute a single integrated plan for changing the  
15 signature requirement on recall, initiative, and referendum petitions.  
16 If the foregoing amendment is held to be separate amendments, this  
17 joint resolution shall be void in its entirety and shall be of no  
18 further force and effect.

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