
SENATE JOINT RESOLUTION 8221

State of Washington

53rd Legislature

1994 Regular Session

By Senator L. Smith

Read first time 01/17/94. 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 II of
6 the Constitution of the state of Washington by repealing section 41 in
7 its entirety; and an amendment to Article II, section 1 of the
8 Constitution of the state of Washington to read as follows:

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

18 (a) Initiative: The first power reserved by the people is the
19 initiative. Every such petition shall include the full text of the
20 measure so proposed. In the case of initiatives to the legislature and

1 initiatives to the people, the number of valid signatures of legal
2 voters required shall be equal to eight percent of the votes cast for
3 the office of governor at the last gubernatorial election preceding the
4 initial filing of the text of the initiative measure with the secretary
5 of state.

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

1 first issue is for either, then the measure receiving a majority of the
2 votes on the second issue shall be law.

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

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

34 (d) The filing of a referendum petition against one or more items,
35 sections, or parts of any act, law, or bill shall not delay the
36 remainder of the measure from becoming operative. Referendum petitions
37 against measures passed by the legislature shall be filed with the
38 secretary of state not later than ninety days after the final
39 adjournment of the session of the legislature which passed the measure

1 on which the referendum is demanded. The veto power of the governor
2 shall not extend to measures initiated by or referred to the people.
3 All elections on measures referred to the people of the state shall be
4 had at the next succeeding regular general election following the
5 filing of the measure with the secretary of state, except when the
6 legislature shall order a special election. Any measure initiated by
7 the people or referred to the people as herein provided shall take
8 effect and become the law if it is approved by a majority of the votes
9 cast thereon: *Provided*, That the vote cast upon such question or
10 measure shall equal one-third of the total votes cast at such election
11 and not otherwise. Such measure shall be in operation on and after the
12 thirtieth day after the election at which it is approved. The style of
13 all bills proposed by initiative petition shall be: "Be it enacted by
14 the people of the State of Washington." This section shall not be
15 construed to deprive any member of the legislature of the right to
16 introduce any measure. All such petitions shall be filed with the
17 secretary of state, who shall be guided by the general laws in
18 submitting the same to the people until additional legislation shall
19 especially provide therefor. This section is self-executing, but
20 legislation may be enacted especially to facilitate its operation.

21 (e) The legislature shall provide methods of publicity of all laws
22 or parts of laws, and amendments to the Constitution referred to the
23 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 or she shall determine
27 necessary to reasonably assure that each voter will have an opportunity
28 to study the measures prior to election.

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

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

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