

## WSR 24-02-096

## PROPOSED RULES

## SECRETARY OF STATE

[Filed January 3, 2024, 10:50 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-14-012.

Title of Rule and Other Identifying Information: General elections rule updating the initial filing process for initiatives.

Hearing Location(s): On February 6, 2024, at 10:30 a.m., at the Washington Secretary of State, Washington State Library, 6880 Capitol Boulevard S.E., Tumwater, WA 98501. When attending the hearing in person, walk into the front lobby of the Washington State Library. You will be escorted to the conference room at 10:29 a.m. to be present when the hearing begins at 10:30 a.m. If you arrive after that time, there will be a staff member available in the lobby to escort you to the conference room.

Date of Intended Adoption: February 7, 2024.

Submit Written Comments to: Dave Piersma, P.O. Box 40229, Olympia, WA 98504, email dave.piersma@sos.wa.gov, fax 360-664-4619, by February 5, 2024.

Assistance for Persons with Disabilities: Contact Dave Piersma, phone 360-902-4172, fax 360-664-4619, email dave.piersma@sos.wa.gov, by February 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of these proposals is to institute random assignment of initiative numbers and update the filing fee.

Reasons Supporting Proposal: The filing fee has been unchanged since 1913. The filing fee will be updated using the rate of inflation. Changing the numbering system will clarify the difference between the two types of initiatives and employ a randomly assigned number.

Statutory Authority for Adoption: RCW 29A.04.611.

Statute Being Implemented: RCW 29A.72.010, 29A.72.020, 29A.72.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Office of the secretary of state, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Stuart Holmes, Olympia, 360-902-4151.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and is exempt under RCW 19.85.025(3) as the rules set or adjust fees under the authority of RCW 19.02.075 or that set or adjust fees or rates pursuant to legislative standards, including fees set or adjusted under the authority of RCW 19.80.045.

Scope of exemption for rule proposal:

Is fully exempt.

January 3, 2024

Amanda Doyle  
Chief of Staff

OTS-4871.5

AMENDATORY SECTION (Amending WSR 17-12-090, filed 6/6/17, effective 7/7/17)

**WAC 434-379-005 Filing of an initiative or referendum—Fee—Required documents.** (1) A person desiring to file with the secretary of state a proposed initiative to the people, initiative to the legislature, or referendum measure may do so by filing the following documents:

~~((1))~~ (a) A legible copy of the measure proposed, or the act or part of such act on which a referendum is desired;

~~((2) An))~~ (b) A signed affidavit declaring under penalty of perjury:

~~((a))~~ (i) That the person submitting the proposed measure is over ~~((eighteen))~~ 18 years of age and competent to testify;

~~((b))~~ (ii) That the person submitting the proposed measure is a registered voter in the state of Washington;

~~((c))~~ (iii) Whether the proposed measure is an initiative to the people, initiative to the legislature, or referendum; and

~~((d))~~ (iv) The subject of the initiative, or the bill number of the legislation being referred; and

~~((3))~~ (c) A nonrefundable filing fee of ~~((five dollars))~~ \$156 for each measure submitted.

(2) The secretary may update the amount of the filing fee in subsection (1) (c) of this section at the beginning of each calendar year prior to the first day for initial filing of proposed initiatives to the people for that year.

(a) The filing fee amount may be updated by applying the federal bureau of labor statistics consumer price index inflation calculator rate, or its successor, to the original filing fee of five dollars set in 1913 for the state initiative and referendum process.

(b) Once the year's filing fee is determined, it shall be rounded down to the nearest whole dollar amount and posted online on the office of the secretary of state website, prior to the first day for initiative filing of proposed initiatives for that year.

(c) This filing fee amount shall be used for all initiative and referendum filings until the next fee adjustment is made.

(3) The proposed measure is not considered filed with the secretary of state until all documents and fees are filed, including any original versions required.

(4) Once the proposed text to an initiative or referendum is filed, the secretary of state shall submit the text with required information to the code reviser within one business day.

OTS-4888.3

## Option B

NEW SECTION

**WAC 434-379-0071 Maintenance of initiative and referendum series and assignment of serial numbers.** (1) The secretary of state shall maintain a separate series of serial numbers for initiatives to the people, initiatives to the legislature, referendum bills, and referendum measures.

(a) The series for initiatives to the legislature shall be eight characters in length, commencing with the letters IL, followed by the last two digits of the calendar year in which the initiative to the legislature will be heard by the legislature and/or voted upon by the people, a hyphen after the last two digits of the calendar year, followed by a unique, randomly-selected three-digit number, as prescribed by subsection (2) of this section.

(b) The series for initiatives to the people shall be eight characters in length, commencing with the letters IP, followed by the last two digits of the calendar year in which the initiative to the legislature will be heard by the legislature and/or voted upon by the people, a hyphen after the last two digits of the calendar year, followed by a unique, randomly-selected three-digit number, as prescribed by subsection (2) of this section.

(c) The series for referendum measures shall commence with the letters RM, followed by a unique number which is the next on the list of referendum measure numbers sequentially.

(d) The series for referendum bills shall commence with the letters RB, followed by a unique number which is the next on the list of referendum bill numbers sequentially.

(2) For each annual series of serial numbers, there are 1,000 potential numbers to assign. The randomly-selected three-digit number shall be added to the five characters identifying the initiative type, year, and hyphen. As each available number is assigned, it shall be removed from the list. The secretary of state shall select the random three-digit serial number for each initiative to the legislature and initiative to the people using one of the following processes:

(a) A roll of three 10-sided dice numbered zero through nine shall determine the number for each digit of the number starting with the one's place, then the 10s place, and then the 100s place. Once selected, this number shall be used in creating the serial number for the proposed initiative following the two-character designation (IL or IP) and year, and the hyphen.

(i) If the digit zero is rolled for the one's, the 10s place, and the 100s place, the dice shall be rolled again to select a number between one and 999.

(ii) If the selected number has been previously assigned and is no longer available on the list, the roll of the dice must be repeated until a unique number is selected; or

(b) Another method approved by the secretary of state.

(3) Random number selection shall not occur until the final text has been submitted by the sponsor and prior to transmitting the proposed initiative to the attorney general per WAC 434-379-0073.

(a) The dice roll shall be conducted at the office of the secretary of state and recorded.

(b) The recording showing the dice roll shall be posted online to the secretary of state website.